



“Legal Personality” and the Governance of Religion under the Republic of Vietnam (1955-1975): A Legal-Historical Analysis

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Abstract: This article examines the recognition of “legal personality” for religious organizations in South Vietnam under the Republic of Vietnam (RVN), 1955-1975, treating this status as a key indicator of state-religion relations within a secular legal order. Using a legal-historical approach, it combines doctrinal analysis of normative legal texts with contextual interpretation to reconstruct procedures of recognition and assess their implications for religious organizations’ legal capacity, property rights, organizational autonomy, and participation in the public sphere. The article argues that during 1955-1963, Ordinance No. 10 functioned as the principal legal framework for associations while excluding Catholicism and Protestantism from its scope, thereby producing an exceptional regime. After 1963, the RVN expanded recognition to several major religions through special legislative instruments, although this expansion remained uneven. This pattern of recognition, conceptualized as “selective legalization,” simultaneously broadened the legal space for religious activity and served as a technique of state governance in the religious sphere.

Keywords: legal personality; Ordinance No. 10; religious organizations; governance of religion; state-religion relations.

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1. Introduction

Legal personality – that is, an individual, group, or entity being recognized under law as capable of having legal rights and duties – is a fundamental issue for modern religious organizations. It provides the necessary legal basis for religious

communities to operate normally within each country’s legal framework. The recognition of legal personality for religious organizations constitutes a core dimension of state-church relations. Three fundamental dimensions of the relationship between the modern state and religious organizations are: (1) the recognition of legal personality for religious organizations; (2) the use of religious property for religious and social purposes; and (3) the presence of religious orders and institutions within the state’s

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public authority system (Do Quang Hung 2007). It also serves as an indicator of how the state governs religion and of the degree of religious freedom and freedom of belief within a given polity. For these reasons, in modern states, religious organizations commonly seek – and actively pursue – formal recognition of legal personality in order to secure stable and lawful conditions for their activities. Conversely, the state likewise has an interest in bringing the activities of religious organizations within the national legal order through the mechanism of granting legal personality.

In South Vietnam during 1955-1975, the question of legal personality became even more pressing, given both the religious diversity of society and the potential for religion to intervene in political life and wartime dynamics in a highly volatile context. The recognition of legal personality for religious organizations in South Vietnam during this period can be divided into two phases, with 1963 as the critical turning point. Prior to 1963, the RVN inherited part of the colonial legal legacy – most notably Ordinance No. 10 – under which most religious organizations (with the exception of Catholicism and Protestantism) were classified as socio-professional associations and subjected to significant restrictions on organizational structure, activities, and rights to own, acquire, and transfer property. Following the religious crisis of 1963 and the collapse of the Ngo Dinh Diem regime, subsequent governments revised the legal rules governing recognition. This shift in the RVN's approach may be regarded as an important sign of broader adjustments in the model of secular statehood in South Vietnam.

Although legal personality plays a crucial role in modern state-church relations, this topic has often been overlooked in studies of the RVN. Existing scholarship has tended to

privilege political and socio-historical narratives, while the legal-historical dimension of the mechanisms for recognizing legal personality has not been examined as a central object of inquiry. One reason for this omission is that the RVN did not establish a specialized governmental agency responsible for religious affairs. As a result, relevant legal instruments are currently dispersed across multiple archival collections both inside and outside Vietnam, making systematic source collection difficult. In addition, the war constituted the dominant factor shaping South Vietnam between 1955 and 1975, which further contributed to the marginalization of legal personality recognition as an independent research topic. A systematic compilation and analysis of the normative legal framework and recognition procedures across different phases not only clarifies how the RVN “positioned” religious organizations within its legal order, but also helps illuminate the nature of state-church relations and the political and social consequences that followed from that relationship.

Against this backdrop, this article addresses two principal research questions. First, how did the RVN design and implement procedures for recognizing the legal personality of religious organizations in South Vietnam across the two periods of 1955-1963 and 1964-1975? Second, what differences did these legal designs produce in the legal status and operational capacity of religious organizations, particularly with respect to property rights, organizational autonomy, and their position within the public sphere? The article conceptualizes this pattern as “selective legalization,” a form of governance in which legal personality is granted unevenly to selected religious actors rather than through a universal legal framework. On this basis, the

article approaches legal personality as an instrument of religious governance, while also contributing a necessary legal-historical perspective to the study of state-religion relations in twentieth-century Vietnam. This article contributes to the literature in three respects. First, it provides a systematic legal-historical reconstruction of how legal personality was recognized and operationalized in the RVN, a case that has remained largely unexplored in existing scholarship. Second, it conceptualizes this process as a form of “selective legalization,” thereby extending existing debates on law and religion by showing how legal recognition can simultaneously expand and constrain religious freedom. Third, by foregrounding legal personality as a mechanism of governance rather than merely a legal status, the article offers a transferable analytical framework for examining state-religion relations in other contexts where legal pluralism and political control intersect.

2. Literature Review

2.1. Theoretical Approaches to Legal Personality and Religious Governance

In the study of state-religion relations, the legal status of religious organizations, particularly the recognition of legal personality, is widely regarded as a key indicator of the protection of religious freedom in modern societies. Foundational international instruments, including the Universal Declaration of Human Rights (UDHR, 1948) and the International Covenant on Civil and Political Rights (ICCPR, 1966), affirm the fundamental rights to freedom of religion and freedom of association, encompassing religious associations (La Khanh Tung et al. 2015:

17-18; Pham Khiem Ich and Hoang Van Hao 1995: 624-704).

However, historical experience suggests that religious freedom is never absolute in practice. Sullivan argues that, in their engagement with religious organizations, states invariably seek to define what constitutes “religion” and to establish mechanisms for ensuring that religious activities do not conflict with state priorities (Sullivan 2005: 1-11). From this perspective, states deploy various strategies, both explicit and implicit, to render religious organizations “legible” and accountable within a secular legal order (Sullivan et al. 2015: 7-8). This insight underscores the coexistence of religious freedom and religious governance in modern societies.

Building on this line of inquiry, Martínez-Torrón and Durham (2010: 1-56) demonstrate that European states have developed legal frameworks to implement commitments to religious freedom, including provisions governing the legal personality of religious organizations. Yet, the implementation of these frameworks varies significantly across jurisdictions. In some cases, recognition of legal personality serves to facilitate religious activities; in others, it functions as a mechanism of control. Notably, the distinction between “recognized” and “unrecognized” religious groups carries substantive consequences for their capacity to operate in society. In a related study, Durham and Scharffs (2010: 419-420) argue that, rather than excluding religious organizations from the public sphere, states should establish legal mechanisms that enable them to function as legitimate actors, thereby both safeguarding religious freedom and promoting their participation in social life.

Taken together, these theoretical approaches suggest that legal personality is not merely a technical legal matter, but a

central mechanism through which the relationship between state and religion is structured, reflecting the interplay between freedom and control in religious governance. However, these approaches have not sufficiently examined how legal personality operates as a differentiated administrative mechanism across political regimes, particularly in non-Western contexts.

2.2. Legal Perspectives from Vietnam

Within the Vietnamese context, one of the few studies directly addressing the legal personality of religious organizations is that of Do Quang Hung (2007). He identifies three principal models through which religious organizations may acquire legal personality, noting that registration under national legal systems is the most compatible with modern state structures, including that of Vietnam.

A key contribution of this work lies in distinguishing between two types of legal entity: *société* (profit-oriented organizations) and *association* (non-profit organizations). This distinction is particularly relevant in the South Vietnamese context, where religious organizations actively resisted being classified as *société* and instead sought recognition as *association*, a form more consistent with their non-profit nature.

At the level of legal history, Ordinance No. 10 (1950) provided the principal regulatory framework governing associations in South Vietnam during the period 1955-1975. According to Tran Gia Phung (2013), the Ngo Dinh Diem administration retained this ordinance in order to preserve legal asymmetries among religious groups. In practice, only the Catholic Church and the Evangelical Church of Vietnam (South) were granted legal personality, while other religious organizations were excluded from

equivalent legal recognition. This disparity became one of the underlying causes of religious mobilization in the early 1960s.

These studies indicate that, in Vietnam, legal personality was not merely a formal legal category but was closely tied to issues of legal classification and unequal treatment in practice. Yet, these studies stop short of analyzing how such classifications were operationalized through concrete legal procedures in specific historical settings.

2.3. Studies on State-Religion Relations in the Republic of Vietnam

Existing scholarship on South Vietnam (1955-1975) has predominantly approached state-religion relations from political and social historical perspectives. Jacobs argues that the Ngo Dinh Diem regime operated within a Cold War context in which religion was viewed as an integral component of the struggle against communism (2004: 12). This interpretation is echoed by Ngo Quoc Dong, who contends that relations between the RVN and religious organizations were shaped by the dual imperatives of anti-communist mobilization and the management of religious equality (2025: 60-64, 214).

From a different angle, Nguyen Quang Hung highlights internal divisions within the Catholic community, demonstrating that even during what has been described as a “golden period” (1955-1963), significant internal tensions persisted within the Church (2003: 43, 254-268). This finding suggests that state-religion relations were not unidirectional but were mediated by the internal dynamics of religious communities.

Regarding Buddhism, studies by Le Cung provide a detailed political and historical context for understanding the Buddhist movement of the early 1960s as a response to perceived religious discrimination under the Diem regime (Le Cung and Le Thanh

Nam 2023: 140-258). In subsequent work, Le Cung argues that post-1963 governments adopted more flexible policies, including broader recognition of legal personality for major religious organizations (2014: 45-67).

Despite these contributions, the existing literature has largely focused on political dynamics, social movements, and power relations. Nevertheless, these works do not address how legal mechanisms, particularly legal personality, structured these interactions in practice.

2.4. Research Gap

The foregoing review shows that international scholarship has conceptualized legal personality both as a condition of religious freedom and as an instrument of state governance. Vietnamese studies have begun to highlight its significance in structuring state-religion relations, particularly in relation to legal classification and inequality among religious groups.

Despite these contributions, existing scholarship has not treated the recognition of legal personality as a central analytical problem. In particular, no study has systematically reconstructed how this mechanism was designed, implemented, and adapted across different political phases in the Republic of Vietnam. Addressing this gap calls for an approach that treats legal personality not merely as a legal provision, but as a mechanism of religious governance embedded in specific political and social contexts, and as part of the broader restructuring of state-church relations in South Vietnam between 1955 and 1975.

3. Research Methods and Sources

This article employs a legal-historical approach, combining a rights-duties reading of normative legal texts - focusing on how

legal provisions allocate entitlements and obligations to different actors - with contextual analysis that situates these rules within the political and social conditions of each period. On this basis, the study reconstructs the recognition of legal personality as an administrative-legal process, while identifying the classification criteria, exceptions, and limits of application governing different categories of religious organizations. The article also compares policy changes across the two phases of 1955-1963 and 1964-1975 in order to clarify shifts in the RVN's approach to religious governance and the resulting implications for the legal status of religious organizations in South Vietnamese society. This approach is particularly suitable for capturing the interaction between formal legal structures and political contingencies in a context where legal rules were closely intertwined with regime priorities.

The sources used in this study fall into two main categories: primary and secondary materials. The primary sources consist of legal and administrative documents issued by the Saigon government at various levels to regulate religious life in South Vietnam. These documents are currently preserved mainly at the National Archives Center II and are distributed across archival fonds such as those of the Office of the President of the First Republic, the Office of the President of the Second Republic, the Office of the Prime Minister of the State of Vietnam, the Revolutionary Military Council, and the National Leadership Committee, among others. In addition, the study draws on secondary materials, particularly correspondence, petitions, and records of dialogue between religious organizations and state authorities concerning legal personality, personnel, and real property. This supplementary body of sources includes the RVN Official Gazette

collection (1956-1975), religious periodicals, and memoirs of relevant figures, which are used to contextualize events and to cross-check information.

4. Conceptual Framework and Legal Context

The two core concepts in this section are “association” and “legal personality.” Article 1 of Ordinance No. 10 (dated August 6th 1950) defines an “association” as “an agreement between two or more persons who undertake, on a continuing basis, to contribute knowledge or effort in pursuit of an objective that is not the distribution of profits, such as objectives relating to worship, religion, politics, charity, science, literature, fine arts, recreation, youth, sports, and professional fellowship” (Chief of State of Vietnam 1950: 13-23). Under this definition, religious organizations were classified as non-profit entities – namely, the type of association identified by Do Quang Hung (2007).

A comparison with the provisions on associations in the 1931 *Dân luật Bắc Kỳ* (*Code Civil à l'usage des Juridictions Indigènes du Tonkin*) reveals a significant similarity: both Ordinance No. 10 and the 1931 *Dân luật Bắc Kỳ* treated religious organizations as non-profit entities (Vu Van Mau 1961: 414). This continuity reflects the extension of the colonial legal legacy into the judicial system of the RVN. Article 4 of Ordinance No. 10 further provides that associations defined in Article 1 must obtain authorization through a decree issued by the Minister of the Interior, and that from that moment the association acquires legal personality. Accordingly, under Ordinance No. 10, any religious organization that was established and permitted to operate by a decree of the Minister of the Interior was

legally recognized by the state as possessing legal personality.

“Legal personality” is understood as follows:

“Subjective rights and interests in society do not concern only isolated individuals. In many cases, such rights and interests have a collective character, relating to associations of individuals such as societies and associations, or to aggregates of property such as foundations (*les fondations*). In other words, these associations of individuals or aggregates of property are themselves holders of rights and interests, like natural persons or ordinary individuals. These associations and aggregates constitute units or entities that are distinct and independent, without being reducible to their constituent elements.”

Such associations of persons or aggregates of property are referred to as “legal persons” (*personnes juridiques* or *personnes morales*) (Vu Van Mau 1961: 406-407).

The *Dân luật Bắc Kỳ* recognized two categories of legal personality: public-law legal personality (*pháp nhân công pháp*) and private-law legal personality (*pháp nhân tư pháp*). Private-law legal persons included associations of individuals (including religious associations) as well as aggregates of property. With respect to associations of individuals, Article 14 of Ordinance No. 10 provides that: “No association shall have the right to receive subsidies from the Government, from local funds, provincial funds, or communal funds, except for scientific, literary, fine arts, recreational, charitable, youth, and sports associations [...] Furthermore, associations shall only have the right to possess, acquire, administer, and hold title to such immovable property as is strictly necessary to achieve the objectives of the association.” This provision corresponds to what Vu Van Mau

describes as “limited legal personality” (*tiểu nhân cách, la petite personnalité civile*) (Vu Van Mau 1961: 417). Accordingly, once associations were lawfully established, they were recognized as legal persons only in this limited sense. This meant that associations were subject to significant restrictions on receiving subsidies from public budgets and, in particular, on acquiring, managing, and transferring immovable property for purposes lying outside their statutes.

Based on the foregoing provisions, several points can be identified. First, the judicial system of the RVN was influenced by the French colonial legal tradition, as reflected in its continued use of Ordinance No. 10 and the *Dân luật Bắc Kỳ*. Second, associations lawfully established under Ordinance No. 10 automatically acquired legal personality. Third, such legal personality took the form of limited legal capacity (*la petite personnalité civile*), accompanied by specific restrictions, particularly in relation to the acquisition, lease, and transfer of immovable property. In this sense, the RVN created – or more precisely, inherited – a legal framework for governing social organizations (associations), including religious associations. This framework enabled the state to subject associations to administrative control through its authority to recognize, refuse recognition of, or revoke an association’s legal personality. To be granted legal personality, an association had to satisfy the conditions set out in Article 6 of Ordinance No. 10.

Although Ordinance No. 10 functioned as a legal instrument for governing associations in South Vietnam, including religious associations, it simultaneously established an “exceptional regime” by dividing religious organizations into two categories: those engaged in Catholic and Protestant missionaries and all other religions (Article

44). The exceptional character of this regime lay in the fact that religious associations in the first category were not subject to the provisions of Ordinance No. 10. As a consequence, religious associations in the second category were subject to the full range of restrictions on contract-making and on the acquisition and transfer of immovable property, whereas those in the first category were not. The creation of such an exceptional regime transformed legal personality into a political-legal issue rather than a purely technical matter of legal form. It also generated a tension between constitutional principles and exceptional implementation. The 1956 Constitution of the RVN affirmed citizens’ rights to freedom of assembly and association (Article 15) and to freedom of belief and religion (Article 17) (Republic of Vietnam 1956). In practice, however, the RVN introduced exceptions that constrained these constitutionally guaranteed rights.

For the purposes of this article, “selective legalization” is understood as a mode of religious governance in which legal personality is not granted through a universal and uniform procedure applicable to all religious organizations, but is instead selectively conferred upon certain organizations deemed “representative” or aligned with the state’s governing orientation. In this framework, recognition is no longer a purely technical legal procedure; rather, it becomes a filtering decision that simultaneously enables and regulates religious life.

In operational terms, this mechanism consists of three core features: (1) the state designates and recognizes specific organizations as the primary legal subjects representing a given religion; (2) these organizations are removed from the general legal framework (such as Ordinance No. 10) through separate legislative instruments; and

(3) other religious organizations remain subject to more restrictive regulatory provisions.

Unlike general registration systems, in which legal personality is granted according to relatively standardized procedural criteria, and unlike liberal models where recognition primarily serves to facilitate religious activity, “selective legalization” combines the expansion of legal capacity with the retention of administrative control. In doing so, it produces a stratified structure within religious life.

These observations suggest that, during 1955-1963, the recognition of legal personality was not merely an administrative procedure; it also reflected the government’s stance, supportive or restrictive, toward religious organizations in South Vietnam. The following section examines how this selective mechanism operated in practice during the First Republic (1955-1963).

5. The Exceptional Regime in the Recognition of Legal Personality for Religious Organizations under the First Republic (1955-1963)

In the practice of recognizing legal personality under the First Republic, the Vietnamese Catholic Church and the Evangelical Church of Vietnam (South) enjoyed a more stable and favorable legal status than other religions. Inheriting elements of the colonial legal legacy, the First Republic did not reopen the question of the legal personality of religious organizations that had already been recognized prior to 1945. This meant that the Vietnamese Catholic Church and the Evangelical Church of Vietnam (South) – both of which had previously been granted legal personality by the French colonial authorities – continued to enjoy that status under the First Republic. This continuity

created clear advantages for these two religious communities over other religious organizations. As a result, Catholicism and Protestantism possessed the full legal capacity necessary to participate in social activities and to maintain a visible presence within the public sphere.

The establishment of the Da Lat University Institute offers a representative example of the advantages that the Vietnamese Catholic Church gained under this exceptional regime. In the mid-1950s, South Vietnam had only public universities – the Saigon University Institute and the Hue University Institute – whose scale and infrastructure were insufficient to meet contemporary social demands (Hoang Thi Hong Nga 2023: 71-72). In this context, Bishop Ngo Dinh Thuc, the elder brother of President Ngo Dinh Diem, founded the Da Lat University Association (officially recognized on August 8th 1957) as a preparatory step toward establishing a Catholic university in Da Lat. The Association’s membership consisted of all bishops of the Vietnamese Catholic Episcopal Council, under the leadership of Bishop Ngo Dinh Thuc.

Under the legal framework in force at the time, an association recognized as possessing only limited legal personality could not acquire or transfer immovable property for purposes beyond those stated in its statutes, unless it was recognized as being of public benefit (*reconnaissance d’utilité publique*) and granted full legal personality (*la grande personnalité civile*) (Vu Van Mau 1961: 417). On September 9th 1959, the Da Lat University Association was recognized as an association of public benefit. This recognition expanded its legal capacity and thereby substantially reduced the restrictions on property ownership and management that ordinarily applied to associations under Ordinance No. 10. On

that basis, President Ngo Dinh Diem approved the grant of a land parcel of nearly 40 hectares and allocated 5 million piastre from the state budget to finance the construction of the Da Lat University Institute's facilities (De Rhodes Psychology and Vocational Guidance Office 1974; Do Huu Nghiem 2008). This institution became the first private higher education establishment in South Vietnam after 1955.

In short, the exceptional regime embedded in Ordinance No. 10 enabled the Da Lat University Association to avoid being constrained by Article 14 of the Ordinance – particularly its restrictions on receiving public subsidies and on acquiring and transferring immovable property. This was an advantage that other associations were unable to obtain under the First Republic.

Another example of this exceptional regime can be seen in the establishment of chaplaincy corps within the armed forces of the RVN. Soldiers in the RVN Armed Forces came from diverse religious backgrounds and, like civilian believers, had religious needs and sought opportunities for worship and spiritual practice. In the military environment, however, such needs could hardly be met without a specialized institutional structure – namely, chaplaincy corps. In 1953, regulations governing the establishment of chaplaincy corps in the armed forces of the State of Vietnam were promulgated (Chief of State of Vietnam 1953). On December 8th 1954, Prime Minister Ngo Dinh Diem issued Decree No. 1103/QP on the organization and administration of chaplaincy corps, explicitly stating that: “The appointment of a Director Chaplain representing a religion means that such religion is officially recognized and is free to operate within military institutions, provided that it does not obstruct public service and discipline”

(Article 3) (Prime Minister of State of Vietnam 1954). Under this decree, the Protestant chaplaincy corps (1955) and the Catholic chaplaincy corps (1956) were established. For soldiers belonging to other religions, religious practice had to be pursued outside the barracks, even without authorization from commanding officers (Buddhist Chaplaincy Agency 1969: 15). The fact that only Catholic and Protestant chaplaincy corps were formally organized indicates that legal status and state recognition mechanisms played a decisive role in shaping the degree to which religions could participate in the public sphere – particularly within the military.

In contrast to the two religions mentioned above, Buddhism found itself in a far more disadvantaged position. A report from Quang Ngai province indicates that in early 1961, local residents sought permission to renovate an old pagoda on Thien But Mountain, which had been damaged during the First Indochine War. However, the provincial chief of Quang Ngai rejected this request and instead decided to allocate the plot of land where the pagoda was located for the construction of a statue of the Virgin Mary. The authorities even threatened to cut off electricity and water supplies to households that opposed the decision. The dispute continued until early 1963, when the case was suspended by the Minister of Interior Affairs (Le Cung and Le Thanh Nam 2023: 123-124). This episode illustrates the vulnerability of the pagoda in the absence of a clearly recognized legal personality, leaving it without sufficient legal means to protect its rights and interests. The case suggests that, under the First Republic, legal personality was not merely a procedural matter, but could decisively shape the ability of religious communities to safeguard their property and religious space in practice.

A similar pattern of exclusion can be observed among smaller religious movements that fell outside the framework of formal recognition. During the 1963 Buddhist crisis, Nguyen Thanh Nam, the leader of Đạo Dừa, was subjected to administrative restrictions, including limitations on his movement, after publicly expressing opposition to the government's religious policies (Huynh Minh 1963: 19-23). This case suggests that, lacking recognized legal personality, such groups had little institutional capacity to defend their interests within the legal order. Rather than being integrated into a regulated framework, they remained highly vulnerable to administrative intervention. In this sense, the absence of legal personality not only limited organizational capacity but also exposed minority religious actors to a precarious legal position, reinforcing the asymmetrical structure produced by the exceptional regime.

These four cases illustrate that legal personality is not merely a legal condition for organizational operation. It is also a mechanism through which the state allocates legal capacity and public resources to actors in society. When certain religious organizations are able to access fuller forms of legal personality – or are treated more favorably – legal inequality can be transformed into political inequality and unequal social influence. This was also one of the fundamental reasons why demands for religious equality became increasingly urgent in South Vietnam's religious life prior to 1963.

6. Selective Legalization in the Recognition of Legal Personality for Religious Organizations after 1963

This pattern became more explicit after 1963, representing a clearer institutionalization of what this article

conceptualizes as “selective legalization.” The religious crisis of 1963 revealed profound tensions in the relationship between the state and religious institutions in South Vietnam, in which Ordinance No. 10 frequently emerged as a key legal factor invoked in demands for religious equality. Among the five demands articulated by Buddhism – the religion with the largest number of adherents in South Vietnam at the time – was the requirement of equality among religions, particularly with respect to the application of Ordinance No. 10 (Republic of Vietnam 1963: 42). This crisis played an important role in the collapse of the Ngo Dinh Diem regime in November 1963. In the subsequent period of 1964-1975, amid institutional transition and mounting pressures to revise religious policy, the RVN introduced significant changes in its mechanisms for recognizing the legal personality of religious organizations. These adjustments reshaped the state's relationship with major religions and expanded the legal space for religious activity in South Vietnam.

The first major policy adjustment was implemented with respect to the Unified Buddhist Church of Vietnam. This organization was formed through the consolidation of eleven Buddhist associations that had existed in South Vietnam since the 1950s and were unified into a single body following the Buddhist-led struggle against the Ngo Dinh Diem government in 1963. On May 14th 1964, Gen. Nguyen Khanh, Chairman of the Revolutionary Military Council, promulgated Ordinance No. 158/SL/CP, which explicitly stated that “Ordinance No. 10 of 6 August 1950, together with any legal provisions contrary to the present ordinance, shall not apply to the Unified Buddhist Church of Vietnam” (Article 5). The same ordinance recognized the Church's legal

personality and its Charter, as adopted at the Church's Congress on 4 January 1964 (Article 1) (Chairman of the Revolutionary Military Council 1964: 14). This constituted a major turning point in the struggle for religious equality in South Vietnam and established a precedent for the recognition of other religions. On July 12th 1965, Caodaism was recognized as possessing legal personality and was exempted from the governance of Ordinance No. 10. On the same day, Hoa Hao Buddhism was granted a similar status under Ordinance No. 002/65 (Chairman of the National Leadership Committee 1965b, 1965c).

Compared to the period prior to 1963, the recognition of legal personality for religious organizations during 1964-1975 was thus expanded to include religions beyond Catholicism and Protestantism. However, this expansion was not universal. Rather, it operated according to a logic of selecting representative organizations and using legal personality as a mechanism that both legalized and regulated the religious sphere. For example, in the case of Buddhism, the state recognized the legal personality of the Unified Buddhist Church of Vietnam and the General Buddhist Association of Vietnam; for Protestantism, it recognized the legal personality of the Evangelical Church of Vietnam (South). On the basis of legal personality being granted to such leading representative bodies, dioceses, monastic orders, congregations, and related entities could be authorized to enjoy the benefits associated with legal personality or to carry out activities that required such status (such as opening bank accounts, entering into contracts, or establishing schools) (Chairman of the National Leadership Committee 1965a). From 1964 onward, a number of religious universities were established in South Vietnam, including Van Hanh University Institute

(1964), Minh Duc University Institute (1970), Hoa Hao University Institute (1970), and the Cao Dai University Institute (1971) (Do Quang Hung 2017). In 1964, a Buddhist chaplaincy corps was also established alongside the Catholic and Protestant chaplaincy corps, responding to the religious needs of a segment of Buddhist soldiers within the RVN Armed Forces (Prime Minister of the Republic of Vietnam 1964).

Nevertheless, in a social and political environment deeply shaped by war, the recognition of legal personality for religious organizations – despite certain advances – did not become fully settled or coherent.

The first issue concerned classification criteria and the scope of recognition. Recognition required the authorities to determine what constituted a “church” and what should be treated as a “sect.” In practice, this was far from straightforward, especially for highly pluralistic traditions such as Protestantism, and given the particular religious landscape of the South, especially the Mekong Delta, which had long generated a variety of indigenous religious movements and vernacular forms of belief. By 1975, the RVN recognized only seven religions in the South: Buddhism, Catholicism, Protestantism, Baha'i, Caodaism, Hoa Hao Buddhism, and Islam (Office of the Secretary-General of the Presidency 1975). This framework placed minority religions (such as Đạo Dừa and Đạo Mẹ) at a significant disadvantage in seeking legal personality. On multiple occasions, these minority groups petitioned the government for recognition, but their requests were rejected (President of the Republic of Vietnam 1968).

The second issue was that although the government itself acknowledged the inadequacies of Ordinance No. 10 in regulating religious organizations, it did not promulgate a new instrument to replace it,

instead opting only for partial amendments. On December 22nd 1972, President Nguyen Van Thieu issued Ordinance No. 038-TT/SLU, which revised several provisions of Ordinance No. 10, focusing primarily on a new definition of “association.” The amended Article 1 defined an association as “an agreement among multiple persons to contribute knowledge or continuous activity in pursuit of objectives in the fields of religion, worship, charity, culture, education, society, science, fine arts, recreation, professional mutual assistance, fellowship, youth, and physical education and sports, without political, commercial, business, or profit-distribution character” (President of the Republic of Vietnam 1972). Compared with the 1950 text, the revised definition excluded organizations of a political nature, while retaining religious organizations within the scope of the Ordinance. This preserved the state’s capacity to apply a control mechanism to smaller religious groups, while major religions were effectively “removed” from Ordinance No. 10 through separate legislative instruments. Such a design provided the authorities with a legal basis to restrict small religious organizations whose activities exceeded the “religious” boundaries set by the amended Ordinance – for example, when Nguyen Thanh Nam of Đạo Dừa ran for the presidency in 1967. In this respect, the recognition of legal personality in this period suggests that the RVN prioritized political stability and religious governance over the comprehensive development of a coherent body of religious law.

The third issue was that legal personality also served as a means through which the government could intervene in religious affairs. After the religious mobilizations of 1963, the authorities grew concerned about the pressure-group capacity of religious

organizations, especially Buddhism. The government therefore pursued a strategy of parallel recognition, which contributed to internal competition and fragmentation within religious communities. In December 1964, after recognizing the legal personality of the Unified Buddhist Church of Vietnam, the RVN authorities proceeded to recognize the legal personality of the General Buddhist Association of Vietnam (Chief of Republic of Vietnam 1964), an organization opposed to the Unified Buddhist Church. In mid-1967, while Buddhists in Central Vietnam mobilized against electoral fraud associated with the Thieu-Ky regime, the government recognized the Charter of the Viet Nam Quoc Tu bloc, a rival of the Unified Buddhist Church of Vietnam (the An Quang faction), thereby exacerbating Buddhist divisions. This state intervention through fragmentation was also among the factors contributing to the gradual decline of religious protest movements in South Vietnam from the late 1960s onward (Hoang Xuan Hao 1972: 366-372).

7. Discussion

The foregoing analysis argues that legal personality should not be reductively understood as a technical device for formalizing the existence of religious organizations. Rather, it operates as a structuring mechanism that shapes how such organizations participate in and interact with the public sphere. In this sense, legal personality simultaneously enables religious practice and serves as an instrument through which the state orders and regulates religious life. First, legal personality directly conditions the capacity of religious organizations to act within a secular legal framework. When recognized, religious organizations may hold and administer property, enter into contracts, recruit

personnel, receive financial support, and lawfully conduct social and educational activities. In the absence of such recognition, these functions must be carried out through individual actors, often exposing organizations to significant legal uncertainty. The cases of the Da Lat University Association and the military chaplaincy corps clearly illustrate how legal personality facilitates institutional operation in practice. However, under the RVN, legal personality did not function as a universal entitlement. Instead, it operated through what this article conceptualizes as “selective legalization.” During 1955-1963, access to legal personality was unevenly distributed, with certain religious organizations enjoying privileged legal status. After 1963, recognition was extended to additional major religions, yet continued to rely on the designation of representative organizations and the differentiated regulation of smaller groups. As a result, legal personality became a mechanism not only of authorization, but also of stratification. From this perspective, legal personality functioned as a classificatory device through which the state structured religious life. By determining which organizations were recognized as legitimate representatives and which remained marginal, the state effectively produced a hierarchy of legal capacities among religious actors. While this approach simplified administrative coordination, it also generated exclusionary effects by limiting access to legal recognition for groups outside officially designated structures.

This pattern persisted despite changes in political context. Although post-1963 reforms expanded recognition and facilitated greater religious participation in social life, they did not eliminate mechanisms of control. The revision of Ordinance No. 10 and the continued regulation of smaller

religious groups indicate that the state remained committed to maintaining a governable religious order.

At the same time, recognition policies also had internal consequences for religious communities. The simultaneous recognition of competing organizations, or the privileging of a single representative body, could intensify struggles over legitimacy and authority. In the volatile context of South Vietnam, such dynamics contributed to fragmentation within religious traditions.

Taken together, these findings suggest that legal personality operates as a governance mechanism that both enables and constrains religious actors. Rather than being understood as either a guarantee of religious freedom or an instrument of state control, it should be conceptualized as a regulatory interface through which these two dimensions are simultaneously negotiated in practice. The RVN case further indicates that such mechanisms can be strategically deployed to manage religious diversity under conditions of political instability, offering a useful perspective for comparative analysis in other post-colonial or contested settings.

8. Conclusion

This article examined how the RVN recognized the legal personality of religious organizations in South Vietnam during 1955-1975, with particular emphasis on the relationship between legal personality and the capacity of religious institutions to operate within a secular social order. Through an analysis of normative legal texts in conjunction with their political and social contexts, the study demonstrates that legal personality was not merely a technical instrument of legalization. Rather, it functioned as a mechanism in which the

objectives of religious freedom, legal equality, and state governance coexisted and competed in practice.

The findings indicate that, during 1955-1963, the recognition of legal personality was shaped to a significant extent by Ordinance No. 10 and operated according to an asymmetric logic, producing stratification in access to legal capacity among religious communities. The turning point of 1963 and the subsequent institutional transition led to an expansion of recognition for several major religions during 1964-1975, most notably through the legal recognition of ecclesiastical charters and the legal personality of religious bodies. This expansion, however, was not universal. It remained selective, as reflected in classification criteria, the mechanism of designating “representative” organizations, and the continued availability of regulatory instruments for smaller religious groups. This pattern corresponds to what this article conceptualizes as “selective legalization.” In this sense, legal personality simultaneously broadened the legal space for religious activity and served as a means through which the state sought to shape a religious order that remained governable.

The study of legal personality for religious organizations under the RVN suggests that only when religious organizations were granted lawful status could they fully develop the institutional capacity required to pursue their religious missions in the secular sphere. Likewise, only when the state developed a coherent recognition policy could it effectively govern religious life and coordinate the activities of religious organizations toward broader national objectives.

Declaration of AI Use

In this article, the author used ChatGPT for language assistance and translation.

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