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## Working Papers

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» *State feminism with  
Vietnamese characteristics*

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## State feminism with Vietnamese characteristics

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### Abstract

*Since the Communist government took power in Vietnam in 1945, the country has swiftly put in place an unprecedented gender equality mechanism under the motto: men and women are equal. The top-down approach to involve and liberate women in all spheres of the society has been referred to by some Western scholars, as “state feminism”. This concept, coined by Helga Hernes, originally refers to the state’s active roles in promoting women’s rights, in close cooperation with feminist movements in Western countries, particularly in Scandinavia. However, in Vietnamese context, characterized by deep-seated Confucian culture, colonial history and a switch from central planning to market economy with socialist orientation, state feminism has a conceptual twist and is more of a mandate than a movement. In this paper, a description of state feminism in Vietnam is to be presented, through the legalization of gender equality and state standardization of Vietnamese womanhood. Overall, state feminism in Vietnam is more reactive to the states’ needs than responsive to women’s demands. The Vietnamese Communist government has occupied a significant role in liberating women but offered limited space for substantive gender equity.*

### 1. Introduction

Former UN Secretary General Kofi Annan said: “Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance” (UN Press Release, 1998). Gender equality benefits every country and humanity as a whole, economically, socially and also politically. The right to opportunities regardless of sex and gender is a fundamental human right. Closing gender inequality gap has been endorsed and enshrined by countries around the world first as one of 8 UN Millennium Development Goals by 2015 and now as one of the 17 sustainable development goals that make up the 2030 Agenda for sustainable development. The UN has now begun to see gender equality as an intrinsic goal rather than an instrumental tool

to achieve other development goals (Kabeer, 2005). While this goal appears to be universal, pathways to attain gender equality vary from country to country.

Given the cruciality of gender equality to the overall growth of each country, scholars have been investigating the role of governments in bridging gender gap. Is the state, whose degree of patriarchy differs from country to country, essentially instrumental or inimical to feminism? How can a state incorporate gender equality into its political agenda? Can the success story of state feminism in Nordic states, where governments engage with feminists both inside and outside state machineries to buttress gender equity (Teigen & Skjeie, 2017), be replicated in countries that do not share the political system? Was the short-lived state feminism in the socialist countries prior to the demise of the Soviet Union conterminous with that of capitalist democracies? Can state feminism be found in Asia?

The founding of the Communist government has brought a sea change to Vietnam, politically, economically and socially. Vietnam, now one of only 5 Communist-ruled countries in the world, with centuries of quasi - phallogratic political systems and entrenched Confucian values, centuries of being dominated by world powers, decades mired in civil war, 40 years of closed and planned economy before opening up to the world through massive marketization in 1986. Progress in gender equality and women empowerment has been seen as a hallmark of modernization led by the Communist leadership, whose basic tenet is to espouse social equality and eliminate class conflicts (Tétreault, 1996 ). Since their ascent to power, the Communist government has made women emancipation a pivotal goal on their political agenda (Turley, 1972). Under the slogan “*nam nữ bình đẳng*” in Vietnamese, which literally mean equality between men and women, the party-state from the onset has striven to raise public awareness of women’s roles and revamped the whole educational and economic systems to make their presence felt not only at home but also at work. Mobilized and motivated by the party-state, women have not only been present in multiple facets of society but also become more powerful (Waibel & Glück, 2013). This paper seeks to present the characteristics of Vietnamese “state feminism”, shedding light on what makes it different from Scandinavian style state feminism.

## 2. State feminism

Since the mid-20<sup>th</sup> century, feminist scholars have sought to expand scholarship on the relationship between male-governed states and feminist movements. In other words, whether the (mostly patriarchal) state can be a boon or a bane to promoting gender equality has been under debate. Feminist theorists from Anglo-saxon countries have been dubious of engagement between the patriarchal state and feminist movements (Kukathas & Gaus, 2004). However, there are still feminists who refuse to rule out the possibility of marrying the supposedly distant forces. Helga Hernes, Norwegian politician, diplomat and scholar, is credited for coining the term “state feminism” in the 1980s. Defining it as top – down feminism in the form of state gender equality and social policies in combination with mobilization of bottoms – up feminism, she opined that a welfare state should and can become woman-friendly and feminist (Hernes, 1987). Hernes’s argument set in store by the conception and realization of feminist goals on the part of

governments. For her, state feminism does not imply any reverse oppression of men, but rather offer women and men equal access to the state's decision-making bodies and its services. There can and should be synergy between femocrats at any state level and feminist activists. In an interview and with specific reference to Scandinavian context, she said:

“A woman-friendly state would not force harder choices on women than on men, or permit unjust treatment on the basis of sex. In a woman-friendly state, women will continue to have children, yet there will also be other roads to self-realization open to them. In such a state, women will not have to choose futures that demand greater sacrifices from them than are expected from men. It would be, in short, a state where injustice on the basis of gender would be largely eliminated without an increase in other forms of inequality, such as among groups of women.” (Hernes, 1987, p. 15)

While construed as groundbreaking, Hernes's work was criticized for its Nordic-centricity, underlying premise about diversified women's commonality and lack of intersectional dimensions (Borchorst & Siim, 2008, p. p k). Major studies on state feminism also turn out to be Eurocentric, insofar as they flesh out state involvement in feminist movements in capitalist democracies. Amy Mazur and Dorothy McBride Stetson refers to the term “state feminism” as an assemble of activities of government structures that are formally responsible for bettering women's status and rights, with a view to ridding of patterns of gender-based inequities in society (Mazur & Stetson, 1995, p. k). Just as political systems are pluralistic, state feminism is multi-layered and multidimensional rather than monolithic (Mazur & Stetson, 1995).

One of the first countries to put in place a permanent agency for women was the US, where Congress put in place the Women's bureau of the Department of Labor in 1920. In the same vein, the UN, with its own institutions devoted to women's agendas, namely the Commission on the Status of Women (CSW) and the Division for the Advancement of Women (DAW), also recommended since the 1960s that states create their own agencies devoted to women policy issues, known as national policy machinery for the advancement of women. Advanced industrial countries have followed suit, particularly welfare states and liberal states.

While women's political participation has been seen as a fundamental feminist concern and a test for a country's depth of democracy, it has not always been attached significance (Lovenduski, 2005). In fact, women's liberation movements in many countries that kicked off in the 1970s were dubious of formal political involvement (Lovenduski, 2005). However, by the 20<sup>th</sup> century, women's fight for more political representation had gained some traction, ranging from suffrage rights to rights to access to education and employment as well as inclusion in policy making. Since the last quarter of the 20<sup>th</sup> century, in response to women's increasing anti-discrimination demands, states have devised and developed women policy agencies (WPAs), which vary in scope, size, stability, setting and substance.

State feminism is an overarching, constantly contested and fluid term. To understanding the concept, it is imperative to determine whether feminists are situated inside or outside state apparatus. More often than not, state feminism denotes efforts by women machineries to pursue socio-economic policies in

favor of women. In Nordic countries, state feminism is equated with the achievement of gender equality through state agencies (Lovenduski, 2005). In Western Europe and Australia, the state prevailed as the principal promoter and professionalizer of feminist agendas, thereby driving self-reliant women movements to the fringes (Lovenduski, 2005). State feminism in former Soviet bloc is essentially male-led and top-down women-focused policies introduced by the central governments. Furthermore, both “state” and “feminism” are not static, singular and subject to regular reconfiguration. On the one hand, as an increasing number of sub-states and suprastates as potential actors for feminist causes have emerged, state feminists may not necessarily work at national levels to be considered as such. On the other hand, since the Beijing Platform for action in 1995, a government-wide gender equality perspective in all policy areas supplanted the previous women-focused rhetoric.

In short, the essence of state feminism lies in the involvement or instrumentality of the state in promoting a feminist agenda. In concrete terms, countries that champion state feminisms are committed to making state agencies more women-inclusive and policies more gender-sensitive.

### 3. Socialist state feminism

Despite putting forth variations and vicissitudes of state feminism, even within the capitalist circles, none of the above scholars set any condition for a country in which state feminism is able to emerge and evolve. Seldom did feminist scholars attempt to explore the possibility of state feminism in so-called socialist countries. In the context of socialist regimes, state feminism is construed as created, approved, or sanctioned by communist party-states, sometimes to the exclusion of autonomous ground-up feminist movements.

Romanian political scientist Mihaely Miroiu, called into question the symbiosis of communism and feminism, since the core of communism, if existing at all, is state patriarchy, while feminist movements essentially clamor for women’s autonomy (Studer, 2015). The version of state feminism in Eastern European countries in the Soviet bloc is depicted as “etocratic” gender order, in which policies directed at women were imposed by male elites, without taking into account female views, visions and voices (Temkina & Zdravomyslova, 2003). Soviet patterns of femininity were shaped, supported and supervised by party-state institutions. During the socialist era, women were expected to work full-time inside and outside their households. The essence of women emancipation was to provide women with employment in the public sphere, aside from their default childbearing and caretaking responsibilities. The transitional period ushered in the resurgence of traditionalism with regard to gender norms, particularly in tandem with the reemergence of state-aligned religion.

In addition, they were susceptible to glass ceiling, labor segregation and unequal pay. Post-soviet era characterized by the so-called “male democracy” witnessed the revival of patriarchy, in which gender relations were marked by exclusion of women in the public sphere (Temkina & Zdravomyslova, 2003). Put it differently, traditional gender roles were reinforced and women became more and more dependent on male members of their families.

The socialist states did little to revamp women's substantive political participation. Independent feminist organizations were largely absent. Egalitarian commitments started to shrink as the state was unwilling and unable to intervene in market transactions, which put female employees further at a disadvantage due to their more limited education and employment experiences than their male counterparts. The gender-segregated markets, which were put down to male decision makers' mindset who simply treated women just as "caretakers", affected diverse groups of women differently (Mertus, 1998, p. 374). Except for "best and bright women" who were endowed with entrepreneurial spirit and thrived in the new market economies, the majority of women, particularly single mothers became the losers of this social about-face (Ferge, 1997).

Zsuzsa Ferge described the 40 years of state socialism in Eastern Europe as "a forced modernization project", driven chiefly by implicit male interests and political motives, in which the most significant component of emancipation was the gainful employment of women (Ferge, 1997). Women were made more work-oriented and "overburdened" yet not really spared from family responsibilities (Ferge, 1997). The push for women's participation in the workforce was accompanied by the state provisions of welfare services on childcare and housechores. Women's subordinateness in both public and private sphere significantly softened. On the whole, women's attitudes changed during and after the socialist era. However, as women's workload was doubled or tripled, thus they had little time to think for themselves. In the words of Barbara Einhorn, state socialism "emancipated women, not as equal citizens" but as builders of "socialist family". The state's public provision of childcare services had more to do with the maximization of women's contribution to labor force than to extend reproductive freedom, more with attainment of socialist goals than response to women's demands. Given the enormous male deaths during the second world war, pro-natalist policies were introduced, not out of concerns to lift household burden out of women but to unload demographic concerns off the state leaders. The crux of the problem with protective socialist legislation that seemed to favor women lies the misconception that the unequal starting point of women and allocation of domestic labor were naturally created rather than socially constructed (Einhorn, 1993, p. 27). Addressing the question of women alone without removing a gender-based preception about gender roles only does gender equality a disservice. On top of that, legal and social acceptance of homosexuality varied from country to country, being unmentioned in legislative frameworks at best or prohibited at most (Einhorn, 1993, p. 80).

Little comprehensive description of state feminism in Asian country has been found. Jude Howell, in her investigation into women's organisations in China, termed the relationship between Chinese Communist state and feminism "state-derived feminism" as distinct from "state feminism" in democratic states. In concrete terms, "state-derived feminism" embodies a sophisticated blend of official gender ideology, practical strategies and institutional arrangements to advance women's status, grounded on the work of Engels, Lenin, Marx and Mao on the "woman's question", which impute women's subjugation to historical and material forces (Howell, 2006).

Wang Zheng was the first author to dissect the "significant twist" of state feminism in mainland Chinese context. While the so-called Western state feminism took shape on the heels of thriving autonomous

women movements, feminist engagement with the state in China was quite unique (Wang, 2005). Early feminist discourses were led principally by male elites in the late 19th century and early 20th century, notably Liang Qichao, Lin Tianhe, who were fascinated by Western advancement and saw oppression of Chinese women as reflection of the country's backwardness. Then inspired by Marxist – Engelsian ideology of class struggle linking women's liberation, feminist thoughts and actions gained ground with the patronage of the Communist party (Wang, 2005, p. 542). In addition, chief among characteristics of Chinese state feminism is the creation of a for-woman-only national bureaucracy, known as the All-China-Woman Federation (Fulian), passing laws in favor of women and erasure of gender differences in state-led public discourses and images in the mass media (Yang, 1999).

“State feminism” has also been employed to describe the gendered situation in Vietnam. However, few authors have elaborated the wherewithals for this appellation. Jayne Werner suggested using “public feminism” or “official feminism”, reasoning that state feminism should only refer to Scandinavian social-welfare states, which compensated for the root causes of gender inequality by adopting measures to foster women's economic independence and reproductive rights (Werner, 2009, p. 173) as opposed to the Vietnamese Communist Party (VCP)'s ideological and legal commitment to male-vs-female equality.

#### 4. Pre - communist feminisms in Vietnam

Before Confucianism entered Vietnam with the Chinese domination from 111 to 938, Vietnam was essentially a matriarchal society. The Vietnamese pride themselves on superhuman ancestry or “con rồng cháu tiên”, which literally means children of dragon and grandchildren of fairy. By and large, Vietnamese were educated at school and by word of mouth that they are descendants of the fairy mother, Mẹ Âu Cơ, who by legend gave birth to 100 eggs. State discourses often boasted early feminist consciousness of the Vietnamese society. Prominent female leaders were at the vanguard of rebellion against Chinese invaders prior to its official independence in 938. In 40 AD, Hai Bà Trưng, or the Trưng sisters led an army to fight against in revenge for the older sister's husband. The sisters then became heads of a short-lived kingdom. In the 3<sup>rd</sup> century, Triệu Thị Trinh, also known as Vietnamese Joan of Arc, also followed suit. Under her leadership, the Chinese army (Eastern Wu) was put to a rout.

History did not show any particular extreme suffering endured by women. Vietnamese women are seen as the physically weaker sex “chân yếu tay mềm” (*weak legs and soft hands*), yet they never had to cremate themselves with their husbands, like in India or Champa; never had to wear veil like in Islamic societies or bind their feet like in China (Marr, 1976). Plus, Vietnamese folk songs showed people's relatively open-mindedness towards polyandry, remarriage and women's proactivity and initiative-taking in romantic relationships (Nguyễn, 2002). Nevertheless, like China, family holds “a near-religious status” in Vietnam, in which father held “quasi-priestly position” (Marr, 1976). Women were first and foremost required to be chaste, which refers to virginity before the marriage and faithfulness to the husband, where alive or dead.

It remains to be explored when the matrilineal society of Vietnam switched to the patriarchal model. It could be either the repercussion of the Chinese occupation or the deliberate choice of Vietnamese natives or ruling classes or both (Nguyễn, 2002). Since the 10th century, the Ly dynasty decided to adopt Confucian values as pillar ethical code in Vietnam. The course of history Vietnam witnessed Confucianism waning and ebbing, yet its values permeated across the country. Being the vassal state to Chinese royal court, Vietnam's legal statutes were modelled after Chinese Confucian-inspired codes, upheld male superior position and women's lesser status, both at home and in the society. (Tạ, 1981, p. 100). A woman's destiny was inextricably bound to that of her husband. Concubinage was common, even though one one wife was legally recognized and protected. Crimes committed by husbands against wives were much more lightly than those perpetrated the other way around. Educated women, like writer and poet Hồ Xuân Hương, was vocal about predicaments of women under the highly patriarchal society through her poetry (Owen, 2005).

Nevertheless, Vietnam had its first regent in the 11th century. Consort and later Empress Dowager Ý Lan, originally a rural woman who became an astute advisor for both two kings, namely her husband and her son. Vietnam's first and only Queen in its feudal history, Lý Chiêu Hoàng, concluded the Lý dynasty. From 1428 to 1788, under the Lê dynasty, the Hồng Đức's legal code was in place with special articles on women unknown in China. In particular, the Lê code allowed women to sue the husband in the event of his adultery or neglect and seek divorce (Tạ, 1981, p. 120). Furthermore, daughters could inherit equally as sons. Inheritance rights were also equally granted to a widow as to a widower (Tạ, 1981, p. 126). As the Nguyễn dynasty took power, the code reverted to pre-Le dynasties. When the French imposed their rule on Indochina, their courts adopted some ideas of Le Code that ran counter to the Nguyen code (Tạ, 1981, p. 136).

The first proponents of women's liberation were male reformists who craved for fighting against warlord governments, foreign forces and socio-economic underdevelopment. They saw women's suffering as face-losing for men and the country. Like China, post-feudal feminism in China and Vietnam was therefore tinted with male leadership and subsumed under national advancement, and not in the interests of women Phan Bội Châu, a prominent intellectual with educational experiences in Japan, was at the vanguard of calling for the liberation of women as part of a broader national agenda of national modernization in the 19th century (Bùi 2008, Đoàn 2019). Voices of women in the early feminist movements remained obscured.

Vietnam was under a bevy of European and Japanese powers when maiden feminist movements were taking place. Between 1858 and 1942, Northern Vietnam was colonized by the French, then to be taken over by the Japanese. Prior to the coming to power of the communist government, debates women's rights were only confined to women of upper and middle class (Marr, 1976). The question of women's rights (nữ quyền) contributed to expose the economic exploitation and class divisions under the oppressive French colonial regime, in contradiction to their "mission civilizatrice".

Before the Communist government took power, the leaders of the Communist revolution in made the protection and promotion of women front and center of their rhetoric. Ho Chi Minh, leader of Indochina

Communist Party, the predecessor of the Vietnamese Communist Party (VCP) said: “If women are not liberated, then the whole society is not free.” In the context that had more to do with fighting against foreign forces, including the Japanese in Northern Vietnam and later on the French and Americans in Southern Vietnam, a Vietnamese slogan prevailed: “Giặc đến nhà đàn bà cũng đánh”, or *women also fight if the enemy is at the gate*. Based on Marxist - Leninist framework, and advocated by country leaders, such as Ho Chi Minh, women liberation was inextricably linked to class struggle. This ideological monopoly hardly provided space for intellectual debate, which would be hard to have taken place due to the general illiteracy of the majority of population. In addition, Communist leaders’ approaches to women issues were oriented around work (Zhong, 2010, p. 241). The state portrayed themselves as utopian places where women were unfettered from feudal and colonist shackles and able to join the workforce.

## 5. Legalization of gender equality

Since their inception, the states have directed and dominated the discourses on women’s rights. After takeover, the Communist leaders translated much-vaunted rhetoric into regulations on equalization of women rights. Major documents addressing gender issues are listed in the following chart. Due to the scope of this study, the list is not exhaustive:

<ul style="list-style-type: none"> <li>· Constitution of the Democratic Republic of Vietnam and later on of Socialist Republic of Vietnam (1946, 1959, 1980, 1992, Amended 2001, 2013)</li> <li>· The Civil Code</li> <li>· The Marriage and Family Law (1959, 1986, 2000, 2014)</li> <li>· The Law on Gender Equality (2006)</li> <li>· The Law on social insurance (2010)</li> <li>· Labor Law (2012, 2019)</li> </ul>
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*Table 1: List of major legal documents related to gender equality in Vietnam*

### 5.1. Constitutionalization of gender equality

As the Communist states took power, women in Vietnam did not fight to earn equal status with men. Rather, their elevated social standing was formally granted by the state. In other words, short of bottom-up activism, state feminism in Vietnam does not encompass the long-term and accumulated conscientization or critical conscientiousness of gender equality found in Western countries, where state feminism came into being under pressure from mature grassroots feminism. Women were institution-

ally and ideologically indoctrinated and instructed to be liberated instead of fighting for liberation on different fronts. The VCP was powerful enough to make a swift and sweeping legal changes in support of their egalitarian tenets. Communist law-makers constantly fine-tuned national legal frameworks to match their promises on improving male-female equality as well as empowering women. The enshrinement of women’s rights in the most fundamental legal documents was a common practice in the Soviet bloc (Einhorn, 1993).

The first party outline of the VCP penned by President Hồ Chí Minh emphasised “nam nữ bình quyền” (equal rights of men and women). Similar to the Soviet states during the socialist era, the Vietnamese party-states attempted to exhibit the superiority of the new leadership by means of awaking the population to the importance of women, in stark contrast to erstwhile feudal and colonial governments that subjugated women. The purpose of the newly founded Communist government was to appeal to the public and enhance their legitimacy. Political legitimacy often derives from consent, beneficial consequences, public reason and democratic approval, by empowering, enlivening and enlightening a vulnerable group (Stanford Encyclopedia of Philosophy, 2010). By addressing women’s issues, the Communist Party was able to find favor with: the women, which accounted for roughly half the population in each country, male intellectuals who had raised the women questions during colonial times and prior to the VCP’s leadership , etc, thereby creating mutual consent. The “for-women” causes offered beneficial consequences and also resonated with public reason.

	<b>Vietnam</b>
<b>Constitution 1946</b> (1 <sup>st</sup> constitution)	<b>Article 9:</b> Women are equal in rights to men in all fields.
<b>Constitution 1959</b>	<b>Article 24.</b> Women in the Democratic Republic of Vietnam enjoy equal rights with men in all spheres of political, economic, cultural, social, and domestic life.  For equal work, women enjoy equal pay with men. The state ensures that women workers and office employees have fully paid periods of the leave before and after childbirth.  The state protects the mother and child and ensures the development of maternity hospitals, crèches, and kindergartens.  The state protects marriage and the family.
<b>Constitution 1980</b> (the first Constitution the reunification of Northern Vietnam and Southern Vietnam)	<b>Article 63.</b> Women and men have equal rights in all respects in political, economic, cultural, social, and family life.  The state and society are responsible for raising the political, cultural, scientific, technical, and professional standards of women, and for constantly improving their role in society. The state establishes work conditions suited to women’s needs.

Post-reform constitution	<b>Article 63</b>
<b>Constitution 1992</b> (after the economic reform in 1986, amended in 2001.)	All citizens regardless of their sex have equal rights in all respects, political, economic, cultural, social and in family life. Any discrimination against women and violation of women’s dignity are strictly prohibited.
<b>Constitution 2013</b> (till present)	<b>Article 26</b> 1. Male and female citizens have equal rights in all fields. The State has a policy to guarantee equal gender rights and opportunities.  2. The State, society, and family create conditions for the comprehensive development of women and promotion of their role in society.  3. Sex discrimination is strictly prohibited.

*Table 2: Articles on gender equality or women’s rights in Vietnamese different versions of constitutions.*

The principle of male – female equality remained unchanged in all versions of Constitutions in Vietnam, despite the socio-economic transformation in the 1980s. The emphasis on state’s protection of women’s rights in the first and foremost legal documents attested the Communist leaders’ commitment to gender equality. Whether there might be (mis)match between the law and the reality remains to be examined, a look at these constitutional inclusion of women’s concerns indicates the direction of a social transformation. Constitutionally, Vietnamese women are granted equality in both public and private spheres. Wording differences aside, content commonalities between the constitutions since the founding of communist governments are as follows. First, women enjoy the same rights as men in all domains. Second, discrimination against women is against the law. Third, the state not only protects women’s rights (equal pay for equal work) but also plays a proactive role in facilitating women’s development and role fulfillment at home and in the society. Women, in theory, benefit from both non-discriminatory and “positive discriminatory” regulations, demonstrating efforts to enhance gender equity. It can be implied that by providing childcare services, the Communist government strived to promote not only equality but also equity between men and women. Fourth, the conjugal family is no longer a matter private sphere but has become within the realm of state patronage, in which special attention is paid to mother and children. Finally, constitutional articles also ascribe high value on equal pay for equal work.

There is subtle change in the wording of the constitution. In the current constitution of Vietnam, adopted in 2013, prohibition of discrimination against women is now superseded by the ban on sex discrimination (in Vietnamese: phân biệt giới tính). Furthermore, instead of endowing women with the same rights, the state “guarantee equal gender rights and opportunities.” The wording in the latest version of Vietnamese constitution is apparently more gender-inclusive and neutral. Nevertheless, these state laws seek to remedy gender inequality and but at the same time reproduce it. The lexicon of constitutions often tends to conflate women with other vulnerable groups (the elderly and the children). The hidden underside is that

women by law, though equal to men, yet are seen as more vulnerable and hence need extra care and protection. The equalized rights are emphasized, yet the shared responsibilities are never broached.

Despite the pro-women legislation, there has never been a single woman on the Politburo's Standing Committee. Women have been able to accede to political roles, but the elite politics was still all-male affair. The high echelons of power still elude the women. When they near the top, they remain in deputy positions. Even the assignment of work is still gendered, in which the women are often entrusted with issues germane to health, education and women work. Despite the state feminism in which the states intervene for feminist causes, women face higher glass ceiling in elite politics while having far more impressive attainment in employment and education. In Vietnam, only in 2015 did Vietnam elect the 1<sup>st</sup> Chairwoman of the national assembly, whom also appointed the first female acting president as of 2019.

## 5.2. Adoption of law on marriage and family

### 5.2.1. Law on marriage

Marriage laws represent Communist leaders' agendas to introduce fundamental changes into the social A family is the basic unit of each socialist country (Einhorn 1993). The Communist leaders showed their determination to rid each society of traditional marriages and intervene in the private sphere. The law on marriages saw breakthroughs in their first law on marriage, which prohibit child marriage, polygamy, concubinage, forced marriage, mistreatment towards children, maltreatment towards wives. The nuptial tie is therefore no longer arranged, decided or manipulated by family elders or by one party. Besides, 1<sup>st</sup> marriage law in each country enabled to women to divorce and remarry.

The marriage age differs among two sexes across all versions of marriage laws. In particular, under current law, a man aged 20 or above and a woman at least 18 years old are eligible. No reason is found regarding marriage age's unequal requirements. However, it might also be the active choices of women not to outsmart men rather (Angeloff, 2010). As marriages are endorsed by both the state and the society, Vietnamese women see matrimony as a question of general rule rather than personal decision. As women are bound to marry sooner or later, they are supposed to structure their lives to create favourable conditions for a marriage.

Even though one of the most notable achievement of legalization of equal gender rights in Vietnam is arguably free marriage, it is not absolutely "free" to tie the knots. Same-sex partners cannot be official partners. Marriages, which were totally arranged or at least approved by parents prior to Communist rule, are now redefined by law as voluntary agreements between two individuals. Making the basis of mate selection from fate to freedom was groundbreaking. While parental interference is enervated, it is far from eliminated. Filial piety and familial harmony are still relevant. The state anticipates uneven implementation of the law across their country. Media reporting of early marriages and childbirth in far-flung areas where ethnic minority groups are concentrated is not uncommon.

The government issued Decree 110/2013/ND-CP, on September 24, 2013 and then amended the 2000 Law on Marriage and Family to remove bans on same-sex marriage. According to Article 8, the State has not officially recognized same-sex marriage, even though a same-sex marriage is no longer subject to a fine according to the directive 103/ NDCP 2013 issued in 2013. This swift move highlighted the first step towards full recognition of same sex marriages. In 2015, Vietnam officially legalized transgender people and allowed ID change upon sex reassignment surgeries.

The state recognizes cohabitation of a heterosexual couple, but not that of a same-sex one. Households headed by same-sex couples are ineligible for the same legal protections available to opposite-sex couples. Moreover, surrogacy for humanitarian purpose is only allowed for an opposite-sex married couple, in case the woman is biologically unable to give birth. As the state does not recognize a same-sex union, the couple cannot adopt the same child. As the marriage is finalized by registration with the local committee in Vietnam, led by Party members, it is safe to argue that the VCP (male) members had the final say in a marriage decision of heterosexual couples.

### 5.2.2. Anti-domestic violence law

Provisions of protection orders and new record keeping of domestic violence charges with local government are two key innovations in the Domestic Violence law. However, the domestic is translated into *family* in Vietnamese. This law indicates deeper intervention in family affairs. For the first time, the state offers protection for the victims of violence within the household in legal terms, though it barely broaches the punishment of perpetrators. In reality, the task is officially assigned to the Vietnamese Women Union, which implies that the domestic violence is confined within the realm of women's work rather than a cause for concern for the broader society. Given that these women organisations are staffed by women, men are largely excluded in implementation of the law.

Also, according to Article 2 of this law, forced sex in a familial context is considered as domestic violence. However, it does not frame it as a human rights issue but as an attack on family's harmony. It is more relational than right-based. In addition, any violation of anti-domestic violence law falls under civil law, rather than criminal law. As a result, perpetrators of domestic violence are not subject to criminal penalties. It dilutes the severity of the act and the moral sense of the law. The purpose of the law is more about safeguarding the family's harmony than providing security for the victims. The concept of family is inextricably linked to marriage. However, the must-have condition for enforcement of this law lies in official reporting of victims. Only then will the state be in charge of dealing with domestic violence.

### 5.2.3. Law on gender equality

The 2006 Law on gender equality marked a turning point in the Vietnamese legislation on gender issues. The law concretizes and consolidates the government's commitment to equality between men

and women in both private and public spheres. Even though the Law on Gender Equality appears to be gender-neutral and gender-inclusive, with articles specifically aiming to promote gender equity, it only touches upon the equality between men and women, yet without mentioning non – binary gender diversity. Despite the evolutions in different legal frameworks regarding women, the government has never directly expressed their attitudes towards the people of other gender orientations. Also, the Department of Gender equality under Ministry of Labour - Invalids and Social Affairs, established in 2017, is headed by a male leader, who also served as the Secretary of National committee for the advancement of Vietnamese women (*Ủy ban quốc gia vì sự tiến bộ phụ nữ*).

## 5.4. International commitments

In addition to domestic legal forms that largely helped promote gender equality, Vietnam have exhibited willingness to join forces with the world in this regard, corroborated by commitment to international agreement on women-related issues. Vietnam rectified “The Convention on the Elimination of All Forms of Discrimination against Women” (or CEDAW) in 1989 Vietnam signed in 1981. Furthermore, Vietnam also assented to the Beijing Declaration and Platform for Action which was concluded in 1995, which is widely believed as the most comprehensive global blueprint for women’s advancement. Another significant milestone is that Vietnam ratified the ILO Equal Remuneration Convention (1951) and the ILO Convention on Discrimination (Employment and Occupation) in 1997 (International Labor Organisation, n.d.) to express its commitment to equal pay between men and women for work of equal value.

The International Labor Organization (ILO) adopted the “Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities” in 1981, which requires that ratifying countries make achieving a balance between work and family life a policy goal. The fact that Vietnam has not ratified this convention reflects its limited political will in substantively bettering gender relations.

## 6. Beyond the law: state standardization of womanhood

Equal enjoyment of rights entail much more than enacting equal legislation on rights. It should include countering gender stereotypes. However, the Communist state has so far purposefully naturalized and normalized traditional roles through their systematic propagandistic tools. Laying claim to liberating women, the state that controlled rigorously media, defined and dictated good womanhood in different eras, offers little room for diverse feminine self-actualization. There are only state slogans about women, and none have been found about men.

### 6.1. Prior to the unification

During the first Indo-Chinese war, Vietnamese women were urged to participate in military assistance.

The heroine image was widely espoused as standard of womanhood. Some elite and non-elite Vietnamese women, such as Nguyễn Thị Định and Nguyễn Thị Thập, even assumed leadership roles as high-ranked generals in the national army. In 1965, President Hồ Chí Minh bestowed eight golden words crediting Vietnamese women's attributes during the Vietnam War: *anh hùng* (heroic), *bất khuất* (indomitable), *trung hậu* (loyal) and *đảm đang* (resourceful). During and after the war, a national honor "heroic mother" was conferred on mothers whose husband or sons fell during military service. This honor was given to a woman because of their men's involvement in the war, not because of her own educational or professional achievements, acknowledging her fulfillment of motherhood for the nationalist cause.

During the war, "Ba đảm đang" (Three Responsibilities) in Northern Vietnam and "Năm tốt" (Five Greats) in southern Vietnam were propagandized and popularized. The *Three Responsibilities* constitute participating in production in place of their male kins fighting the war, taking charge family affairs in support of their male kins in the frontline and military assistance and getting ready for fighting (if need be). The *Five Greats* include: - great production with solidarity and frugality, great adherence to policies, great participation in management, great study of politics, culture and techniques, great family building and childrearing.

In addition, the party-affiliated and women-focused mass organisation, namely the Vietnam's Women Union (VWU), plays an instrumental role in carving out inroads into politics for women at local and national levels. On the surface, the state and the VWU spoke highly of women's multitasking capacities, at home and at work, at peace and at war. However, the patriarchal undertone and the perpetuation of gender norms cannot be neglected. Women were supposed to be available at the state's convenience. During the war and amid shortage of male labor, Vietnamese women took part in production as a replacement for men, while taking care of their households so that their husbands or sons could concentrate on their military service. Finally, as a last resort, they might join forces with men to fight in the war. Evidently, women carried more than triple of domestic, professional and political work and were viewed nothing less than dutiful members of the nation.

The Northern Vietnamese government's propaganda and promulgation of law in favor of women's equal rights did not solely stem from its concern about gender equality. The conscription and decimation of men due to various wars resulted in the shortage of labor. As a consequence, the government needed a supply of human resources for the national industrialisation, preceded by the collectivization of agriculture. The women were assigned with three responsibilities: fill the gap in the agricultural and industrial labor, assume leadership and also exhorting their male kin to fight in the war. However, the leadership trend was reversed after the war. Their participation in the labor force and joining the war supplemented but not superseded their family obligations. The movement "Người phụ nữ mới xây dựng và bảo vệ Tổ quốc" (new women building and protecting the Fatherland) also implied women's adherence to Party guidelines, participation in the labor force, preparation for the war and nurturing of women. The attributes highlight women's roles in both private and public spheres without demanding the same for men.

## 6.2. After the reunification

Since 1989, another slogan went, which still remains active in the state media: *Phụ nữ Việt Nam đảm việc nước, giỏi việc nhà* (Vietnamese women: accomplished at public work and adept at housework). The double and demanding requirements (dual duties, in which women must be strong on), coupled with complete silence on men, deepens gendered construction. Domestic work is therefore essentialized as part of womanhood, while it is an add-on for male self-worth (Hoang, 2019). At first, the movement only targeted state employees, but then went on to be applied to working women in non-state sector.

The party has fostered ideas of heterosexual families, in which women and men roles are specified and strengthened, and the Union is assigned with educating the public and the party members to “build cultural family (Rydstrom, 2010). The first Law on Marriage and Family in 1959 stressed the formation of “happy, democratic and egalitarian families”. Article 1 in the 2000 Law on Marriage and Family states: all citizens are responsible or building and consolidating a Vietnamese marriage and family regime.” In an indirect fashion, it orients people to marry and build families of a state-restrained size. Besides, giving birth or creating a family is no longer a personal choice but a social duty (Hoang, 2019). The government and the VWU have over the years have propagated the slogans extolling the home-based qualities of women, and eliciting from them a sense of responsibility in building state-designated “happy families” or “cultured families”. The critical roles of mothers in the construction of state-idealized families have still persisted. Gender roles remained unchanged, with the notion of “husbands make houses, wives create homes” (*đàn ông xây nhà, đàn bà xây tổ ấm*) still of relevance. Women are appreciated for holding a heavenly mandate (*thiên chức*) thanks to their childbearing capacities.

Female singlehood, by chance or by choice, is generally frowned upon in Vietnam. Single women are labelled as “undetonated bomb” while marriage remains universal. Due to the legacy of war, which costs lives of men and subjected women to widespread singlehood. Stigmatization is common against divorced women. Women are not discouraged to leave their partners. As the state makes heteronormative marriage the be-all and end-all of womanhood, marital breakdown and childlessness signify failed womanhood.

## 7. Conclusion

In feminist movements across the world, the agency of women is indispensable. State feminism came into being as self – conscious women brought to attention issues of equitable opportunities for women to be equal to men in all domains of life. State feminism, which came into being in Scandinavia and spread over first to economically advanced countries, at the time when a certain level of economic advancement was already achieved and gender equality was already enshrined in laws. The crux of state feminism is how the state takes the initiative to ameliorate gender equality in actuality. State feminism, in a nutshell, is the response of a state to independent feminist movements.

In the case of Vietnam, it was the state who woke the country to the issue of gender equality, with little agency of independent feminists. State feminism was well and truly accelerator of women's liberation in the beginning, especially in the context of female population. Women became passive recipients of gender equality rather than were at the forefront to catalyse change. Despite their low records on human rights, Vietnam has received plaudits for women empowerment agendas. From the dark legacy of women being invisible at school and at work, Vietnam, now a low – middle income country, is a regional standout in terms of female labor force participation rates and relative gender parity in school enrolment at all levels. (Asian Development Bank , 2017). Vietnam has been applauded by the UN for its fulfillment of the goals of gender equality and raising women's status two years ahead of schedule in the UN's Millennium Development Goals report in 2013. In this large-scale and labour-focused feminist movement, there is no denying that the party-state assumed a leading and liberating role. Prior to the founding of the communist government, the Communist Party marshalled a large amount of evidence to endorse and extol women. During the war time, when the country was mired in widespread impoverishment and illiteracy, state's ideological mobilization of gender equality and mass-mobilization of women was of prime importance. The supreme power of the party-state could mobilize and motivate people with little challenge. For the first time in the history of male superiority and son preference, equality between men and women became a legal principle and ideology. Making women step out of their domestic spheres and contribute to the economy both during and after war time was unprecedented in a deeply Confucian society. The state safeguards male-vs-female equality in the constitution, reformed Marriage laws and passed separate laws pertinent to gender equality. However, gender equality was promoted, not from gender perspectives, but from class perspectives. The top-down changes in gender dynamics show a strong propinquity to state feminism in the Soviet bloc under Communist regimes. In other words, the states implemented policies and appropriated gender equality on behalf of women, championing women's double roles as mother-cum-worker.

This state feminism with Communist characteristics in Vietnam features patriarchal legacy, paternalist policies and passivity and precarity of women, especially when the economy switched from command to market - oriented. The nationalist and socialist struggles in Vietnam reduced gender issues to class issues, rather than viewed them intersectionally. State feminism in Vietnam is less about pursuing women's individual liberation but clinging to the state-designated collective being. Furthermore, state feminism in Vietnam set great store by putting women to be on a par and in alliance with men and does not espouse diversification of gender orientations. The party-led government act as guardian and even "moral anchor" for good womanhood in different eras. By and large, women are still expected to follow beaten tracks that might reproduce deep – seated gender inequalities rather than reverse them.

State feminism	Western democracies	Socialist countries
Origin	States respond to independent feminist movements by recognizing and reforming pro-gender equality policies	State - initiated mandate: "equality" is granted by the state
The role of women	Active, proactive, leading	Passive (movements largely led by men)
States' relationships with independent feminist movements	Cooperative, symbiotic	Restrictive, even repressive

*Table 3: Comparison of state feminism in Western democracies and socialist countries.*

This study offers a retrospective rather than a prospective lens. It seeks to unpack state feminism since the founding of communist governments until recently. This study cannot be a predictor of whether the state feminism in Vietnam will remain linear or static in the years to come.

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