

Human Rights before 1948: The International Character of Vietnam's First Constitution

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Abstract

This paper examines Vietnam's 1946 Constitution from the perspective of pre-1948 human rights and postcolonial constitutionalism, with the aim of elucidating the international character and normative significance of Vietnam's first constitutional text. Rather than approaching the 1946 Constitution as a purely domestic legal instrument or a by-product of national political history, the study argues that it functioned as a deliberate normative declaration, reflecting Vietnam's effort to assert legal personality and international legitimacy within the post-World War II international legal order. Drawing on constitutional text analysis, contextual historical inquiry, and selective comparative constitutional analysis, the paper demonstrates that principles such as human rights, popular sovereignty, representative democracy, the rule of law, and equality were constitutionalized at an early stage in the 1946 Constitution – prior to the full institutionalization of these norms at the international level in 1948. In doing so, the Vietnamese case is presented as a paradigmatic example of how postcolonial states did not merely receive international norms passively, but actively interpreted, adapted, and participated in the formation of universal values in modern constitutional and international law. The paper thus contributes to rethinking the history of human rights and the role of constitutions as normative instruments within an evolving international legal order.

Keywords: international law, human rights, postcolonial constitutionalism, Vietnamese Constitution.

1. Introduction

In the history of modern legal and political thought, the year 1948 – marked by the adoption of the Universal Declaration of Human Rights – is often regarded as the foundational moment for the emergence of human rights as an international legal norm (Lauren, 2013; Moyn, 2010; United Nations General Assembly, 1948). While this perspective accurately captures the formal institutionalization of human rights within the framework of the United Nations, it tends to oversimplify the historical trajectory by treating the period prior to 1948 as a “normative vacuum” (Moyn, 2010). In fact, a growing body of scholarship has demonstrated that ideas of rights, human dignity, and justice existed and were articulated across diverse historical and cultural contexts, including societies beyond Europe (Ishay, 2008; Sen, 2004).

Within international law, the post-World War II legal order – particularly following the adoption of the United Nations Charter in 1945 – opened a new normative space in which concepts such as self-determination, equality, and human rights began to receive global recognition, albeit without effective enforcement mechanisms (Koskenniemi, 2009; United Nations, 1945). Nevertheless, as Anghie (2005) argued, this emerging order remained deeply asymmetrical, compelling postcolonial states to pursue innovative legal strategies to assert international legal personality and legitimacy.

In this context, constitutions cannot be understood solely as instruments for organizing domestic political power. Rather, they may also function as outward-facing normative practices, enabling states to engage in global debates over sovereignty, democracy, and human rights (Allott, 2001; Thornhill, 2013). Scholarship on constitution-making further emphasizes that both constitutional processes and constitutional content play a crucial role in shaping state legitimacy and international recognition, particularly in periods of profound political transition (Ginsburg et al., 2009).

This article approaches Vietnam's 1946 Constitution as an early and illustrative case of postcolonial constitutionalism, in which fundamental human rights were constitutionalized prior to the adoption of the 1948 Universal Declaration (National Assembly, 1946). Departing from approaches that primarily situate the 1946 Constitution within national political history or the constitutional thought of Ho Chi Minh (Hai, 2009; Kien, 2013; Mai, 2007), this study argues that Vietnam's first constitution should be understood as an international normative declaration. It reflects the conscious effort of a newly independent state to domesticate and reinterpret universal human rights values within the evolving global legal order before 1948.

2. Literature Review

Existing literature indicates that scholarship on pre-1948 human rights and postcolonial constitutionalism has developed across multiple academic traditions, yet systematic connections between these two fields remain underexplored. In the intellectual history of human rights, canonical works have typically approached human rights as a long-term evolutionary process, originating in ancient moral and legal traditions and undergoing significant transformation during the early modern period and the era of globalization (Ishay, 2008; Lauren, 2013). While this perspective usefully highlights the continuity of human rights ideas, it tends to privilege philosophical lineage over the role of specific constitutional texts, particularly those emerging from postcolonial contexts.

By contrast, a critical strand of scholarship – most notably advanced by Moyn (2010, 2014) – argues that human rights, as a global political and legal project, only fully emerged after 1945 and became clearly institutionalized in the late 1970s. This intervention has been influential in foregrounding the historical contingency of contemporary human rights discourse. At the same time, it has been criticized for

marginalizing earlier or alternative articulations of rights in non-Western contexts (Sen, 2004). These debates underscore the need to take pre-1948 legal texts seriously, especially the constitutions of newly independent states, as significant normative sites rather than mere precursors or anomalies.

Within international legal scholarship, the works of Koskeniemi (2009) and Anghie (2005) have demonstrated that the modern international legal order was constituted in close relation to imperialism and structured by enduring tensions between universality and unequal power relations. From this perspective, postcolonial constitutions cannot be understood simply as instances of technical constitutional borrowing. Instead, they should be analyzed as strategic legal practices through which emerging states sought to assert sovereignty, international legal personality, and normative legitimacy. Studies on constitutionalism and state legitimacy further emphasize the importance of constitutional design in generating political authority and international recognition, particularly during moments of state formation and transition (Allott, 2001; Ginsburg et al., 2009; Thornhill, 2013). Recent scholarship has further emphasized the global and plural trajectories of constitutionalism and international legal development, highlighting how actors from the Global South and postcolonial societies have actively shaped the evolution of legal norms and constitutional practices beyond traditional Western centers (Chrysogonos, 2025; Rajagopal, 2024).

Concerning Vietnam, most domestic scholarship has examined the 1946 Constitution primarily as the foundation of the national constitutional tradition, highlighting its commitments to democracy, the rule of law, and Ho Chi Minh's conception of popular sovereignty (Hai, 2009; Kien, 2013; Long & Trang, 2024; Mai, 2007; Thanh, 2024; Uong, 2017). Other studies have focused on specific institutional dimensions, including the separation of powers, democratic rights, and the organization of state authority (Hung, 2011; Son, 2010; Thai, 2007; Thuat, 2017; Yen, 2020). However, these analyses largely adopted an internal, state-centered perspective and rarely situated the 1946 Constitution within broader international debates on human rights prior to 1948.

Addressing this gap, the present study seeks to bridge these bodies of scholarship by approaching Vietnam's 1946 Constitution as an internationally oriented postcolonial constitutional text. In doing so, it contributes both to the rethinking of pre-1948 human rights history and to contemporary theoretical discussions on constitutionalism and the formation of the global legal order.

3. Theoretical Framework and Methodology

This study adopted an interdisciplinary theoretical framework that integrates postcolonial constitutionalism, international law, and the intellectual history of human rights. At its core, the analysis is grounded in postcolonial approaches to international law, which interrogate the relationship between sovereignty, normativity, and power within the global legal order that emerged after the Second World War. As argued by Anghie (2005) and Koskeniemi (2009), modern international law is not a neutral or purely technical system but a contested normative

space in which postcolonial states are simultaneously subjected to universal legal standards and actively engaged in reinterpreting and domesticating those standards to assert international legal personality and legitimacy.

Building on this insight, the paper conceptualizes the 1946 Constitution of Vietnam as a constitutional text with a dual normative function. On the one hand, it structures domestic political authority and delineates the organization of state power. On the other hand, it operates as an outward-facing legal declaration, through which a newly independent state sought to intervene in international debates on sovereignty, human rights, and state legitimacy. This perspective aligns with sociological approaches to constitutionalism, which emphasize the role of constitutions as instruments for constructing and sustaining legitimacy in contexts of profound political transition rather than as merely internal legal frameworks (Thornhill, 2013).

The theoretical framework is further informed by debates in the history of human rights, which caution against treating 1948 as an absolute point of origin. Works by Ishay (2008), Lauren (2013), and Sen (2004) enable the placement of the rights enshrined in Vietnam's 1946 Constitution within a broader intellectual genealogy of human rights thought, while the critical intervention of Moyn (2010) highlights the historically contingent and politically situated nature of the international human rights project. Taken together, these perspectives allow the 1946 Constitution to be analyzed as a normatively significant pre-1948 case, contributing to a more plural and globally grounded history of human rights.

Methodologically, the study combines legal textual analysis, historical-contextual inquiry, and selective comparative constitutional analysis. First, legal textual analysis is applied to the 1946 Constitution, with particular attention to provisions concerning human rights, popular sovereignty, representative democracy, and the rule of law (National Assembly, 1946). These provisions are examined not only within the framework of domestic constitutional law but also in relation to contemporaneous international norms, especially those articulated in the Charter of the United Nations adopted in 1945 (United Nations, 1945). Second, a historical-contextual approach is employed to situate the 1946 Constitution within the political and legal environment of the pre-1948 period, a moment characterized by the restructuring of the international legal order and the absence of fully institutionalized global human rights mechanisms. This contextualization is essential for understanding the strategic and normative significance of constitutional rights in newly independent states.

Finally, a selective and high-level comparative approach is used to relate the 1946 Constitution to broader patterns of postcolonial constitution-making. Rather than pursuing exhaustive comparison, this method highlights key convergences and divergences between Vietnam's constitutional experience and prevailing postcolonial constitutional trends, thereby clarifying the distinctiveness and theoretical relevance of the Vietnamese case for contemporary debates on constitutionalism and human rights.

4. Results

The International Space of Human Rights pre-1948

One of the central findings of this study is that, prior to 1948, human rights already existed as an emerging international normative space rather than as a complete legal void. Contrary to the conventional interpretation that treats the 1948 Universal Declaration of Human Rights as the definitive “point of origin” of human rights in international law, historical analyses indicate that the period between 1945 and 1948 constituted a transitional phase in which values related to human dignity, freedom, and equality were recognized at the level of principle, even though they had not yet been fully institutionalized (Ishay, 2008; Lauren, 2013).

In the aftermath of the Second World War, the collapse of the European imperial order and the exposure of large-scale war crimes generated a profound moral shock to the legal foundations of the pre-war international system. Within this context, the Charter of the United Nations adopted in 1945 marked the first formal recognition of the relationship between international peace, human rights, and human dignity, albeit in highly general terms and without effective enforcement mechanisms (United Nations, 1945). At this stage, human rights were not conceived as subjective entitlements enforceable before international institutions, but rather as normative principles intended to orient the emerging post-war legal order.

This normative indeterminacy created a wide interpretive space, particularly for newly independent states and national liberation movements in Asia and Africa. While Western powers continued to approach human rights largely as matters internal to sovereign states, postcolonial actors increasingly linked human rights to the right of peoples to self-determination and to demands for the dismantling of colonial domination (Anghie, 2005). As a result, before 1948, human rights did not operate as a stable or coherent body of international legal rules, but rather as a contested discourse in which meanings were negotiated and continuously rearticulated. This interpretive openness also enabled postcolonial actors to participate in shaping the evolving normative language of international law and constitutionalism beyond traditional Western centers (Chrysogonos, 2025; Rajagopal, 2024).

Critical historical scholarship on human rights further demonstrates that, during this period, human rights had not yet acquired universality in the contemporary sense but were closely embedded in specific political projects. Moyn (2010) argues that before 1948, human rights had not yet become the “last utopia” or the dominant moral language of global politics; instead, they coexisted with other powerful discourses, including sovereignty, nationalism, and post-war reconstruction. This perspective helps explain why many constitutions adopted in the immediate post-war era – including the 1946 Constitution of Vietnam – enshrined extensive civil and political rights despite the absence of a binding international human rights regime.

From the standpoint of international law, the pre-1948 period can thus be understood as a phase of pre-institutionalization of human rights, in which norms existed

primarily as moral and political principles rather than as legally enforceable obligations (Koskenniemi, 2009). However, this does not imply that human rights lacked legal significance. On the contrary, the incompleteness of the emerging normative order created opportunities for newly independent states to actively domesticate and shape the content of human rights within their national constitutional frameworks.

In this context, the incorporation of human rights into postcolonial constitutions prior to 1948 may be understood as a form of bottom-up normative practice. Rather than waiting for standardization at the international level, newly independent states employed constitutions as instruments to assert their commitment to universal values, while simultaneously challenging colonial discourses that denied their capacity for self-government and moral agency (Thornhill, 2013).

Overall, this analysis demonstrates that the international space of human rights before 1948 was not a normative vacuum but a formative field in which national constitutions played a particularly significant role. Within this space, the 1946 Constitution of Vietnam should be understood as a deliberate and proactive response to the post-war international legal order – a constitutional text that not only addressed domestic political needs but also directly participated in the early formation of global human rights norms.

Human Rights in the 1946 Constitution as an International Normative Declaration
The analysis demonstrates that the provisions on human rights in the 1946 Constitution of Vietnam cannot be fully understood if they are confined to the domain of domestic constitutional history or internal political development. Rather, in the pre-1948 international context – when human rights had not yet been standardized as binding international legal obligations – the 1946 Constitution functioned as an outward-looking normative declaration. Through this declaration, the newly independent Vietnamese state sought to assert its legal personality, capacity for self-government, and international legitimacy within the post-Second World War legal order.

First, the constitutional recognition of a relatively comprehensive catalogue of fundamental freedoms – including freedom of speech, freedom of the press, freedom of belief, freedom of assembly, and the inviolability of the person and domicile – occurred at a time when the Universal Declaration of Human Rights had not yet been adopted. This temporal fact indicates that these rights were not the product of a simple “transplant” from a fully developed international template. Instead, they reflected a selective appropriation of universal values circulating within the emerging international normative space of the period (Ishay, 2008; Lauren, 2013). In this sense, the 1946 Constitution may be understood as a constitutional practice that preceded – and in some respects anticipated – the formal institutionalization of human rights at the global level.

From the perspective of critical international law, the constitutionalization of human rights in the 1946 Constitution carried a direct counter-discursive significance vis-à-vis colonial ideology. Colonial powers had long justified imperial domination by claiming that colonized societies lacked the political and legal maturity necessary for self-rule, particularly in terms of protecting individual rights and liberties (Anghie, 2005). Against this background, Vietnam's deliberate constitutional commitment to fundamental human rights constituted an explicit challenge to such assumptions. It asserted that the Vietnamese state possessed not only political sovereignty but also the normative attributes of a modern legal order capable of safeguarding human dignity and freedom.

Notably, human rights in the 1946 Constitution were not articulated in isolation from the principle of popular sovereignty but were embedded in an organic relationship with the right of national self-determination. This configuration disrupted a persistent dichotomy in international discourse – both at the time and in later periods – that portrayed postcolonial sovereignty as inherently threatening to individual freedoms. By contrast, the 1946 Constitution articulated an alternative normative model in which human rights were conceived as the moral and legal foundation of national sovereignty rather than as its limitation (Thornhill, 2013).

From the standpoint of human rights historiography, the Vietnamese case also poses a challenge to Western-centric narratives of the development of human rights. As Moyn (2010) argued, human rights only emerged as the dominant moral language of global politics in the latter half of the twentieth century. Nonetheless, the 1946 Constitution demonstrates that core human rights values were appropriated and rearticulated by postcolonial actors at an earlier stage, within political and legal frameworks distinct from those of traditional centers of power. This observation supports a more polycentric approach to the history of human rights, in which newly independent states are understood not merely as recipients of norms but as active normative agents.

At the external level, the human rights provisions of the 1946 Constitution may be interpreted as legal signals addressed to the international community. At a time when Vietnam lacked widespread diplomatic recognition, constitutionalizing universal rights served as a strategy to narrow the gap between de facto political independence and de jure legal recognition within the international order (Ginsburg et al., 2009). The constitution thus functioned not only as an instrument of internal governance but also as an institutionalized legal argument addressed beyond the state.

Within the uncertain legal landscape of the pre-1948 period, the Constitution deployed the language of human rights to assert that Vietnam was not situated at the margins of the emerging global order but was a responsible and capable participant in the formation of international normative standards. This perspective repositions the 1946 Constitution not only within Vietnam's constitutional history but also within the international history of human rights and postcolonial constitutionalism.

The 1946 Constitution as an International Declaration on Human Rights

When situated within the pre-1948 international context, the 1946 Constitution of Vietnam can be understood not merely as a domestic constitutional instrument but as an international normative declaration on human rights. At a time when the post-Second World War international legal order lacked binding mechanisms for the protection of human rights, the constitution emerged as a crucial legal medium through which newly independent states could assert their normative standing within the international community.

First, the 1946 Constitution clearly demonstrated an outward-oriented normative consciousness through its deliberate use of the universal language of individual rights and freedoms. Unlike many contemporaneous revolutionary documents that privileged discourses of class struggle or national liberation in narrow terms, the 1946 Constitution placed human rights at the center of the constitutional order. This choice reflects a high degree of self-awareness regarding the legal language through which international legitimacy was increasingly articulated in the modern state system (Koskenniemi, 2009). In a context where postcolonial actors were frequently evaluated according to “civilizational” standards embedded in the international order, the constitutionalization of human rights functioned as a legal strategy for engaging with – and contesting – the very criteria of such evaluation.

From the perspective of international legal history, constitutions in this period may be understood as a form of normative unilateral declaration. While they did not generate international legal obligations in the strict sense, the human rights provisions of the 1946 Constitution conveyed a clear message that Vietnam voluntarily aligned itself with the emerging universal values of the international community (Allott, 2001). This signaling function was particularly significant given Vietnam’s limited access to newly established international institutions such as the United Nations.

Second, the 1946 Constitution can be interpreted as a normative response to the structural asymmetries of the post-war international legal order. As Anghie (2005) has shown, modern international law developed in close association with imperial power, in which norms of sovereignty and human rights were often applied selectively to preserve existing hierarchies. Against this backdrop, Vietnam’s proactive constitutionalization of human rights did not merely seek to comply with international norms but aimed to reinterpret them from a postcolonial standpoint. The 1946 Constitution thus embodied a dual normative posture – simultaneously receptive to universal principles and critical of the power relations embedded within them.

Importantly, the normative declaration of human rights in the 1946 Constitution was closely linked to concrete democratic practices. The organization of nationwide elections based on universal suffrage and the constitutional recognition of political rights demonstrate that human rights were not articulated as abstract ideals alone but were embedded within specific representative institutions (Ginsburg et al., 2009). This institutional grounding reinforces the argument that the 1946 Constitution was not

merely symbolic; rather, it constituted a normatively grounded declaration aimed at demonstrating the practical capacity for self-government of the newly independent state.

From the perspective of human rights history, the Vietnamese case also enriches prevailing understandings of how international norms emerge. As Moyn (2010) and Lauren (2013) argued, human rights did not suddenly come into being with the adoption of the 1948 Universal Declaration but were the result of a prolonged process of normative accumulation. The 1946 Constitution may be viewed as a significant link in this process, illustrating how non-Western states participated early in shaping the content and meaning of human rights, even in the absence of formal international forums capable of institutionalizing their voices.

Finally, conceptualizing the 1946 Constitution as an international declaration on human rights allows for a re-positioning of this document within the broader history of postcolonial constitutionalism. Rather than treating constitutions as closed, endogenous products, this perspective emphasizes constitutional texts as strategic normative practices through which states negotiate their position within a reconfiguring international order (Thornhill, 2013). The Vietnamese case demonstrates that newly independent states were not merely passive objects of international human rights norms but active agents in declaring, interpreting, and expanding those norms during the formative decades of the modern international legal system.

4. Discussion

Human Rights before 1948 and the Challenge to Western-Centric Narratives

The Vietnamese case invites a reconsideration of Western-centric narratives that dominate much of the historiography of human rights. In canonical accounts, human rights are typically portrayed as a moral and legal project that crystallized after the Second World War and achieved institutional expression with the adoption of the Universal Declaration of Human Rights in 1948 (Lauren, 2013; Moyn, 2010, 2014). While this interpretation highlights the importance of post-war international institutions, it often overlooks earlier constitutional practices, particularly those emerging outside Europe and North America.

The 1946 Constitution of Vietnam illustrates that the normative language of human rights had already begun to acquire constitutional form before 1948. The recognition of fundamental freedoms, political rights, and equality demonstrates that postcolonial constitutional texts could institutionalize rights in relatively coherent ways even in the absence of an established international human rights regime. Rather than passively receiving norms developed elsewhere, the Vietnamese constitutional experience suggests that newly independent states participated actively in shaping the emerging normative vocabulary of human rights.

This observation reinforces broader critiques of linear histories of human rights. As Moyn (2014) argues, human rights should be understood as historically contingent

practices rather than as the inevitable outcome of a single foundational moment. From this perspective, constitutional texts in newly independent states constituted important sites where the language of rights was articulated and adapted to new political contexts. Scholarship on global constitutionalism similarly emphasizes that constitutional developments have never followed a single Western trajectory but have emerged through diverse historical experiences across different regions (Chrysogonos, 2025).

Seen in this light, the Vietnamese case supports more plural and polycentric accounts of human rights history. Pre-1948 human rights should therefore be understood not as a normative void but as a contested global space in which postcolonial actors mobilized legal language to assert sovereignty, legitimacy, and resistance within an unequal international order (Rajagopal, 2024).

Postcolonial Constitutions as Normative Strategies in the International Legal Order

A further contribution of this study lies in clarifying that postcolonial constitutions functioned not only as instruments for organizing state power but also as outward-oriented normative strategies. In the post-war international legal order – marked by deep asymmetries and the absence of effective enforcement mechanisms for the right to self-determination – newly independent states were compelled to seek alternative ways to assert their legal personality and legitimacy (Anghie, 2005). The 1946 Constitution of Vietnam illustrates this dynamic. Its constitutionalization of human rights, representative democracy, and the rule of law can be interpreted as an effort to employ the language of modern international law to challenge colonial discourses that questioned the capacity of colonized societies for self-government. In this sense, the constitution functioned as a “legal declaration” directed at the international community, asserting that the Vietnamese state satisfied the normative criteria associated with modern statehood (Koskenniemi, 2009).

This interpretation also extends scholarship on comparative constitution-making. Although Ginsburg et al. (2009) have demonstrated that constitution-making processes influence state legitimacy and political stability, much of this literature focuses primarily on the internal institutional consequences of constitutional design. The Vietnamese case indicates that, in postcolonial contexts, constitutions also performed an external function: negotiating the state’s position within the international legal order. This perspective aligns with Thornhill’s (2013) sociological understanding of constitutions as instruments for constructing legitimacy during periods of political transformation. The 1946 Constitution thus reflected not only domestic revolutionary aspirations but also a conscious engagement with emerging international norms. Postcolonial constitutions should therefore be understood as strategic legal practices rather than as mere instances of institutional imitation.

Sovereignty, Human Rights, and the Possibility of Reconciliation in Postcolonial Constitutions

A central issue in contemporary debates concerns the relationship between national sovereignty and human rights. In many accounts – particularly within Western liberal

traditions – the sovereignty of postcolonial states is frequently portrayed as a potential threat to the protection of individual rights. Conversely, newly independent states sometimes view human rights discourse with suspicion, perceiving it as a possible instrument of external intervention (Allott, 2001).

The 1946 Constitution of Vietnam suggests an alternative perspective by demonstrating the possibility of reconciling these two principles within a postcolonial constitutional framework. Rather than presenting sovereignty as an abstract attribute of the state, the constitution grounds it in the principle of popular sovereignty. The affirmation that political authority derives from the people simultaneously provides the normative foundation for the protection of fundamental freedoms. In this configuration, sovereignty and human rights do not stand in opposition but reinforce one another as complementary sources of political legitimacy.

From a historical and normative standpoint, this approach is particularly significant in the pre-1948 context, when human rights had not yet been institutionalized as binding international legal obligations. Vietnam's early constitutionalization of civil and political rights indicates that human rights could emerge from internal processes of state-building and legitimacy formation rather than solely from external international pressures. In this sense, rights in postcolonial constitutions formed part of broader political projects aimed at establishing both national independence and stable constitutional governance (Sen, 2004).

This interpretation also contributes to contemporary debates on global constitutionalism. It suggests that constitutional orders in postcolonial contexts can function as mediating spaces where tensions between sovereignty and universal norms are reconfigured rather than eliminated. The Vietnamese case therefore illustrates how postcolonial constitutionalism may provide alternative models for reconciling national self-determination with the normative aspirations of the international human rights order.

5. Conclusion

This paper has approached the 1946 Constitution of Vietnam as a constitutional text whose significance extends beyond the confines of national political history, situating it at the center of theoretical debates on pre-1948 human rights, postcolonial constitutionalism, and the emerging international legal order in the aftermath of the Second World War. Through an analysis of the rights and principles constitutionalized therein – including human rights, popular sovereignty, representative democracy, the rule of law, and equality – the study demonstrates that the 1946 Constitution functioned not merely as an instrument for organizing state power, but as a deliberate normative declaration aimed at asserting Vietnam's legal personality and international legitimacy in the context of decolonization.

At the theoretical level, the article contributes to a rethinking of human rights history by challenging linear and Western-centric approaches that treat 1948 as a decisive point of origin. The Vietnamese case shows that human rights were already being

institutionalized in postcolonial constitutions as an early normative practice, even in the absence of international enforcement mechanisms. This finding invites a multi-centered approach to the history of human rights, one that recognizes newly independent states as active participants in shaping global normative content rather than as passive recipients of externally generated standards.

At the same time, the study clarifies the role of postcolonial constitutions as outward-oriented legal strategies. Under conditions of a post-war international legal order marked by persistent asymmetries, constitutions became crucial instruments through which newly independent states negotiated their status, contested colonial discourses regarding capacities for self-government, and engaged in global debates on sovereignty and human rights. This perspective complements comparative constitution-making scholarship by foregrounding the normative and external dimensions of constitutionalism alongside its more familiar internal functions.

Taken together, the 1946 Constitution of Vietnam can be understood as an active and creative form of postcolonial constitutional practice, in which human rights were mobilized simultaneously to affirm national independence and to facilitate integration into an emerging international normative order. This case is not only of historical significance but also offers important insights for contemporary scholarship on the relationship between human rights, sovereignty, and constitutionalism in a world that continues to be shaped by globalization and enduring power asymmetries.

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