

Autonomy of Vietnamese Villages through Village Regulations

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Abstract: Since the beginning of time, Vietnamese farmers have been residing in villages. In the early days since the formation of Vietnamese communes, or villages, when the intervention of the feudal state was still limited, self-management and autonomy were highly positioned in the administrative units. Then, with the development of the units and the increasingly stronger intervention of the feudal state, birth was given to village customs, first unwritten, then in the written form, and, afterwards, the village regulations. The documents regulated most of the aspects of the activities in the Vietnamese village, such as the organization of social institutions, social activities... The regulations of different villages both share similarities and bear uniqueness, with autonomy demonstrated diversely in aspects of life, as recorded in them.

Keywords: autonomy, villages/communes, village regulations, Vietnam.

1. Introduction

The village was an administrative unit of the feudal state, but it possessed relative independence from the central authority. The autonomy of Vietnamese villages originated from the remnants of primitive communalism. Each village had its own area, economic basis (land) and government system. A village was a social institution, which had a varying but secure structure and a high level of community and autonomy. Thus, Vietnamese villages were like miniature states with their own governments and laws.

2. Basis of autonomy

Our villages were communities formed a long time ago along with the disintegrating process of clan communes and the replacement of rural communes. Each village had a number of families living in a

certain area. Apart from village relationships, blood relations were still preserved and strengthened to create a village/relative structure in which several large families held decisive power in the village activities. The village – relative structure was a feature of Vietnamese villages. Then, all farming lands together with forests, rivers, ponds were under the ownership of the village. The village's farming land was distributed among member families in accordance with the communal village's regulations based on equality and democracy, possibly a one-off distribution and making adjustments if necessary. The main production units in the village were

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small families. Apart from the farming land allocated to members, the village could keep part of it for collective production in order to use the yields for public expenses. Reclamation, irrigation and other forms of public labor were carried out by the joint labor of members of the village.

Vietnamese villages, being a form of oriental communalism whereby agriculture was closely tied to handicraft, the village was closely tied to the land, enjoyed a high level of stability. They formed a concrete fortress to guard against every assimilation plot by the Chinese feudal authority throughout the one thousand years under Northern (i.e. Chinese) domination.

After the country gained independence, the central government step by step intervened into the villages. From the 10th century onwards, Khuc Hao started assigning the title of “*xã quan*” (commune/village mandarin/official), marking the official intervention of the state into the activities of villages. This form was maintained until the 15th century with different names such as “*xã trưởng*”, “*xã tử*” or “*xã tư*”.

However, from the 10th to the 15th century, the title of “village official” existed intermittently and was occasionally underestimated, not highly regarded in the structure of the government system. Under the reign of King Tran Thai Tong (1225-1258), “village official” was categorized among the five grades or six grades but during the reign of King Le Thanh Tong (1460-1497), “village official” was changed into “village head” (*xã trưởng*) and was chosen from scholars or students. Under the Canh Tri reign (1663 – 1671), the criteria for village head were only “people from

good families” and qualifications were not requested.

From then onwards, the government was no longer concerned with the selection and appointment of village heads. The appointment of village head was decided by the village. *Hong Duc Thien Chinh Thu*, a book of laws under the Mac dynasty (writes Tran Thi Kim Anh: “*Hong Duc Thien Chinh thu* was compiled in the Mac dynasty, circa 1541 to 1560, i.e. around the reigns of Kings Mac Phuc Hai (1541 – 1546) and Mac Phuc Nguyen (1546 – 1561)”) stipulated on the appointment of the village head as follows: “The villages must appoint a village head by all means. According to regulations there shall be *xã chính*, *xã sử* and *xã tư*, each performing a job. Whoever appointed must be middle-aged and has proper conduct. The position cannot be assigned to someone who is a bad person, who takes advantage of public work for personal gains and gathers parties to bring harm to local fine customs and morals. If this regulation is wrongly followed, the mastermind of the infringement is to be captured” [4, p.55].

3. Autonomy through village regulations

Each village had two management bodies: a government body (headed by village officials/ village heads) and a council of elder village notables... whereby the council held true power.

The central government had witnessed the autonomy of the villages through village regulations and also realized that the decentralization of power in the villages would cause an impact on its centralization of power. Thus, the king advised villages “not to create their own conventions” but to

follow laws/rules set by the government. *Hong Duc Thien Chinh thu* clearly stated that: “The government provides laws to be exercised upon. For a peaceful and prosperous country, there shall not be localities’ own regulations, so that harms shall be eliminated, the just are to be followed and the unjust are to be abandoned. If a village has established different rules, creating conventions and prohibited practices, there shall be a scholar official, who is elder in age and of virtues and integrity, for the proper performance. Once the conventions are established, they must be submitted for review and approval by government officials” [4, p.104-105].

On that account, the king had taken advantage of the duality of village regulations, wanting to both make use of the regulations to intervene deeper into the activities of the villages and to restrain the use of the regulations. The government had its own laws while the villages had their own village regulations. Village regulations provided a mean to apply the laws in accordance with the conditions of their villages or regulated with several articles on the contents which the law was lacking. However, the contents of village regulations were not allowed to supersede the regulations of the central government. On 12 August, 1921, the Resident Superior of Tonkin promulgated Decree No. 1949 on the re-organization of commune/village apparatus. The Decree consisted of 6 parts and 27 articles. Part 1 regulated with 2 articles on the management of villages that was assigned to the village administration council, which consisted of lineage representatives appointed by clans. Part 2 regulated the voting method, including 5

articles. Part 3 regulated the rights of the village administration council, including 3 articles. Part 4 regulated the organizational structure of the council, including 7 articles. Part 5 regulated the functions of the core members of the council. Part 6 was about the discipline and execution of the Decree. All the lineage representatives/“giáp” representatives formed the elder village notables’, or the village, council (“giáp” – inter-clan – is the combination of some clans in the village; there are some “giáp” in a village).

The lineage representative council was a body that held the governing power over all activities of the village. The more-than-100 reformed village regulations of Bac Ninh province currently being kept at the library of Institute of History all read: “Many clans or “giáp” together formed a village. Hence, there must be people representing the clans and “giáp” called “tộc biểu” (lineage representative) or “giáp biểu” (inter-clan representative) to manage the village activities”. The council would appoint the “chánh hương hội” (president), vice president, treasurer, secretary... These were the ones who held true power over the village, managing village activities during the time between meetings of the council. However, the village council’s opinion would only take effect if the ayes accounted for more than half of the votes in the meeting.

A “xã trưởng” (village chief)/ “lý trưởng” (village head) was the person who headed the village, represented the villagers in communicating with higher authorities and, at the same time, acted as the representative of the government in the village. However, the village chief/village head was not appointed by the central

government but was selected by village officials and approved by the village council [7] and accepted by the government. Village regulations of Thac Qua village (Bac Ninh) also clearly stated that: “The recruitment of village head, deputy head, (...) shall all follow the State’s decree, and the appointment of village chief watchman shall be a selection among those aged 25 or above, being careful, having a robust physique, good moral values, (...), appointed by village officials and accepted by the village council which would submit to the higher authority for approval” [9].

The state government did not intervene into the appointment of titles in the villages but provided criteria for the village people to make selections. The village’s management apparatus was a self-management system of the village. The presence of the village officials also heightened the village’s autonomy.

4. Autonomy in the field of economics

Autonomy in the field of economics was shown in the distribution of public village farming land and tax collection. For an agricultural country, farming land was considered a valuable resource which determined the quality of life as well as the stability and growth of the society. In nominal terms, all farming lands were under the ownership of the state, which was headed by the king. Every 3 or 6 years, the state assigned government officials (mandarins) to measure the public farming land of the villages and establish land registers to determine the tax. However, the allocation of farming land was for the lineage representative/village council with the state making little intervention. Regulations of several villages also

mentioned village farming land as well as the purpose, method and subjects of allocation. Conventions of Phu Kinh village, Hai Hoa commune (Hai Lang, Quang Tri) compiled by a group of senior village officials in the sixth lunar month of 1774 stated that: “with respect to land distribution, the two levels of officials were allocated first [to choose the more fertile land]. The third level, who are the commoners, have to accept their lower status and receive such unfertile soil with rocks and stones in, that huge efforts spent on farming would not yield enough to pay the tax... Now, commune officials have met and discussed, and, based on ancient rules, distributed the land evenly among the lower class people so that they can own the land forever”.

Regulations of Bang Trang commune (Dien Hung canton, Truc Ninh district, Nam Dinh province) established in the 3rd Chinh Hoa year (1682), copied during the Nguyen dynasty stated that: “The commune people had a public land of 235 “mẫu” (1 mẫu = 3,600 m² in northern Vietnam), and the re-allocation shall be periodically done every 2 years” [14, p.20].

Conventions of Duong Lieu commune, Dan Phuong district, additionally established on the 18th of the tenth lunar month in the 12th Chinh Hoa year (1691) had 12 articles on public farming land as well as the allocation of the land: “Within the village anyone reaching the age of 17 shall be allocated with farming land in the areas, anyone reaching the age of 18 shall perform tax and service obligations like a mature man. For those who have not been allocated with farming land, they would be responsible for paying tax upon turning 19” [13, p.269].

Conventions of Phu Liet village, Phung Cong canton, Bac Ninh province also clearly stated that: “The village has the public land of 82 “mẫu”, deducted with 12 mẫu and 9 “sào” (1 sào = 360 m²) dedicated to the local temple and pagoda, so remaining is 69 mẫu and 1 sào. The land shall be allocated to mature men in the village aged from 18 to 60. The land shall be equally distributed to each person, re-allocated every 3 years. In the year of the allocation, the village officials shall discuss to calculate the number of people to be allocated with land, and how many “mẫu” or “sào” per person. The land register officer shall draw a map, number each area and part and then ask the village head to take farmers to the areas to allocate to them” [11].

Nominally, public farming land belonged to the State but the allocation was decided by the elder village notables’ council/lineage representative council. The village head (representative of the state) did not play any role in the allocation of farming land to village members. In other words, the villages had complete autonomy over the allocation of the village’s farming land. This was a sign of autonomy.

The autonomy of the villages was also expressed through the function of tax collection. Every year, the central government determined the total amount of tax to be paid by the village people. Based on that, the village head had to report to the “chánh hương hội” (president) of the village council so that the elder village notables’ council/lineage representative council could meet up and discuss the tax collection. Regulations of Phuc Xa village, Phuc Lam canton, Hoan Long district, regulated: “Article 9 – Every year, when the

tax collection is due, the village head shall receive instructions [from higher authorities]. He shall report to the council of affairs and attend meetings of the allocation council. Based on the numbers stated in the record book on the tax for farming land and residential land, amount on personnel, amount on land, together with allowances for the expenses spent by the village head to perform the tax allocation, summed up are all those amounts which is then made into three copies, submitted to the local government official (mandarin) for approval, one copy kept in the household, another kept by the village head, and the last copy posted at the communal house seven days prior to the collection date so that the people would be aware of the date. Whoever pays the tax shall be given a receipt (...) by the village head to ensure transparency...” [5, vol.1, pp.184-185].

Thus, the central government only assigned the total amount of tax to be paid by the villages, whereas the allocation was to be decided by the elder village notables’ council/lineage representative council.

5. Autonomy in keeping social order and security

Each Vietnamese village was an “inviolable fortress”. The village was surrounded by a bamboo fence. The fence both provided a green cool shade and acted as a solid wall protecting the village from rebels, robbers, and invaders. The men in the village were organized into simply armed teams with sticks and spears. They took turn to be on patrol to protect the villagers’ properties and lives. Among more than 100 reformed village regulations of Bac Ninh province currently being kept at the Institute of History, there were many articles on the establishment of patrolling

groups to protect the properties and the villagers. The groups were established by clan, "giáp" (inter-clan) or men in the village and supervised by the village chief watchman ("trưởng tuần") or deputy village head. The appointment must be done every year in January. Those who were selected to join the group could spend their own money on buying rudimentary weapons to arm themselves or the village would use public funds on the expenditure: "The village shall use the public fund on the purchase of weapons for watchmen such as hooks, sticks, spears and spikes, which must be returned to the village upon expiry. Those lost or broken must be compensated immediately." [5, pp.2, 601]

Regulations of Dong Nhan village also mentioned that the group was equipped with weapons such as hooks, sticks, spears and spikes. To guard the village, each village, depending on its demand, placed a different number of watch houses. For example, Co Loa village in Co Loa canton had up to 12 watch houses, whereas Dong Nhan village in Dong Nhan commune, Dong Anh district, had only 1; Dai Dong village in Sap Mai canton, Dong Anh district, had 3 watch houses which corresponded with 3 village gates; Kim No village, Hai Boi canton, Dong Anh district, also had 3 [5, p.2]. Apart from rudimentary weapons such as hooks, sticks, spears and spikes, at each watch house there were "mô" (a wooden instrument that makes sounds) and drums used to make alert signals on the arrival of rebels and robbers and in case of a fire. Patrolling the village was the responsibility of all members. Therefore the village would request villagers to take turn to join the patrolling group.

Regulations of Van Diem commune, Ha Lo canton, Bac Ninh province, also regulated the guarding: "For the guarding of the village, the village shall appoint a watchman group (patrolling group). The number of watchmen and the assigning method whether by clan or "giáp" (inter-clan) would be decided by the village council. If the person assigned with the patrol is to be absent, he shall ask someone to be his substitute or must pay an amount of money such that the village council could hire someone else to be the substitute." [10]

Regulations of Luc Canh village, Xuan Canh canton, regulated that: "The village is to assign 8 people as watchmen and deputy head of watchman group. Under normal conditions, the watchmen shall take turn to guard the people and farming land. In case there is a signal of robbery, all watchmen and village men must help [in the fighting]." [5, pp.2, 485]

To deter the failure to carry out the patrolling task, the regulations laid out the punishments against those who failed to fulfill the obligation. "The watchman, who is on duty for the patrol but fails to perform it, would be subject to a fine of 0.2 *dong* for the first time and a fine of 1 *dong* for the second time. If he recommits the violation for the second time [meaning he has failed to show up for the third time already], the punishment would be the removal of his name from the village register of mature men. Those whose names have been removed from the register would be disqualified for any title in the village for 2 years." [10] "The watchman on duty must be responsible for robberies in the village. If someone in the village is robbed and the

watchman cannot catch the culprit, he must compensate the household with the lost value. Once the robbery is discovered and the watchman has tried his best to resist but to no avail, he shall not have to take responsibility for that.” [8]

In several village regulations of Hanoi, there were articles which regulated the responsibilities as well as the obligations of watchmen in the patrol and protection of the village: “The watchman group normally has to go on patrol day and night around the village so that the robbers cannot enter the village.” [5, pp.1, 331]

The watchmen were responsible for not only the guarding against robberies and protection of social order and security, but also the protection of production activities such as: protection of dykes and ditches; prevention of draining of water for wanton fishing; ensuring that the water for irrigation is sufficient for the various seasons and crops. In addition, they had to guard and protect the rice and other crops. If the rice and other crops were damaged by the cattle, and the watchman failed to catch them, he would have to compensate for the household: “If the protection is not well performed, the lost items must be compensated for by the full amount. If any watchman shows bad behaviors and refuses to admit his mistakes, the “giáp” that he belongs to would have to take responsibility for the compensation. Any man aged 60 or around 60 is not allowed to do the patrol.” [3]

The villages all regulated the remuneration for the watchmen: “The village shall pay the watchmen a wage, not discriminating between the major watchmen and other [subordinate] watchmen... The money would be paid twice, in the fifth and

the tenth lunar months. The payment replaces the amount of rice which the watchmen were allowed to collect previously. From now on, when the time for harvesting arrives, the farm owner must pay [the amount of money] to the treasurer.” [8]

Village regulations also regulated the rewards to watchmen who caught robbers, as well as compensations for those who died or became wounded in the fight against enemies (invaders or rebels) or robbers. Regarding the guarding in the village, village regulations of Hoang Mo commune, Phi Mo canton, Bac Giang province, provided that: “The village will offer a reward of 1d (one dong) for catching a burglar and 10d (ten dong) for catching a robber.” [8] The watchman would be given 5 “quan” (a monetary unit) if he was mildly wounded while fighting the robbers, and from 10 to 30 *quan* if severely wounded, so that he could buy medicine for treatment. In case a watchman was killed by the robber, the village would pay an amount of money for the funeral, and all the villagers would attend the funeral. His son would be given the respected title of “nhiêu” and thus exempted from public labor all his life (if the watchman did not have a son, the entitlement would go to his nephew).

6. Autonomy in terms of religion

Each village had a “đình” (communal house) to worship its own tutelary god, as a proverb goes: “Each village beats their own drum and worship their own tutelary god”. The people consider the village tutelary god the one who governed the entire village, and a guardian angel who gave blessings and protection to the villagers. Therefore, village regulations regulated very clearly the worshipping of the tutelary god. The

worship ceremony of the god was performed on a certain number of days of the year as stipulated in the legend on the god. The ceremonies expressed the solemnity in worshipping the god, which were demonstrated in processions and worshipping/offering rituals.

If the tutelary god is worshipped at both the communal house and the temple, before the festival's date, the village organized a group of people to carry the worshipping instruments, gongs and drums, flags, etc. from the communal house to the temple in order to take the god from the temple to the communal house. At the end of the festival, the villagers took the tutelary god from the communal house back to the temple because, according to the village's belief, the communal house was only a place for what is called "worship from a distance", and it is the temple that was considered the main place of worship. For villages where the main place for worshipping was the communal house itself, there is no need to conduct such a procession.

The "tế" (sacrifice) ritual of the tutelary god was a series of very strict regulations of the village on things from the selection of the *chủ tế* (principal officiant), *bồi tế* (assistant officiants), *Đông xướng* (announcer of commandments in the East), *Tây xướng* (announcer of commandments in the West) to the appropriate movements, gestures and clothing... of the participants and the order of their movements during the ritual.

Every year, the death anniversary of the village tutelary god was the most joyful and crowded festival of the village. During the festival days, apart from the preparation of the feast and the eating, there were many

other activities and rituals such as the performance telling the story on the god, *tế* ritual, procession using the palanquin or playing of games, martial arts, cockfighting, rice cooking and swimming competitions, swinging on high, human chess, "*chèo*" traditional opera, "*tuồng*" traditional plays, etc. The atmosphere was filled with joy day and night, and could last for 2 to 3 days at some places. People of every age all waited for this day, especially young men and women, because that was an opportunity to meet up, make friends and confess their love.

In addition to the worship of the tutelary god, a number of villages also worshipped "*hậu thần*". These were the people who donated their properties to the village for renovation of the communal houses and temples, making Buddhist statues, casting bells and building local roads ... In times of hardship, the money they donated could save the whole village. Therefore, most village regulations had provisions on the worship of *hậu thần*. The regulations of Dai Tai village, Xuan Cau canton, stated clearly the names of the worshipped and the dates of worshipping: "29th of the second lunar month: anniversary of baccalaureate, Mr. Tu Lam; (...); 11th of the eleventh lunar month: anniversary of baccalaureate, Mr. Elder." [6]

In the worship of the tutelary god, there were differences in timing as well as the way of organizing depending on the god worshipped. The worshipping is part of the spiritual life of the inhabitants of Vietnamese villages. Village regulations provided very clearly on festivals – from the lunar New Year festival, to those on the first full-moon day of the year (the 15th of

the first lunar month), the first and the middle (15th) days of the lunar months, the day when the tutelary god “went to heaven”... All the festivals are linked with specific customs. These customs are like the characteristics, or the “personality”, of each village, through which we can distinguish a village from another.

7. Conclusion

Throughout a long period of time, the feudal State of Vietnam was recognizing the autonomy of villages and bringing its role into full play in the organization of the government apparatus. Autonomy was one of the basic features of Vietnamese villages, which bears both positive and negative elements. There is no doubt that autonomy made no small contribution to creating close cohesion in villages and maintaining fine traditional values and a unique cultural identity of each of the villages.

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