

Re-periodisation of Village Regulations in Vietnam

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Abstract: “*Hương ước*” (village regulations, also known as village codes or village conventions) are documents which record the regulations of a village. Vietnamese researchers often classify village regulations according to three periods: old (up to 1921), reformed (from 1921 to 1945), and new village regulations (from the early 1990s to the present day). Having studied Sino-Nom documents, the author came across the incompleteness of the above-mentioned method of periodisation, and points out the existence of a period between the old and the reformed village regulations, known as the pilot reformed (PR) village regulations. This lasted from 1905-1906 to before 12 August 1921 and connected the periods either side. The pilot reform rules had their own characteristics and as such they occupy a special place in the history of Vietnamese village regulations. Analysing the results of the study, the author therefore deems that Vietnamese village regulations should, in fact, be classified into four periods: old, pilot reformed (PR), reformed, and new village regulations.

Keywords: Vietnamese villages, village regulations, periodisation of village regulations, pilot reformed (PR) regulations, Vietnam.

Subject classification: Cultural studies

1. Introduction

“*Hương ước*” (village regulations), or “*tục lệ*”, “*khoán lệ*”, “*hương lệ*”² are “records of regulations or conventions related to social organisation as well as the social activities of a village, which have gradually developed throughout history, and been adjusted and supplemented where necessary” [11, p.62].

It is surmised that village regulations first made their presence known in Vietnam in the 15th century and since then they have been continuously recorded by villages and communes. However, in each historical period, village regulations have varied in terms of characteristics, and their periodisation is often also based on historical milestones. In this paper, the author relies on Sino-Nom written records of regulations to suggest a

method of village regulation periodisation which differs to the one commonly applied up to the present day.

2. Preceding researchers' periodisation of village regulations in Vietnam

According to the author's statistics, the periodisation of village regulations has appeared in at least five publications, as follows:

1. Bui Xuan Dinh (1998), *Village Regulations and Management of Villages and Communes*, Social Sciences Publishing House, Hanoi.

2. Nguyen The Long (2000), *Ancient Hanoi as Seen in Village Regulations*, Hanoi Publishing House, Hanoi.

3. Ngo Duc Thinh (2000), "Customary law with the rural development at present in Vietnam", *Customary Law and Rural Development in Vietnam Today*, National Political Publishing House, Hanoi.

4. Phan Dai Doan and Bui Xuan Dinh (2000), "Three Development Periods of Village Regulations", *Customary Law and Rural Development in Vietnam Today*, National Political Publishing House, Hanoi.

5. Dao Tri Uc (Chief author) (2003), *Village Regulation in Practice of Democracy in Rural Vietnam at Present*, National Political Publishing House, Hanoi.

Authors, such as the above, have developed the following concepts relating to the periodisation of village regulations:

Firstly, "Before the 1945 August Revolution, village regulations had existed in the majority of villages and communes in the midland of northern Vietnam, the Red River

Delta region and the North Central region [...]. These village regulations can be divided into two types, corresponding to two different historical periods. In the period before the village administrative reform under French colonial rule in Tonkin (the northern part of Vietnam as divided in the French colonial period), village regulations were written in Chinese characters³ by villagers themselves with no uniform templates. Therefore, they are diverse in terms of names, content, quantities and the provisions laid out. For village regulations developed in accordance with the 1921 policy on village administrative reform (supplemented in 1927 and 1941)⁴, most were recorded in Romanised Vietnamese script ("*chữ quốc ngữ*". lit. national language script) while some were still written in Chinese characters⁵" [7, p.203].

Secondly, "Village regulations [...] which endure today include some old ones dating back to the 19th century under the Nguyen dynasty, and from the beginning of the 20th century⁶, written in Chinese characters and Nom script, archived at the The Institute of Han Nom Sino-Nom Studies, as well as the reformed ones of the feudal era and the post-1921 French colonial period, archived in the Institute of Social Sciences Information (ISSI)⁷. These had all been collected by the French School of the Far East (French: *École française d'Extrême-Orient*, or EFEO) in the 1940s [...]", [13, p.30].

Thirdly, "Village regulations encompass two kinds: the old version written in Chinese characters or Nom script, and the reformed type which appeared at the beginning of the 20th century in line with the French colonialists' rural reform policy. If the fact that many villages and communes have nowadays developed new regulations is

taken into consideration [...], then the village regulations of the Vietnamese people can be deemed to have gone through three transformations from the old village regulations to reformed village regulations and new-generation rural rules” [15, p.29].

Table 1: Types of Village Regulations Classified by the Periodisation of Scholars

No.	Type of village regulation	Time period	Script	Individual who made the periodisation
1	“Old village regulations”	From the 19 th century to the early 20 th century	Chinese characters, Nom script	Nguyen The Long
		From the 15 th century to before August 1921	Chinese characters, Nom script	Kieu Thu Hoach
			Chinese characters, Nom script	Ngo Duc Thinh
		From the mid-15 th century to 1921		Phan Dai Doan - Bui Xuan Dinh
	“Village regulations before the village administrative reform”	Before the village administrative reform in Tonkin	Chinese characters	Bui Xuan Dinh
2	“Reformed village regulations”	After 1921		Nguyen The Long
		Early 20 th century		Ngo Duc Thinh
		From 1921 to the 1945 August Revolution		Phan Dai Doan - Bui Xuan Dinh
	“Village regulations written according to the village administrative reform policy in 1921”		Chinese characters, <i>quốc ngữ</i>	Bui Xuan Dinh
3	“New village regulations”	Early 1990s to the present day		Phan Dai Doan Phan Dai Doan - Bui Xuan Dinh
	“New-generation rural rules”			Ngo Duc Thinh

Fourthly, “[...] village regulations have gone through three periods of development: - The period from the mid-15th century to 1921 when those in villages and

communes wrote the village regulations themselves (“old village regulations”);

- The period from 1921 to the August Revolution in 1945: village regulations were developed in line with the village administrative reform plans of the French colonialists;

- The period from the early 1990s to now: this is the period of “village regulation re-establishment” or “new village regulations” [6, p.125].

Fifthly, “To talk about old village regulations is to talk about those written in Chinese characters and Nom script from about the 15th century to around the first decades of the 20th century, i.e. before the period when the French colonial authorities applied the village administrative reform [...] in August 1921 in Tonkin” [16, p.27].

Lastly, “Nowadays, numerous villages in the Northern Delta region have re-established their regulations with content that complies with the law and socio-economic life in the new context” [7, p.7].

In short, village regulations are divided by researchers into three types, each with different names, timeframes and scripts (see Table 1).

In conclusion, despite disagreements over nomenclature of different kinds of village regulations, as well as the timeframes and the scripts the regulations were written in, opinions about village regulations in general can be summarised into three categories: 1. “Old village regulations” (before the village administrative reform); 2. “Reformed village regulations” (in accordance with the village administrative reform policy stated in the *Decree and Directive on the Foundation of Village Societies and Formulation of the Communal Register of Receipts and Expenses in Tonkin*⁸, hereinafter referred to as the Decree, dated 12 August 1921, issued

by the Resident Superior of Tonkin); and 3. “New village regulations” (from the early 1990s to the present day).

3. Physiognomy of the three kinds of village regulations

Firstly, the old village regulations. To date no evidence has been found identifying when the earliest village regulations were written. However, based on the article that forbade people formulating their own rules (stipulated in “*Hồng Đức thiện chính*”, lit. the good political administration under the reign of King Le Thanh Tong) [25, pp.51a-51b], researchers surmise that Vietnam recognised the existence of village regulations as far back as the 15th century. The old village regulations span the period from the 15th century up to 12 August 1921 when the Decree was issued. The contents of the old village regulations relate to the customs of each particular village, including many “*hủ tục*” (lit. bad customs, meaning obsolete/uncivilised ones, also translated as “depraved/unsound customs”), such as in “*tế tự*” (worshipping ceremonies), weddings, funerals, and “*khao vọng*” (ceremonial banquets/feasts held when one is nominated/promoted to a certain position). Such activities were often accompanied by complicated, costly and cumbersome procedures, while harsh (or even brutal) punishments were meted out against individuals committing acts that violated village regulations, particularly if they were considered to be licentious.

Secondly, the reformed village regulations. After 12 August 1921, almost all villages developed their reformed regulations with

templates provided⁹, in two parts: (1) *General regulations* (administrative matters, registers of receipts and expenses, taxation, lawsuits and denunciations, emergency rescue, personal hygiene, and so on); and (ii) *Customs* (for example relating to land and farmland, weddings, funerals, “*tế tự*”, “*khao vọng*”, etc.). Village regulations in this period, except in very special cases, were quite similar regarding part one. As for the second parts, although customs of the village in general remained the same, brutal punishments and all activities considered obsolete/bad/uncivilised (such as the practice of “you scratch my back and I’ll scratch yours” (lit. “repaying” to another person the “debt” incurred by having come to eat at an event held earlier by the person) at weddings, funerals and ceremonial banquets, as well as the high cost and pomposity of worshipping rituals) were eliminated.

Thirdly, the new village regulations. After the August Revolution, due to the extreme and rigid viewpoints which considered village regulations a remnant of the old regime, they were removed from the social arena. However, having seen quite early on that this removal had been a mistake, during a visit to Thai Binh Province, President Ho Chi Minh reminded the local authorities: “Village regulations are the rules of the village. Say for example the villagers agree with one another not to let buffaloes and bulls trample over rice fields, or chickens to eat vegetables and rice seedlings, or not to steal from one another. These were good customs in the rural areas of our country in the past. After the Revolution, you have removed all of them and that is not a proper thing to do. The Revolution only eradicates the bad things, and the good ones must be kept” [1, p.43]. However, only after the promulgation of

“*Khoán 10*”, or Directive No. 10 of the Party on the policy agreement with farmers regarding output in agricultural production, when “households [...] became autonomous economic units again [...], the position and role of the village in socio-economic management as a traditional residential community with its own organisational institution, customs, practices, beliefs, psychologies and social characteristics, were gradually reaffirmed. The re-establishment of village regulations, known as “*quy ước làng*” (village rule), began in some villages of former Ha Bac Province (now Bac Giang and Bac Ninh Provinces)” [6, p.125]. Its development and implementation continued to be overseen by Party and Government leaders via many directives such as the Resolution of the 5th plenum of the Party Central Committee of the 7th tenure (10 June 1993), the 5th plenum of the Party Central Committee of the 8th tenure (1996), Directive of the Prime Minister on the development and implementation of regulations and rules of villages, hamlets and residential clusters (1998), Inter-ministerial circular guiding the development and implementation of regulations and rules of villages, hamlets and residential clusters (2000), to name but a few. Through the above documents, the development of the “new village rule” was gradually standardised. To date, almost all villages and communes have developed new village regulations¹⁰.

4. There is another kind of village regulation; or the re-periodisation of Vietnamese village regulations

Chronologically speaking, the periodisation of village regulations is beyond dispute.

However, the village regulations were developed not only across the three periods but there was, in fact, a fourth transitional stage between the old and reformed village regulations. This included village regulations in the pilot village administrative reform period (hereinafter referred to as “the pilot reform period”). It provides a wealth of documents detailing interesting information about an era of villages and communes in general and village regulations in particular. In some recent years, more and more works and studies relating to the PR regulations, as well as the pilot reform itself, have been published. These studies include, for example: the written PR village regulations before 1921 (Dinh Thi Thuy Hien); master’s theses or papers on PR village regulations in a province (Nguyen Thi Le Ha, Le Thi Hang); or research on various issues relating to the pilot reform across a large region, which is Tonkin (Dao Phuong Chi); etc. Despite being studied at different levels without full agreement on a number of elements including the pilot site and timeframe, all the researchers are of the same opinion that before entering the official village administrative reform period, marked by the Decree of 12 August 1921, there had been a period of pilot village administrative reform.

By reviewing the village regulations of this period, the author discovered that many documents indicated directions given by the Government or “senior mandarins” were the reason behind the pilot reform. For example, “because the State directs and expects the people to carry out the administrative reform, we now have a meeting in the communal house and agree to abolish costly and unlawful customs to

develop new ones for the community interest” [21, p.7a]. “Previously, after receiving the directive of the provincial governor, we would like to confirm that all villages in our commune must reform to reduce [wasteful/costly/cumbersome] customs and develop a register [...] to submit to the [authorities at the level of the] district before reporting to [those at the level of] the province” [22, p.1b]. “Thanks to the guidelines of the provincial senior mandarin on public benefits for our sake, we now agree with one another to develop new rules and regulations listed as follows” [18, p.1a].

So far almost all the research which mentions the pilot village administrative reform concludes that the pilot reform was only carried out in Ha Dong Province. However, the fact that the “direction/guidance” of a provincial senior mandarin was not only found in Ha Dong Province confirms the involvement of the State apparatus and the universalisation of the pilot reform. Such involvement implies that this pilot reform was not a spontaneous action, but a movement implemented under the stewardship of a “senior mandarin”. In accordance with the above mentioned documents, he was a “provincial mandarin” (AFa.3/58, AFa.2/23), or more specifically a “provincial governor” (AFa.3/59, p.23a). Whether, according to some researchers, the pilot reform was implemented only in Ha Dong Province or, as the author of this paper concludes, it was rolled out across a number of provinces [3], it is clear that implementation took more than a decade from 1905-1906 to before 12 August 1921 when the Decree was issued [3]. During this period a considerable number of written

village regulations were drawn up¹¹. Different points of view on the reform and levels of reform in many aspects were expressed in diverse ways within villages and communes. This has provided a valuable source of materials for research into the

culture, society, economic affairs, history, etc., of villages and communes at that time.

In terms of format and content, it can be concluded that the PR village regulations differed from old regulations and reformed regulations, as follows:

Table 2: The Fundamental Differences among “Old”, “Pilot Reformed” And “Reformed” Village Regulations

	Old village regulations	PR village regulations	Reformed village regulations
Contents	- Many bad/uncivilised customs - No mention of village administrative reform	- Fewer bad/uncivilised customs - Possible traces of village administrative reform	- No bad/uncivilised customs - Mention of village administrative reform
Levels of reform	Not reformed	Reformed to a certain degree, not thoroughly	Thoroughly reformed ¹²
Structure of documents	Not fixed	Not highly fixed	Fixed

“Village administrative regulations” here include two issues: the establishment of the council of the clans’ delegates, and formulation of the registers of receipts and expenses. The details relating to both were clearly stipulated and made compulsory in the Decree of 1921. In addition to indispensable village administrative contents relating to the reformed village regulations, the French colonial authority’s influence on the content of the pilot and reformed village regulations was manifested in the three following areas: (i) public health (communicable disease prevention and control, regulations applied to latrines, time limits imposed on burying a dead person); (ii) prohibitions (illegal alcohol, illegal opium, gambling); and (iii) school age requirements. Such issues were completely absent from the old village

regulations, passing reference may have been made in the PR village regulations, while these issues appeared fairly often in the reformed village regulations.

With regard to changes in the documents, other than easily recognisable content, which was the “village administrative” reform, the “village customary” reform, or reform of village customs, also played a crucial role. The content, degrees of reform, and structure of text in the PR village regulations can be described more clearly through initial statistics on the degrees of reform in six major areas. These are: council formulation, ceremonial banquets, weddings, funerals, receipts and expenses register, and worshipping ceremonies. Some written village regulations of this kind are held in the Institute of Sino-Nom Studies¹³ [5, pp. 68-74]:

Table 3: The Degrees of Reform of Some Main Items Expressed in the PR Village Regulations

Item	Council formulation	Ceremonial banquet	Weddings	Funerals	Register of receipts and expenses	Worshipping ceremony
% of reform in documents	33.3	61.1	60.4	72.25	47.9	50

Because these results are based only on 18 documents held in the Institute of Sino-Nom Studies, they cannot reflect the exact situation of reformed village regulations. However, they do partly paint a picture of the pilot reform as well as showing the physiognomy of the village regulations at that time.

Although the information in written village regulations reveals a much more complex reality compared to what Tables 2 and 3 show, this can be considered the main characteristics to distinguish between the three types of village regulations. Such features have conveyed quite clearly the transitional manner of the PR village regulations towards the old and reformed village regulations, as well as its “deviation” from the other two types of village regulations.

Also, this “deviation” is not enough to confuse the PR village regulations with either one of the other two of kinds of village regulations. Nevertheless, it is noteworthy to add that not all custom-associated documents created in the period from 1905-1906 to before the promulgation date of the aforementioned Decree detailed pilot reform contents. In numerous provinces, written “reformed village regulations” co-existed with documents that had no reform-like content at all and which were retained solely as the “old village regulations” at the same time. Some examples can be listed as follows:

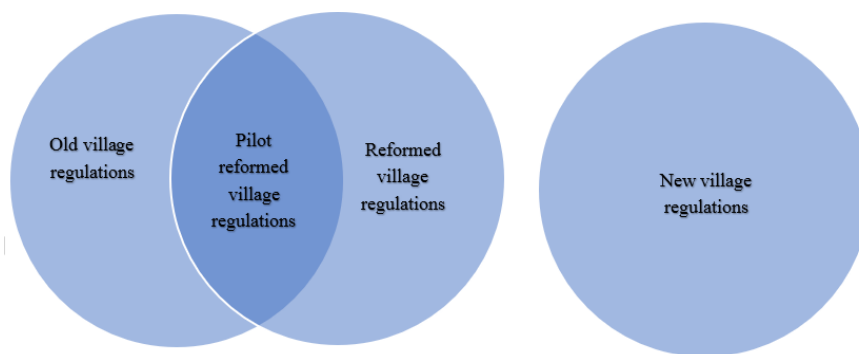
[Record on] Customs of Nha Xa Commune, Moc Hoan Canton, Duy Xuyen District, Ha Nam Province [26], the text of which was finalised in the 3rd year of the reign of King Khai Dinh (1918); [Record on] Customs of Thanh Xa Commune, Kho Nhu Canton, Yen My District, Hung Yen Province [23], in the 8th year of the reign of King Duy Tan (1914); and [Record on] Customs of Gia Loc Commune, Co Loa Canton, Dong Anh District, Phuc Yen Province [24], - in the first lunar month of the 6th year of the reign of King Khai Dinh, or from approximately 8 February to 9 March 1921. This resulted from the fact that the reform could be regarded as “advocacy” (giving advice/making recommendations) without well-formed statutes and remained dependent on the awareness of each village or commune. Therefore, for many localities, this was a period of “harmony” between the “old village” and “PR village” regulations. In other words, this was the “transitional period leading to the reformed village regulations”. The biggest difference between the PR village regulations and reformed village regulations lies in the fact that, despite having some elements of reform, the former’s diverse content and degree of reform still relied on the points of view of members and the situation in each village and commune. Also, the PR village regulations were not restricted to a fixed format, which made them

different from the written village regulations drawn up after the Decree was issued. Therefore, village regulations of this period provide a valuable source of information about the culture, society, economic affairs, history and other matters pertaining to the contemporary villages and communes. They also fully reflect changes in perspectives on, and considerations about, whether to maintain the old lifestyle or adopt the new one.

With the formality (hereby meaning the involvement of the State apparatus) surrounding the implementation, an abundance of village regulations, diversity of information and extensive application, the pilot village customary reform rightly deserves to be studied in a more thorough and systematic manner. With unique characteristics, which differ from attributes of the “old village

regulations” and the “reformed village regulations”, the “PR village regulations” should secure their own position in Vietnam’s village regulation system. If the village regulation is periodised into three categories using the traditional method, it might not do justice to the “pilot village regulations”, failing to assess their role in society. This is nothing short of downplaying and overlooking part of Vietnam’s village regulations history. Therefore, it may be necessary to develop another method of periodisation to track the historical development of Vietnam’s village regulations in a more accurate and apt way. The author deems that there are four periods: (i) old village regulations, (ii) PR village regulations, (iii) reformed village regulations, and (iv) new village regulations.

Figure 1: The Periodisation Diagram of Vietnam’s Village Regulations



Based on information in relevant documents and the practical history, the specific timeframe of each type of village regulation can be identified as follows:

- *Old village regulations*: from the 15th century to before 12 August 1921 (the date when the Decree was issued);
- *PR village regulations*: from 1905-1906 to before 12 August 1921;

- *Reformed village regulations*: after 12 August 1921 to the August Revolution 1945;

- *New village regulations*: from the early 1990s up until now.

This periodisation method is demonstrated in Figure 1.

In the meantime, it can be concluded that there is an overlap between the old village regulations and PR village regulations.

However, in terms of content, objectives, spirit, characteristics and other factors that can be deemed as the “backbone” of the periodisation and classification of village regulations, it is obvious that the “PR village regulations” occupy their own position and cannot be confused with village regulations in the previous and subsequent periods.

Despite its unclear presence, we can recognise a similar overlap with the village administrative reform period. This was when the reform was made official through solid decrees and templates. Nevertheless, “old village regulations” still continued to exist [6, p.127] in a weak form, as a shadow of individual resistance. Based on such documented evidence, one realises that periodisation based only on chronology or events, still carried out today, may not be a completely satisfactory method¹⁴.

5. Identification of old, pilot and reformed village regulations (as shown in the regulations of Thuy Phuong Commune)

As mentioned above, the biggest difference between the old village regulations and the reformed version lies in the fact that the former contained quite a lot of obsolete/bad/uncivilised customs and no village administrative reform, while the reformed village regulations witnessed no such customs and acknowledged the existence of the village administrative reform. Under the PR village regulations, sandwiched between these other two types, obsolete/bad/uncivilised customs went through some reform but not very thoroughly, while the existence of the village administrative reform was questionable. In order to narrow down the scope of this

paper, the author chose to focus the research just on Thuy Phuong Commune, with the reason being that it is one of a few localities which still retains all the village regulations of the old, pilot and reformed periods. Moreover, there is an interesting point that in the pilot reform period, the commune adjusted its regulations twice while the majority of other communes and villages revised their regulations once only. Regarding the transformation of the regulations of this commune, the author just focuses on presenting the reduction/elimination of obsolete/bad/uncivilised customs because these are the areas to show the most differences, not the administrative details which were fairly similar between communes and villages.

Since the 1st year of the reign of King Dong Khanh (referred to in the table below as “Dong Khanh 1”), when the text of Thuy Phuong Commune’s earliest written regulations (which still exist today) was finalised, up to the 12th year of the reign of King Bao Dai (Bao Dai 12) (1937), the commune’s customs were amended and supplemented three times. Like its counterparts, the written PR village regulations and reformed regulations of Thuy Phuong Commune were revised in two areas: village *administrative* reform and village *customary* reform. The amendments focused mainly on worshipping ceremonies, weddings, funerals and ceremonial banquets¹⁵ [3], [4]. Therefore, the author concentrates on these four practices and this paper introduces only the regulations and rules of a representative nature.

The following table lists some noteworthy reformed contents of Thuy Phuong Commune to provide a more detailed review of the regulatory revisions:

Table 4: Some Reform Contents of Thuy Phuong Commune

Contents	Regulations				
	Old customs ¹⁶	Dong Khanh 1 (1886)	Thanh Thai 18 (1906)	Duy Tan 9 (1915)	Bao Dai 12 (1937)
Ground-breaking ceremony		Offerings prepared by each “ <i>giáp</i> ”: two chickens; one tray of steamed sticky rice; betel; alcohol [6b] ¹⁷	“ <i>giáp</i> ¹⁸ <i>đương cai</i> ¹⁹ ” prepared: one capon; 15 heaps of steamed sticky rice; 20 pieces of betel; one terracotta bottle of alcohol [21a]		Offerings of: 60 pieces of betel; 100 pieces of betel for consumption; one bottle of alcohol [14b]
“ <i>Hương lão</i> ” ²⁰ aged 60, 70 and 80 years	Submission of offerings to the village, “ <i>giáp</i> ” and “ <i>ngõ</i> ” ²¹ is complicated and costly		Offerings to the deities of: betel; alcohol [27a]		
Customs in a ceremonial banquet ²² for “ <i>quan viên</i> ” ²³	“ <i>Sinh lễ</i> ” ²⁴		One flask of alcohol; 100 pieces of betel		
“ <i>Nạp thái</i> ” ²⁵	Lavish feasts, women’s jewellery		First class: a pig; 100 <i>quan</i> (an old unit of currency) Second class: a pig; 60 <i>quan</i> Third class: a chicken; 30 <i>quan</i> [38a]		
“ <i>Tiền cheo</i> ” ²⁶	Paying the “ <i>giáp</i> ”, “ <i>ngõ</i> ”, “ <i>giăng dây</i> ” ²⁷			<ul style="list-style-type: none"> • 21 packs of betel • 1 <i>đồng</i> (<i>đồng</i> is an old unit of currency) [22b] 	Following the customs of Duy Tan 9 (1915)

Contents	Regulations				
	Old customs ¹⁶	Dong Khanh 1 (1886)	Thanh Thai 18 (1906)	Duy Tan 9 (1915)	Bao Dai 12 (1937)
Funerals	First class: providing money to “ <i>hàng</i> ” ²⁸ , offering cakes; preparing “ <i>đại tường</i> ” ²⁹ and “ <i>tiểu tường</i> ” ³⁰ feasts for the whole village		First class: making the following payments to “ <i>giáp</i> ” 40 <i>quan</i> ; “ <i>ngõ</i> ” 15 <i>quan</i> ; “ <i>quan viên</i> ” 15 <i>quan</i> ; “ <i>lễ</i> ” (the group in charge of rituals) 4 <i>quan</i> ; “ <i>nhạc</i> ” (the group in charge of music) 4 <i>quan</i> ; “ <i>thượng lão</i> ” ³¹ 3 <i>quan</i> ; “ <i>hội lão</i> ” ³² 3 <i>quan</i> ; “ <i>kỳ mục</i> ” ³³ 3 <i>quan</i> ; “ <i>huơng lão</i> ” ³⁴ 3 <i>quan</i> ; 200 <i>quan</i> and one bunch of areca palm must be added to comply with the old customs, which are waived now	First class: one offering of steamed sticky rice with pork; treating “ <i>quan viên</i> ”, “ <i>lễ</i> ” and “ <i>nhạc</i> ”, who support the ceremony; offering cost-effective meals to “ <i>hàng</i> ”, “ <i>giáp</i> ”, and “ <i>xóm</i> ” ³⁵ cheaper than in the past. For “ <i>tế ngu</i> ” week giving the village ³⁶ : 250 <i>quan</i> ; one bunch of areca palm; two bottles alcohol; making the following payments to: “ <i>quan viên</i> ” 10 <i>quan</i> ; “ <i>lễ</i> ” 2 <i>quan</i> ; “ <i>nhạc</i> ” 2 <i>quan</i> ; a hamlet 5 <i>quan</i> ; “ <i>phe</i> ” ³⁷ 15 <i>quan</i> ; drum-playing team with a set of eight drum sounds 1 <i>quan</i> ; traditional Vietnamese trumpet group 1 <i>quan</i>	Following the customs of Duy Tan 9 (1915)
	Second class: preparing the feast for the whole village		Second class: making the following payments to, and offerings of: “ <i>giáp</i> ” 20 <i>quan</i> ; “ <i>ngõ</i> ” 10 <i>quan</i> ; the village 60 <i>quan</i> ; preparing a “ <i>đại tường</i> ” feast for the whole village	Second class: “ <i>tế ngu</i> ” ceremony in the same format as the first-class one; paying “ <i>quan viên</i> ”, “ <i>lễ</i> ”, “ <i>nhạc</i> ”, “ <i>giáp</i> ” and “ <i>ngõ</i> ” half the money paid in the	

Contents	Regulations				
	Old customs ¹⁶	Dong Khanh 1 (1886)	Thanh Thai 18 (1906)	Duy Tan 9 (1915)	Bao Dai 12 (1937)
				first-class ceremony; paying plus 150 <i>quan</i> to the village.	
Third class: preparing the feast for the whole village			Third class: only “ <i>quan viên</i> ”, “ <i>hội lão</i> ”, “ <i>lễ nhạc</i> ”, “ <i>lý dịch</i> ” ³⁸ , “ <i>kỳ mục</i> ”, “ <i>huong lão</i> ”, “ <i>giáp</i> ” and “ <i>ngõ</i> ” are invited to the “ <i>tế ngu</i> ” ceremony; making the following payments to: “ <i>giáp</i> ” 10 <i>quan</i> ; “ <i>ngõ</i> ” 5 <i>quan</i> ; “ <i>quan viên</i> ” 5 <i>quan</i> ; “ <i>lễ</i> ” 2 <i>quan</i> ; “ <i>nhạc</i> ” 2 <i>quan</i> ; others 1 <i>quan</i> per group	Third class: “ <i>tế ngu</i> ” ceremony lasting one week, “ <i>hàng</i> ” invited to eat steamed sticky rice and pork, making the following payments to: the village 10 <i>đồng</i> , “ <i>giáp</i> ” 1 <i>đồng</i> , “ <i>xóm</i> ” 5 <i>hào</i> (an old unit of currency)	
Fourth class: submitting money to village and “ <i>ngõ</i> ”. The feasts were costly and wasteful			Fourth class: making the following payment to: the village 3 <i>quan</i>	Fourth class: giving each person in a particular “ <i>giáp</i> ” one piece of betel for “ <i>hộ tang</i> ” ³⁹ , after the “ <i>giáp</i> ” partakes in the feast, giving 3 <i>quan</i> to the “ <i>giáp</i> ”	
			Fifth class: 100 pieces of betel; one terracotta bottle of alcohol; payment of 1 <i>quan</i> and 2 <i>mạch</i> (an old unit of currency)		
Costly and wasteful nature of the old customs must be avoided				If a funeral is held during an epidemic, it is necessary ask that “ <i>giáp</i> ” for permission to bury the body immediately. The money is handed over after the burial. If the family	

Contents	Regulations				
	Old customs ¹⁶	Dong Khanh 1 (1886)	Thanh Thai 18 (1906)	Duy Tan 9 (1915)	Bao Dai 12 (1937)
				fail to do so, they must pay 1 <i>đồng</i> to the public fund. If the family is too poor, they only need to pay 1 <i>quan</i> and 2 <i>tiền</i> and provide 100 pieces of betel	
“ <i>Thượng điền</i> ” ⁴⁰		Sacrificial animals, steamed sticky rice	Combining “ <i>thượng điền</i> ”, “ <i>com mới</i> ” and “ <i>xôi mới</i> ” into one; each “ <i>giáp</i> ” prepares one offering of steamed sticky rice and pork for worship in that ceremony [60b]	Following the customs in the 18 th year of the reign of King Thanh Thai (1906) [17b]	“ <i>giáp cai cầ</i> ” ⁴¹ prepares one offering of: steamed sticky rice; betel; alcohol. Others prepare an offering of: chicken; steamed sticky rice; betel; alcohol
“ <i>Com mới</i> ” ⁴²		“ <i>Giáp</i> ” must prepare one offering of: pork; steamed sticky rice; betel; alcohol	as above [60b]	as above [17b]	
“ <i>Xôi mới</i> ” ⁴³		“ <i>Giáp</i> ” must prepare one offering of: “ <i>sinh</i> ” animals; steamed sticky rice; betel; alcohol [6a]	as above [60b]	as above [17b]	

It can be concluded that the reform in documents of customary regulations was carried out to reduce costs, with most emphasis placed on worshipping ceremonies and funerals. Among the reformed items listed in the above table, the ground-breaking ceremony, “*thượng điền*” ceremony and funerary customs experienced the most reform. “Ground-breaking” and “*thượng điền*” ceremonies were reformed for the first time in the pilot scheme during the 18th year of the reign of King Thanh Thai (1906) and a second time in the official reform period (the twelfth¹² year of the reign of King Bao Dai, 1937). In the ground-breaking ceremony, according to the old customs, each “*giáp*” had to prepare a chicken, steamed sticky rice, alcohol and betel. In the 18th year of the reign of King Thanh Thai (1906), this custom was changed; “although the offerings remained the same, only “*giáp đương cai*” could prepare them”, while the offerings were reduced to just include “betel” and “alcohol” in the twelfth¹² year of the reign of King Bao Dai. Previously, “*thượng điền*”, *com mới*” and “*xôi mới*” had to be organised as separate ceremonies. In the 18th year of the reign of King Thanh Thai, not only were these three ceremonies combined into one, but also the required offerings were simplified and made less costly. The reform was reviewed again in the 12th year of the reign of King Bao Dai. Not all “*giáp*” needed to prepare offerings and only two groups of offerings were allowed (one from “*giáp cai cả*” and the other from the rest).

Funerals went through two reforms - one in the 18th year of the reign of King Thanh Thai (1906) and then again in the 9th year of the reign of King Duy Tan (1915). Both

occasions belong to the pilot reform period. According to the old customs, the funeral host could choose to hold the funeral service in line with one of four levels, with corresponding expenses, and each level included [at least] one feast. It was in the 18th year of the reign of King Thanh Thai that the decision was made to remove the feast from all the levels. In addition, to ease the burden on the funeral host, the people of Thuy Phuong Commune replaced the four levels with five. And, it was then in the 9th year of the reign of King Duy Tan that the costs corresponding to the five levels were also decreased.

6. Conclusion

Documents of customary regulations in Vietnam provide a source of interesting information, and detail many complexities and difficulties experienced, such as the periodisation of village regulations. In this paper, the author reviews the periodisation of village regulations in Vietnam based on the study of Sino-Nom documents. The idea of the new periodisation method is confidently put forward, which can be used to map out all historical periods of village regulations in Vietnam. The author looks forward to receiving comments and feedback from researchers.

Notes

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² According to Vu Duy Men, there are up to 50 different ways to name village regulations [14, p.27]. In this paper, we use the term “*hương ước*” (village regulations) because to date, when periodising this type of document, the researchers usually use the term.

³ In fact, many versions were written in Nom script, and a few others were recorded in Romanised Vietnamese script.

⁴ In the real terms, the reformed village regulations were not only supplemented in 1927 and 1941, but also developed in a sporadic manner during a period of more than 20 years from post-12 August 1921 up to the August Revolution in 1945.

⁵ In reality, the number of reformed village regulations written in Nom script is less than the number of reformed village regulations written in Romanised Vietnamese script; although examples of reformed village regulations developed in Chinese characters do exist it is rare to find copies of them.

⁶ In fact, village regulations in Vietnam first appeared in the 15th century, copies of the earliest date back to the 17th century, not the 19th century.

⁷ In fact, the Institute of Sino-Nom Studies and the Institute of Social Sciences Information both archive old and reformed village regulations. It is not the case that one holds the old village regulations and the other the reformed village regulations.

⁸ In this paper, the Sino-Nom documents coded HUN are under the management of the Institute of Social Sciences Information, and the other codes all belong to the Institute of Sino-Nom Studies [17].

⁹ Please kindly refer to books on templates/samples of village regulations such as Tran Van Minh (1924), Record of Village Administrative Reform, Kim Duc Giang Printing House, Hanoi.

¹⁰ According to Dinh Gia Khanh (1996), in Ha Bac Province (today's Bac Ninh Province) 1,580 villages

and communes had finalised their new village regulations. In Hung Ha District, Thai Binh Province, by mid-1994, more than 50% of villages had completed this [12, p.5].

¹¹ Because “*tục lệ*” (“[record on] customs”) is a word used a great deal compared to other terms such as “village regulations”, “*khoán lệ*”, “*hương lệ*” and so on in documents referring customary regulations in the pilot reform period, the author uses the word to refer to this kind of document in the previous articles. However, as mentioned at the beginning of this paper, it is also because many academics are very familiar with the terms “old village regulations”, “reformed village regulations” and “new village regulations”, hence the author uses the term “PR village regulations” in the paper to ensure consistency.

¹² There are, but very few, regulations which are not thoroughly reformed.

¹³ This result is from the survey of 18 PR customs written in Nom script which are archived in the Institute of Sino-Nom Studies.

¹⁴ Maybe gaining ground on the temporal/event-based periodisation, the author of “Three Development Periods of Village Regulations” has categorised the regulations of Yen So and Yen Lo Villages of Ha Tay Province (now part of Hanoi) as “old village regulations” even though they are no longer “old” in nature. Moreover, it is the author who acknowledges that such village regulations were influenced by the modern rule of law” [6, p.127].

¹⁵ The similarity in the main reform contents of Thuy Phuong Commune and those of other villages and communes in the same period is recognisable.

¹⁶ Contents of the old customs are selected and filtered by the author based on the information contained in the Record on Customs of Thuy Phuong Commune; there is no another written custom apart from four written records on customs of the commune, the text of which was finalised in 1886, 1906, 1915, and 1937 as mentioned above.

¹⁷ The number in [...] is the number of page that records particular content in the document.

¹⁸ Currently, the definition of “*giáp*” remains inconsistent, but almost all scholars agree that “*giáp*” is a non-administrative unit, part of a hereditary line e.g. a father and his son(s) would be in the same “*giáp*”. One “*giáp*” can include from one kin to many different kins; all members in a “*giáp*” are men and they are obligated to help one another in funerals and work together to prepare offerings for worshipping ceremonies at the village communal house, etc.

¹⁹ *Giáp đương cai*: this is the “*giáp*” which takes the main responsibility for preparing the village offerings in that year.

²⁰ *Hương lão*: village elders.

²¹ *Ngõ*: a collective way to address families sharing the same alley.

²² *Khao vọng*: preparing offerings for deities and feasts to treat people in the village. It was only after the “*khao vọng*” was organised that a person’s achievements (such as passing an examination or attaining a high position) were recognised by others.

²³ *Quan viên*: A person who passed an important examination and/or held a good position in the village.

²⁴ *Sinh lễ*: Offering animals (buffalo, bull, pig, or goat) for worship to the deities.

²⁵ *Nạp thái*: the man’s family brings offerings to the woman’s family to indicate that they want that woman to become their daughter-in-law and to seek consent from her family.

²⁶ *Cheo*: the money which must be paid when organising a wedding.

²⁷ *Giăng dây*: on the procession day, people lay a red string/silk strip across the road; and the procession must offer them money to cut the strip.

²⁸ *Hàng*: groups of people in high positions, with things in common in the village (e.g. dignitaries, the village elders, soldiers, etc.).

²⁹ *Đại tường*: the ceremony held two years after a death.

³⁰ *Tiểu tường*: one year death anniversary ceremony.

³¹ *Thượng lão*: following the regulations of each village, people 70 years of age or older often become “*thượng lão*”.

³² *Hội lão*: following the regulations of each village, people 50 years of age or older often take part in “*hội lão*”.

³³ *Kỳ mục*: mandarins or some dignitaries in a village or commune who complete at least one term of office without making any mistakes and who meet the age requirements, will be included in the “*kỳ mục*” group. “*Kỳ mục*” are the people entitled to make decisions on common issues of the village.

³⁴ Most “*hội lão*” comprise “*hương lão*”. This paper refers to both “*hội lão*” and “*hương lão*”; the delineation between the two terms is currently unclear.

³⁵ *Xóm*: a group of households living in the same area.

³⁶ *Tế ngư*: worshipping to bring peace to the spirit of the deceased.

³⁷ *Phe*: in most cases this has the same meaning as “*giáp*”.

³⁸ *Lý dịch*: “*lý trưởng*” and “*phó lý*” manage village issues related to taxation, construction of dykes, security and others matters.

³⁹ *Hộ táng*: escorting the body of the deceased to the burial ground.

⁴⁰ *Thượng điền*: organising a ceremony after planting rice.

⁴¹ *Giáp cai cả*: the same as “*giáp đương cai*”.

⁴² *Cơm mới* (lit. new [cooked] rice): offering the deities ordinary rice from the field where the rice ripened earlier than other fields of rice.

⁴³ *Xôi mới* (lit. new steamed sticky rice): offering the deities glutinous rice from the field where the rice ripened earlier than other fields of rice.

References

- [1] Ban Nghiên cứu Lịch sử Đảng Thái Bình (1970), *Thái Bình năm lần đón Bác*. [The

- Party's history research board of Thai Binh Province (1970), *Five Visits by Uncle Ho to Thai Binh Province*].
- [2] Đào Phương Chi (2013), “Bước đầu tìm hiểu về việc thí điểm cải lương hương tục ở Bắc Kỳ qua một số văn bản tục lệ bằng chữ Nôm”, Tạp chí *Hán Nôm*, số 1. [Dao Phuong Chi (2013), “Initial Research on Pilot Village Customary Reform in Tonkin as Seen in a Number of Village Regulations Written in Nom Script”, *Han Nom Review*, No. 1].
- [3] Đào Phương Chi (2013), “Cải lương về tế tự qua cải lương hương tục thí điểm: Nhìn từ văn bản tục lệ”, Tạp chí *Hán Nôm*, số 4. [Dao Phuong Chi (2013), “Reform of Worshipping Ceremonies as Seen in Pilot Village Customary Reform: From Perspective of Records on Customs”, *Han Nom Review*, No. 4].
- [4] Đào Phương Chi (2014), “Những khác biệt về cưới hỏi, tang ma, khao vọng tại Bắc Kỳ trước và sau cải lương hương tục thí điểm”, Tạp chí *Nghiên cứu lịch sử*, số 6. [Dao Phuong Chi (2014), “Differences in Terms of Weddings, Funerals and Ceremonial Banquets in Tonkin before and after Pilot Village Customary Reform”, *Journal of Historical Studies*, No. 6].
- [5] Đào Phương Chi (2015), “Thử giải mã các khái niệm được sử dụng trong giai đoạn cải lương thí điểm qua một số văn bản tục lệ chữ Nôm”, Tạp chí *Nghiên cứu lịch sử*, số 9. [Dao Phuong Chi (2015), “Attempt to Decode Concepts Used in Period of Pilot Reform through a Number of Village Regulations Written in Nom Script”, *Journal of Historical Studies*, No. 9].
- [6] Phan Đại Doãn và Bùi Xuân Đỉnh (2000), “Ba thời kỳ phát triển của hương ước”, *Luật tục và phát triển nông thôn hiện nay ở Việt Nam*, Nxb Chính trị quốc gia, Hà Nội. [Phan Dai Doan and Bui Xuan Dinh (2000), “Three Development Periods of Village Regulations”, *Customary Law and Rural Development in Vietnam Today*, National Political Publishing House, Hanoi].
- [7] Bùi Xuân Đỉnh (1998), *Hương ước và quản lý làng xã*, Nxb Khoa học xã hội, Hà Nội. [Bui Xuan Dinh (1998), *Village Regulations and Management of Villages and Communes*, Social Sciences Publishing House, Hanoi].
- [8] Nguyễn Thị Lệ Hà (2012), “Tình Hà Đông - nơi thí điểm chính sách cải lương hương chính thời Pháp thuộc”, Tạp chí *Khoa học xã hội Việt Nam*, số 9. [Nguyen Thi Le Ha (2012), “Ha Dong Province, Where Policy on Village Administrative Reform Was Piloted in French Colonial Period”, *Vietnam Social Sciences Review*, No. 9].
- [9] Lê Thị Hằng (2008), *Chính sách cải lương hương chính do chính quyền Pháp tiến hành ở Bắc Kỳ - qua thực tiễn tỉnh Hà Đông*, Luận văn Thạc sĩ Lịch sử, Thư viện Khoa Sử, Đại học Sư phạm Hà Nội, ký hiệu 0-1/266, Hà Nội. [Le Thi Hang (2008), *Policy on Village Administrative Reform Implemented by French Colonial Administration in Tonkin as Seen via Practice in Ha Dong Province*, Master's Thesis on History, Library of the Faculty of History, Hanoi National University of Education, coded 0-1/266, Hanoi].
- [10] Đinh Thị Thùy Hiền (2012), “Bước đầu tìm hiểu “hương ước cải lương” ở Bắc Kỳ trước năm 1921”, Tạp chí *Khoa học Xã hội và Nhân văn*, số 28. [Dinh Thi Thuy Hien (2012), “Initial Research on “Reformed Village Regulations” in Tonkin before 1921”, *VNU Journal of Social Sciences and Humanities*, No. 28].
- [11] Đinh Gia Khánh (1995), *Văn hóa dân gian Việt Nam với sự phát triển của xã hội Việt Nam*, Nxb Chính trị quốc gia, Hà Nội. [Dinh Gia Khanh (1995), *Folklore of Vietnam and Development of Vietnam's Society*, National Political Publishing House, Hanoi].

- [12] Đinh Gia Khánh (1996), “Về một số hiện tượng văn hóa dân gian đang sống động trong xã hội”, Tạp chí *Văn hóa dân gian*, số 1. [Đinh Gia Khánh (1996), “Some Lively Folklore Phenomena in Society”, *Folklore Review*, No. 1].
- [13] Nguyễn Thế Long (2000), *Hà Nội xưa qua hương ước*, Nxb Hà Nội, Hà Nội. [Nguyễn Thế Long (2000), *Ancient Hanoi as Seen in Village Regulations*, Hanoi Publishing House, Hanoi].
- [14] Vũ Duy Mền (2001), *Hương ước làng xã Bắc Bộ Việt Nam với luật làng Kanto Nhật Bản (thế kỷ XVII-XIX)*, Viện Sử học. [Vu Duy Men (2001), *Regulations of Villages and Communes in Northern Vietnam in Comparison to Kanto Village Laws in Japan (17th-19th Centuries)*, Institute of History].
- [15] Ngô Đức Thịnh (2000), “Luật tục với việc phát triển nông thôn hiện nay ở Việt Nam”, *Luật tục và phát triển nông thôn hiện nay ở Việt Nam*, Nxb Chính trị quốc gia, Hà Nội. [Ngo Duc Thinh (2000), “Customary Law with Rural Development in Vietnam at Present”, *Customary Law and Rural Development in Vietnam Today*, National Political Publishing House, Hanoi].
- [16] Đào Trí Úc (Chủ biên) (2003), *Hương ước trong quá trình thực hiện dân chủ ở nông thôn Việt Nam hiện nay*, Nxb Chính trị quốc gia, Hà Nội. [Dao Tri Uc (Chief author) (2003), *Village Regulations in Practice of Democracy in Rural Vietnam at Present*, National Political Publishing House, Hanoi].
- [17] 《改良鄉會議定》, AB.475, Viện Nghiên cứu Hán Nôm. [《改良鄉會議定》, AB.475, Institute of Sino-Nom Studies].
- [18] 《河東省丹鳳縣清恬社政治風俗》, AF.a2/23, Viện Nghiên cứu Hán Nôm. [《河東省丹鳳縣清恬社政治風俗》, AF.a2/23, Institute of Sino-Nom Studies].
- [19] 《河東省懷德府慈廉縣富家總瑞芳社風》, AF.a2/63, Viện Nghiên cứu Hán Nôm. [《河東省懷德府慈廉縣富家總瑞芳社風》, AF.a2/63, Institute of Sino-Nom Studies].
- [20] 《河南省維先縣木丸總衙舍社俗例》, AF.a10/23, Viện Nghiên cứu Hán Nôm. [《河南省維先縣木丸總衙舍社俗例》, AF.a10/23, Institute of Sino-Nom Studies].
- [21] 《河南省金榜縣日就總超詣俗例》, AF.a10/4, Viện Nghiên cứu Hán Nôm. [《河南省金榜縣日就總超詣俗例》, AF.a10/4, Institute of Sino-Nom Studies].
- [22] 《興安省安美縣安富總豪川社上村俗例》, AF.a3/58, Viện Nghiên cứu Hán Nôm. [《興安省安美縣安富總豪川社上村俗例》, AF.a3/58, Institute of Sino-Nom Studies].
- [23] 《興安省安美縣跨樁總青舍社俗例》, AF.a3/27, Viện Nghiên cứu Hán Nôm. [《興安省安美縣跨樁總青舍社俗例》, AF.a3/27, Institute of Sino-Nom Studies].
- [24] 《福安省東英縣古螺總嘉祿社俗例》, AF.a7/1, Viện Nghiên cứu Hán Nôm. [《福安省東英縣古螺總嘉祿社俗例》, AF.a7/1, Institute of Sino-Nom Studies].
- [25] 《洪德善政》, A.330, Viện Nghiên cứu Hán Nôm. [《洪德善政》, A.330, Institute of Sino-Nom Studies].
- [26] 《瑞芳社鄉約》, HUN.642, Viện Thông tin Khoa học Xã hội. [《瑞芳社鄉約》, HUN.642, Institute of Social Sciences Information].