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THE TERRITORIAL ADMINISTRATION OF FRENCH COCHINCHINA

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add Abstract (up to 150 words)

While true that there are numerous works on the history of French territorial administration during the contemporary era (19th and 20th centuries), they mainly focus on metropolitan situations, thus leaving aside overseas affairs which, despite the major role played by France throughout colonial expansion, have been largely neglected by the most recent studies. The purpose of this article is to briefly present one of the tropical forms of the French centralized model of administration, in French Cochinchina, a model from which the colonizer had no intention of departing. A model, nonetheless, that couldn't be further transposed as such. The resulting institutional hybridization was dictated by several factors linked with conquest and its legal framework, the conformation of a subjected society, but also financial considerations. This experience led to the adoption, albeit less through choice than necessity, of a form of direct rule which in turn was not without consequences on deconcentrated levels. This also meant maintaining the Vietnamese commune, although largely impaired by a progressive loss of autonomy destined to serve French domination.

add keywords (not more than five)

French Indochina – Cochinchina – Territorial administration – Colonial Law

Introduction

While true that there are numerous works on the history of French territorial administration during the contemporary era (19th and 20th centuries), they mainly focus on metropolitan situations, thus leaving aside overseas affairs which, despite the major role played by France throughout colonial expansion, have been largely neglected by the most recent studies. A glance at the book by Grégoire Bigot and Tiphaine Le Yoncourt should convince us of this as it only devotes around twenty pages to the colonial question (Bigot, 2014: t. 2, 325-346). Yet in recent times the subject has witnessed a revival in interest. One illustration of this is the overtly comparative series of enquiries carried out upon the initiative of Samia El Mechat (El Mechat, 2009 & 2014). Much is still left to be done though. In particular regarding what was the “pearl of the Empire”. That is to say French Indochina and especially the principal part of that territory: Cochinchina¹.

The purpose of this article is to briefly present one of the tropical forms of the French centralized model of administration, a model from which the colonizer had no intention of departing. A model, nonetheless, that couldn't be further transposed as such. The resulting institutional hybridization was dictated by several factors linked with conquest and its legal framework, the conformation of a subjected society, but also financial considerations.

Cochinchina, whose capital was Saigon, covered the six most meridional provinces of the Empire of Vietnam. It was the first region of southeastern Asia where France settled durably as of 1859. Cambodia, Annam, Tonkin, and then Laos were subjugated only later. Together, they formed the Indochinese Union or French Indochina as of 1887.

The territory of French Cochinchina was created by two successive annexations. In the wake of the Franco-Spanish expedition led by Admiral Rigault de Genouilly, the Treaty of Saigon, signed on June 5, 1862, recognized the full sovereignty of Napoleon III over the provinces of Bien-Hoa, Gia-Dinh (Saigon) et My-Tho (Abor, 1929: 28-30). Following that, in 1867, Admiral de La Grandière captured the provinces of Vinh-Long, Chau-Doc and Ha-Tien, located to the west of the Mekong Delta, a point from which resistance to French implantation had been spreading. By decision of the governor, dated July 20, 1867, the provinces were adjoined to the already conquered Cochinchina (Laffont, 1890: t. 3, 110). Vietnamese authorities did not recognize this situation until 1874 (Abor 1929: 34-37).

Before becoming a French colony, southern Vietnam had been under the rule of the Empire of Dai-Nam (considered as the Empire of Annam by the colonizer) which had set an example of a highly structured State, combining political centralization and local autonomy. Imperial authority was maintained throughout the country by a corps of lettered officials, called mandarins, who were recruited through competitive examination and were placed at the head of a highly organized territorial system. A governor-general (*tong-doc*) or governor (*tuan-phu*) was in charge of a province (*tin*). A prefect (*quan-phu* or *phu*) was in charge of a prefecture and a district magistrate (*quan-huyen* or simply *huyen*) was in charge of a district (*huyen*). On lower levels, cantons (*tong*) and communes (*xa*) were largely autonomous provided they fulfilled scarce obligations defined by the central authorities: local affairs were left to notables picked among the people (Luro, 1875: 64 sq.; Woodside, 1971: 141 sq.). The first French observers perceived this system as “the fortunate union between the municipal regime that failed to survive in France, and administrative centralization which has been slightly exaggerated in our day” (Grammont, 1864: 36-37).

Seemingly called to the head of the administrative system in Cochinchina, the colonizer had to make do with human and financial means that remained low, despite occasional claims from Paris that “outrageous bureaucracy” was rife in the colony. A principle that immediately emerged was that overseas possessions should not cost France a thing. Furthermore, in the aftermath of the 1870 defeat, colonial expansion was met with lukewarm responses by public opinion, far more concerned with preparing the revenge against Germany. This is why confronting the centralizing intentions of metropolitan inspiration with that of colonial reality was bound to give the territorial institutions of Cochinchina specific features, not to be found in the other parts of Indochina, under French protectorate. This experience led to the adoption, albeit less through choice than necessity, of a form of direct rule which in turn was not without consequences on deconcentrated levels (I). This also meant maintaining the Vietnamese commune, although largely impaired by a progressive loss of autonomy destined to serve French domination (II).

I – THE NECESSARY ADOPTION OF DIRECT RULE AND THE RENEWAL OF DECONCENTRATED STRUCTURES

A simplistic view of things has led to suggesting that the French were naturally inclined towards direct rule whereas the British are supposed to have favoured *Indirect rule*². The example of Cochinchina forces us to slightly modify this approach as at least to start with, the colonizer did try to preserve territorial organization as it existed prior to annexation. It was only under the pressure of certain events that the need for direct administration and the creation of new structures became apparent (Osborne, 1969: 59-88; Gojosso, 2010: 445-469).

When they embarked on the conquest of Cochinchina, the French were confronted with an administrative void that rapidly needed to be overcome: the mandarins placed at the head of deconcentrated echelons – governors, prefects and district magistrates – fled the country through allegiance to the emperor Tu-Duc. To deal with their departure, Admiral Charner (1797-1869) chose, on March 26, 1861, to temporarily replace them with officers from the expeditionary corps who took on the title of “director of native affairs”. Their job was to re-establish local institutions, to maintain order and to oversee the canton and village chiefs who, for their part, had not left the country (Grammont, 1863: 376; Cultru, 1910: 185).

Having taken over from Admiral Charner, Admiral Bonard (1805-1867) immediately rescinded this decision, on February 20, 1862 (BOC, 1862: 89-90). Focused on efficacy and limiting costs, he reintroduced a Vietnamese element into the lower levels of the administrative pyramid, i.e. prefectures and sub-prefectures. From this point forward, the French officers, having become « inspectors of native affairs », were only in charge of operations previously entrusted to the provincial mandarins. However, Admiral Bonard soon had to give up on his plan. The natives he had appointed were no match for men of Confucian learning. Described as incompetent and dishonest, they were incapable of dealing with the guerrilla warfare that emerged after the defeat of Vietnamese troops and the signing of the peace treaty. On August 12, 1862, resolving this situation meant reinforcing French administrative presence in accordance with local necessity: namely in the most exposed prefectures and sub-prefectures (BOC, 1862: 210-216). Tangible proof of this can be seen in the fact that inspectors of native affairs ceased being mere supervisors and progressively became fully fledged chiefs for all Asian agents.

Temporary at first, this pattern soon became durable and was extended to all of the provinces. Admiral de La Grandière (1807-1876), Bonard’s successor, regularized this situation in his instructions for native administration and government on June 29, 1864 (BOC, 1864: 71-77). Administrative power, which also encompassed justice as well as fast-growing fiscal and financial elements, was monopolized by the colonial officers. Prefects (*phu*) and district magistrates (*huyen*) were limited to enforcement tasks. They were described as “useful auxiliaries” (Laffont, 1890: t. 2, 548) and were no longer consistently assigned to the old districts they once managed. What mattered thereafter to the occupant was simply native cooperation with its officers.

This reversal trend of old structures was further accentuated with the redeployment of prerogatives within the colonial system. Indeed, the inspectors assigned to the old prefectures and districts inherited most of the functions held during the Vietnamese and early French periods by the provincial administrators. An order dated October 14, 1865, made it possible to assign up to three inspectors to locations where the requirements of the service demanded it. In such cases, the first inspector would be in charge of justice, civil records, accounting surveillance and the monthly report. The second inspector was essentially entrusted with financial and fiscal tasks whereas the third one would assist the first inspector, especially in the fields of justice, public works, postal issues, schooling, and so forth (BOC, 1865: 354-356).

Inspectors of native affairs played such an important role that practice saw the emergence of a new undefined type of district, so much so that it had no official name. The same sources appear to randomly refer to it as « inspection », « district » or sometimes simply « *huyen* », even if the use of this last term strongly diminished after 1866. The choice of words is by no means anodyne given the stark increase of the inspector’s power. This idea is clearly backed up by figures. The 41 *huyen* covering the whole of Cochinchina before conquest gave way, in 1868, to 28 districts. Even if these districts roughly matched the traditional Vietnamese borders – if one considers that an “inspection” territory would comprise one or two *huyen* – the French still induced significant changes, and namely the

partial dismantling of structures by the transfer of cantons (Langlet, 2001: 192). Yet it was not until the order of January 5, 1876, that the six original provinces of Cochinchina were officially suppressed and replaced by districts that eventually numbered around 20 (Laffont, 1890: t. 1, 65). As such, they formed the basis for active administration until the Second World War. The name change from « district » to « province » decided by Governor-General Paul Doumer in 1899 was merely destined to echo the terminology used throughout the rest of French Indochina (JOIF, 1900: 1^{ère} partie, 30).

A greater specialization of personnel was part and parcel of finding and improving the appropriate territorial framework for economic, strategic and demographic needs. Established with only a few summary rules in the wake of annexation, the native affairs corps reached a properly defined status thanks to the decree of February 10, 1873 (BdL, 1^{er} sem. 1873: 354-359). It recognized the existence of various ranks (inspectors at the top as well as three classes of administrators on a lower echelon), provided a draft for the separation of administrative and judicial activities, while also opening recruitment to civilians and planning a training period at the *Collège des Stagiaires* of Saigon. Only a few alterations were made up until the major reform linked with civil government, in 1879, which signaled the end of the admiral regime. Back in Paris, the republicans had decisively triumphed against the monarchists and their hopes of restoration. All these had vanished when the president of the Republic Marshal MacMahon resigned. The arrival in power of the opportunists led to the propagation of their societal ideals in the colonies. To that end they engaged in a policy of assimilation whose promoter in Cochinchina was Charles Le Myre de Vilers (1833-1918)³. As the first civil Governor of the colony, this former prefect of Algiers undertook a series of reforms geared towards bringing French and Cochinchinese situations closer together. The clearest illustration of this was without doubt the introduction of the 1810 *code pénal* into the colony. But by no means did territorial administration escape his scrutiny. In fact he reshaped it durably in two ways: by enforcing a separation of powers and establishing consultative institutions.

In the Vietnamese system, the mandarins simultaneously carried out the functions of judge and administrator. The admirals had chosen to maintain a regime of confusion since it mirrored Asian customs and spared the French from having to erect an inevitably costly judicial system. However, the principle of separation of powers had been solidly enshrined in French public law since 1789 and demanded that an end be put to this exception. Le Myre thus obtained a decree from Paris, dated May 25th, 1881, that transferred matters of justice into the hands of professional magistrates. In doing this, he was effectively reducing the powers held by native affairs personnel (BdL, 2^e sem. 1881: 39-51) which in turn led to staff reduction. However, the use of the *Indigénat* up until January 1903 meant that administrators kept on exerting a form of disciplinary repression. Indeed, completely depriving them of efficient means of controlling an occasionally hostile population was not conceivable. (Gojosso, 2012 a: 49-55).

Despite a first consultation of rural collectivities having been held in 1869 at the request of Admiral Ohier (Pinto, 1944), it was short-lived and it was only after the advent of civil government that district councils were created. Such assemblies were temporarily established on a trial basis by local order on May 12, 1882, before being confirmed by a decree, dated March 5, 1889 (Laffont, 1890: t. 7, 346-349 & 349-353). Despite drawing heavily from the law of August 10, 1871, dealing with metropolitan *Conseils généraux*, these two texts proved to be a fairly feeble transposition in that they failed to break with the centralized spirit that had always characterized the Governor's power in Cochinchina. At heart, they remained close to the law of 28 pluviôse an VIII. The district councils were comprised of elected natives, chosen by practicing notables registered on the *dia-bo* – that is to say taxpayers traditionally associated with local affairs –, varying from one to three

delegates per canton. These councils were presided over by a French administrator and, unlike the *commission départementale*, they were not equipped with a body charged with checking that the prefect was indeed enforcing decisions made by the *conseil général*. Such a body was unthinkable in Cochinchina where it would have been seen, in more ways than one, as an open defiance of colonial hierarchy. For this reason, the council did not have the right to produce the slightest binding decision. Nor could it monitor the actions of a head of district. Its powers were mainly advisory. All of its deliberations, including voting the budget, were subject to gubernatorial approval. Nevertheless, no measure linked with the interests of the district could be taken without a prior vote of the council. It could also express wishes on all economic and general administrative questions. On the other hand, wishes of a political nature were prohibited. From this point of view the likeness to the departmental charter of 1871 is quite obvious.

This initial system was barely altered until World War II. A decree dated November 12, 1903, simply added two eligibility conditions for district councilors: to have completed their 30th year of age and to have fulfilled two years' worth of notable functions (BO Colonies, 1903: n°11, 972-973). This of course considerably reduced the number of eligible people. But at a time when the colonizer was committed to reforming the Annamite commune (see below) – an entity weakened by the disengagement of “elderly and wealthy people” – this was a way of reinforcing the authority of those still involved in managing villages. Keeping the question of representation under control was at the heart of a series of new interventions between 1929 and 1931. To start with, the definition of the electorate was clarified before being stretched to include native taxpayers over the age of 25 as well as former notables and people having rendered civil or military services (JORF, 1931: 7194). Having first been temporarily accepted and then dismissed, the representation of French interests was then welcomed. The decree of August 19, 1930, gave satisfaction to an old colonist wish: two French citizens, chosen by the governor from a list of five candidates put together jointly by the chambers of commerce and agriculture, integrated each council (JORF, 1930: 9802). As a matter of fact, since the previous year, the assemblies had undergone a change in name and become “provincial councils”. It had, after all, been three decades since districts had not existed in Cochinchina! These provincial councils produced mixed results and disappeared shortly after the advent of a Vichy regime that was hostile towards elected bodies.

Ultimately, deconcentrated territorial administration left little room for natives. This should not seem surprising if one considers the French position toward direct rule. It was not however an absolute truth as the need to not spend too much on her colonies encouraged France to limit overseas personnel. Whether in Cochinchina or elsewhere, it was essential to rely on the natives. This was not only true for subordinate positions but also for those comprising commanding responsibilities. This explains why, as of 1908, Asian heads of administrative posts progressively appeared as the alter ego of European delegates and served as intermediaries between French administrators at the head of provinces and village notables (Mossy, 1914: 202-205). These villages also became the focus of the colonizer's concern which in turn entailed transformations that were hardly compatible with their autonomous functioning.

II – THE EXPLOITATION OF THE ANNAMITE COMMUNE AND ITS ALTERATION

From the outset the admiral-governors were faced with the simultaneous task of conquering, pacifying and ruling. For circumstantial and structural reasons, they therefore chose to rely on the existing entity that was the Annamite village. The notables not only rallied around the French almost immediately but they also brought with them a form of organization that held serious assets. Placed on the sidelines of the Vietnamese administrative

system which was based on the delegation of power to civil servants, the communes relied on their own people and were self-contained in nature. Not having to resort to the mandarins proved possible without unsettling the basis of native society. The choice of direct rule therefore was made much easier.

Furthermore, the village was a highly organized entity whose population was divided into two broad classes: registered and non-registered. Being registered meant paying taxes which in turn gave the right to be involved in public affairs. Members of the non-registered class were not taxed as they were deemed too poor. This also meant being kept out of decision making. It did not however exempt them from *corvée* labor. Among the registered, co-opted notables held a dominant position at the head of the community. The concrete division of responsibilities allowed for differentiation between great or main notables (also referred to as major or superior notables, *ky-muc*), and lesser or small notables (also referred to as minor or inferior notables, *dich-muc*). The first group made up the village “senate” which decided on general affairs whereas the second group was confined to enforcement duties. This oligarchic control of populations by the richest and eldest fully met the requirements of the Western World at the end of the nineteenth century. Finally, local autonomy was offset by strong responsibilities that were incumbent upon those in charge. The State expected the communes to fulfill a few yet essential obligations: paying taxes, providing for *corvée* labor and military service, as well as maintaining order. Any failure exposed notables to sanctions: beating by cane or stick, periods of forced labor, fines (Gojosso, 2014: 233-235).

A very wide consensus was reached on the need to preserve the Annamite village as an institution. It was to pursue the tasks it had always assumed during the previous period. This was the case from a fiscal point of view where the mayor (*xa-truong*) collected taxes and turned the product over to the French administrators, thus alleviating the colonizer from operations requiring a personnel count the colony could not meet. Two new competences were however extended to the native communities: routinely certifying acts that transferred ownership, and holding civil registers. Beyond the legal certainty secured by such mechanisms, the strategic aims were mainly fiscal in nature. The idea was that a better people and land count would allow the generalization of both head and rice paddy taxes. And yet, most efforts along these lines proved futile due to the ill will displayed by the notables whom the French were in no real position to control.

In an attempt to resolve this, Le Myre de Vilers engaged in a series of reforms as of 1880 that led to the strengthening of administrative supervision. He first approached tax matters with the desire of improving the tax base so as to increase its productivity. However, he also observed the notables’ habit of « squeezing » villagers of lower rank in order to relieve their own charges. Le Myre de Vilers therefore intended to establish equity among taxpayers. An order issued on November 15, 1880, carried out this programme by subtly decreasing all taxes and putting an end to *corvée* labor in exchange for greater sincerity from the villages which would face harsher penalties if guilty of concealment (BOC, 1880: 560-561). The French administrators were in charge of checking this and were given the means to do so through the use of the land service registry and the establishment of tax cards.

In separating judicial and administrative functions, the decree dated May 25, 1881, dealt another severe blow to municipal power. It stripped the village authorities of the competence it had long held of resolving civil and commercial quarrels through conciliation. This had even been a prerequisite for anyone wanting to undertake legal action (Gojosso, 2012 b: 182-186). The loss of this traditional function was offset by the devolution of a new charge. Indeed, starting from the following year, the enforcement of judgments given in civil and commercial native matters was entrusted to three notables: the mayor (*xa-truong*), the *huong-than* and the *huong-hao* (The order of September 5, 1882, *Recueil général*, 1904: 124-126). Annamite law had remained silent on the subject and this forced the colonizer to

innovate. Not, it must be said, without trying to conform as much as possible to local customs. In a sense, this effort was advantageous for the French as turning the municipal authorities into « improvised bailiffs » was an excellent way of enforcing judgments at minimal cost.

The subjugation of the notables – having been reduced to the rank of simple auxiliary – came to an end ten years later. Fearful of eventual poor management of the communities, which would lead to them being unable to meet their obligations to the State, the governor-general of Indochina, Jean-Louis de Lanessan (1843-1919), decided that the alienation and leasing of municipal property, as well as loans and judicial proceedings were all to be subordinated to the authorization of those responsible of the colony (Order of January 7, 1892, BOIF, 1892: 127-128).

In less than fifteen years, the freedom of native municipalities suffered many encroachments without so much as a compensatory decrease in the responsibilities they bore. On the contrary, the mayor, notables, public officers, the leading class as a whole, as well as the inhabitants considered collectively, had to answer for many shortcomings in the most varied of fields. All were, however, linked with local functions: civil status, instrumentation, certification, military recruitment, taxes, maintaining order, etc.

For all these reasons, the notables who once led and kept the group together progressively lost their authority. They no longer arbitrated the distribution of tax, nor did they give rulings on the quarrels between the locals. Furthermore, they had been stripped of a significant portion of their prior autonomy. Both the mayor – more and more regarded as a civil servant – and the public officers were crumbling under the crushing tasks that only benefited the French authorities. A feeling of disaffection took over as the wealthy and elderly shied away from village affairs, much preferring to devote themselves to their land interests. The phenomenon was incidentally accentuated by two elements: the first being the colonial authorities' willingness to implement responsibility, often in a disproportionate manner, and sometimes even in violation of existing regulations (Pommier, 1907: 47-48 ; Kresser, 1935: 25) ; the second being the development of a parallel hierarchy that meant nominating “non-council” notables, who were thus armed with the advantages of a title but in no way burdened with counterbalancing constraints (Kresser, 1935: 26-27).

At the beginning of the twentieth century, reforming the Annamite commune became an imperious necessity for the colonial authorities. With this in mind, Governor-General Paul Beau (1857-1926) installed a commission in 1903 whose first purpose it was to reinstate the notables' influence. If one is to believe him, the notables had « lost all prestige, all authority, all means of being obeyed » and were no longer capable, because of this, of acting as intermediaries between the administration and the population. The order dated August 27, 1904, echoed the commission's conclusions (BOIF, 1904: 663-670). Firstly, it intended to restore all prior legitimacy to the notables by prescribing that they be recruited among the group that was socially and economically dominant. Article 3 thus specifies that they must be chosen « as much as possible » among the landowners or among the wealthiest inhabitants. Placed in a specific hierarchical position and assigned well defined powers, eleven of them were to make up the council destined to head the village. They were to be chosen through co-optation when vacancies occurred, given that the mandates had no set end. A *cursus honorum* was established: in order to reach the superior rank, one had to have served for at least two years in the inferior one. Honorary distinctions were only to be given out on account of services rendered. All of these points show the colonizer imposing a uniform system which clearly contrasted with the flexibility once offered by customs.

The order then provided the means local authorities would need to enforce their control over the group. It thus granted them the power to inflict up to a maximum of three additional surveillance days (although these could be circumvented for a fee) and twenty-four hours of consignment in the *maison commune* on inhabitants refusing to submit to their

obligations or on those disturbing public order. Furthermore, notables found guilty could be fined by their peers. For that matter, one of the notables was entrusted with amicably settling – through transaction – disputes of minor importance. Finally, the financial liability and collective responsibility of the notables and villagers was limited to five cases among which figured extracting taxes, military recruitment, alcohol and opium fraud.

In truth, the new statute was bound to fall short of the mark. Its rigidity not only created too great a gap with the old regime but also prevented it from adapting to the new state of a society witnessing full economic mutation. It kept the population firmly out of the way as they would no longer partake in choosing the mayor (*xa-truong*). It allowed no room for the intellectual elevation of a greater number of natives. To this we must add that despite all these declarations, the colonizing power had not restored the traditional institutions in their entirety. It had merely concerned itself with reinforcing the strong dependency between the French authorities and their auxiliaries on the communal echelon. The sort of local autonomy which held such a prominent place in Vietnamese organization was never really taken into consideration. The interference in village affairs was even accentuated by the reform of 1904 which not only held on to the existing tutelage measures for communal ownership, loans and legal proceedings, but broadened these by adding compulsory expenditure to the list of municipal charges. Yet another step was made on the path to centralization on May 19, 1909, when the establishment of municipal budgets was decided by Ernest Outrey (1863-1941), the interim Lieutenant-Governor of Cochinchina, and a fine connoisseur of native community regulations (BAC, 1909: 1148-1151). This forced the notables to prepare a budget subject to approval by the administrative power which was, moreover, entrusted with inspecting its enforcement. Seen in this light, one wonders if the attempts at reform could have encountered anything other than failure.

The French certainly seemed quick to notice what was at stake but didn't react until 1927, at which point an order signed on October 30, opened up recruitment of notables to retired or outgoing native officials, while subjecting their appointment to administrative authorization. This was justified by the desire to weed out individuals deemed unreliable. The same text also slightly reinforced the disciplinary sanctions the village authorities could pronounce. These were extended from three to...five surveillance days (BAC, 1927: 3023-3033). Such a setup could hardly hope to produce a major impact. The political turmoil of 1930 and 1931 soon revealed the need for yet another reform. For the first time a subcommittee in charge of preparing such change envisaged things very differently. It was no longer a case of restoring traditional communal oligarchy (Kresser, 1935: 112 sq.). The failed attempts of 1904 and 1927 merely served to show how vain the evolution of society had rendered any backward stance. Moving forward meant that local administration would have to rely on an emerging popular class that had progressively freed itself from owners' domination. Under these circumstances, the easiest solution was seemingly to transpose the French metropolitan system by establishing a deliberative assembly comprised of elected councilors. They were to be guided by a president who would also carry out the functions of village administrator and whose job it would be to enforce both municipal deliberations and colonial authority. Regardless of the differences between the regime set out by the French municipal law of 1884 and the project brought forth by the subcommittee, the intellectual similarities are patently obvious (Varet, 1932: 211). So much so from the point of view of those responsible for the colony that they felt that the audacity of the propositions ran the risk of stirring up more problems than they would actually solve. It is of course also possible that the noticeable shortcomings in Tonkin, in spite of prolonged experimentation, did nothing to alter this impression (Gojosso, 2013: 331-336). Nothing, therefore, came of the reformers' suggestions.

To sum up, one cannot help but notice a paradox. Whereas the French had succeeded in adapting their administrative model to local circumstances under the military regime – and in doing so, ensuring relative efficiency – they were later unable to let the hybrid system they had conceived evolve. Ultimately they could not cope with the disruption (economic changes, rural exodus, growing individualism, etc.) they had introduced into Asian society. Herein lies one of the numerous roots of the decolonization of Indochina.

List of notes

¹ One should note the existence of the useful, albeit dated, overview by Vu Quoc Thong, *La décentralisation administrative au Viet-Nam*, Hanoi, Presses Universitaires du Viet-Nam, 1952. See also D. G. Marr, *A Brief History of Local Government in Vietnam, Beyond Hanoi. Local Government in Vietnam*, Singapore, ISEAS, 2004, 28-53.

² For a more contrasted view of reality on the scale of Southeastern Asia, see N. Tarling (ed.), *The Cambridge History of Southeast Asia*, Cambridge, U.P., 1992, 1999, vol. 3, 90 sq.

³ Le Myre left an interesting account of his actions in *Les institutions civiles de la Cochinchine (1879-1881)*, Paris, Emile-Paul, 1908.

Reference list

Abor, R. (1929), *Conventions et traités de droit international intéressant l'Indochine* (Hanoi: IDEO)

Bigot, G. & Le Yoncourt, T. (2014), *L'administration française*, t. 2 (Paris: Lexis Nexis)
Bulletin administratif de la Cochinchine (BAC)

Bulletin des Lois (BdL)

Bulletin Officiel de la Cochinchine (BOC)

Bulletin Officiel de l'Indochine Française (BOIF)

Bulletin officiel du ministère des colonies (BO Colonies)

Cultru, P. (1910) *Histoire de la Cochinchine française des origines à 1883* (Paris: Challamel)

El Mechat, S. (ed.) (2009) *Les administrations coloniales XIX^e-XX^e siècles* (Rennes: PUR)

El Mechat, S. (ed.) (2014) *Coloniser, pacifier, administrer* (Paris: CNRS)

Gojosso, E. (2010), Les provinces dans l'empire colonial français: l'exemple de la Cochinchine (1861-1876), in: Gojosso, E. & Vergne, A. (eds.) *La province* (Poitiers: LGDJ), pp. 445-476

Gojosso, E. (2012 a) Le droit de punir outre-mer: l'exemple de la Cochinchine française (1861-1904), in: Chauvaud, Fr. (ed), *Le droit de punir* (Rennes: PUR), 41-55.

Gojosso, E. (2012 b), La commune annamite de Cochinchine et la justice: la subversion progressive des institutions traditionnelles, *Cahiers aixois d'histoire des droits de l'outre-mer français*, n°4, pp. 169-189.

Gojosso, E. (2013) La réforme communale au Vietnam à l'époque de l'Indochine française, *La dynamique du changement politique et juridique : la réforme* (Aix-en-Provence: PUAM), pp. 325-337.

Gojosso, E. (2014) La commune annamite de Cochinchine : un instrument juridique de pacification, in: El Mechat, S. (ed), *Coloniser, pacifier, administrer* (Paris: CNRS), pp. 231-244.

Grammont, L. de (1863) *Onze mois de sous-préfecture en Basse-Cochinchine* (Napoléon-Vendée: J. Sory)

Grammont, L. de (1864) Notice sur la Basse-Cochinchine, *Bulletin de la société de géographie*, 5^e série, t. VII.

Journal Officiel de l'Indochine Française (JOIF)

Journal Officiel de la République Française (JORF)

-
- Kresser, P. (1935) *La commune annamite en Cochinchine* (Paris: Domat-Monchrestien).
- Laffont, E. & Fonsagrives, J.-B. (1890) *Répertoire alphabétique de législation et de réglementation de la Cochinchine*, (Paris: Rousseau, 7 t.).
- Langlet (Ph.) et Quach Thanh Tâm (2001) *Atlas historique des six provinces du sud du Vietnam* (Paris: Les Indes savantes).
- Luro, E. (1875) *Cours d'administration annamite* (Saigon: add publisher : there's no one).
- Mossy, L. (1914) *Principes d'administration générale de l'Indochine* (Saigon: impr. de l'union).
- Osborne, M. E. (1969) *The French Presence in Cochinchina and Cambodia* (Ithaca & London: Cornell U. P.).
- Pinto, R. (1944) *Les assemblées des villages convoquées par l'amiral gouverneur Ohier* (Saigon: SILI).
- Pommier, R. (1907) *Le régime de l'indigénat en Indo-Chine* (Paris : A. Michalon).
- Recueil général permanent des actes relatifs à l'organisation et à la réglementation de l'Indo-Chine* (1904) (Hanoi: Schneider)
- Varet, P. (1932) *Les dieux qui meurent* (Paris: Figuière).
- Woodside, A. B. (1971) *Vietnam and the Chinese Model* (Cambridge Massachusetts: Harvard U. P.).