

June 1973
U.S. ISSN 0084-0793

LTC No. 86

THE LAND TENURE CENTER
310 King Hall
University of Wisconsin-Madison
Madison, Wisconsin 53706

LAND TENURE CENTER
Author File

THE ECONOMIC, SOCIAL AND POLITICAL EFFECTS
OF THE LAND-TO-THE-TILLER PROGRAM IN SOUTH VIETNAM:

A PROGRESS REPORT*

by

C. Stuart Callison

*The original version of this article appeared in Tạp San Kinh Tế, Journal of the Vietnam Economic Association, Cần Thơ University, March 1972, pp. 73-89. This revision includes a new introduction, refined and corrected statistical calculations and a slightly different treatment of agricultural investment averages, but it is substantially the same.

All views, interpretations, recommendations, and conclusions expressed in this paper are those of the author and not necessarily those of the supporting or cooperating agencies.

1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030

1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030

1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030

1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030

THE ECONOMIC, SOCIAL AND POLITICAL EFFECTS
OF THE LAND-TO-THE-TILLER PROGRAM IN SOUTH VIETNAM:
A PROGRESS REPORT¹

By

C. Stuart Callison

The Land-to-the-Tiller law of South Vietnam, promulgated on March 26, 1970, constitutes one of the most sweeping land reform programs ever enacted in a non-communist country. It is designed to eliminate tenancy completely, benefitting the sharecroppers of the Central Lowlands as well as the tenants of the Mekong Delta. All landowners automatically lose their land unless they themselves are actively cultivating it, and then they may retain a maximum of only 15 hectares.²

The land was declared legally transferred on the date of the implementing decree, with the issuance of titles to former tenants and the payment of compensation to former owners to follow as rapidly as possible. All tenants receive the land they are tilling free of any fee, charge or transfer tax up to a limit of 3 hectares per family in the Delta, 1 hectare in the Central lowlands. Former landlords are to be compensated with an amount 2.5 times the average annual paddy yield; 20% in cash and the balance in government bonds to be amortized over the following eight years. The

¹The original version of this article appeared in Tạp San Kinh Tế, Journal of the Vietnam Economic Association, Cần Thơ University, March 1972, pp. 73-89. This revision includes a new introduction, refined and corrected statistical calculations and a slightly different treatment of agricultural investment averages, but it is substantially the same.

²One hectare equals 2.47 acres.

government plans to complete the administrative work by the end of 1973, with the help of modern tools such as computers and aerial photography.

The research partially discussed below was designed to investigate the immediate economic, social and political effects of the Land-to-the-Tiller Program on former tenants and landlords and the implications of these effects for the national economy. It has been undertaken in preparation of a doctoral dissertation in economic development at Cornell University. Financial support is being provided by the Foreign Area Fellowship Program, which is funded by the Ford Foundation.³ This report covers the first six months in the field.

I. Research Methodology

All farmer responses are being recorded on printed interview forms, drafted, translated, pre-tested, revised and printed during the first 3-1/2 months in-country. The detailed nature of the economic information desired makes it imperative to write down most of the responses during the interview, despite its disadvantage of introducing a more formal atmosphere into the discussion. In addition, security conditions have permitted my wife to assist me in the field as a second interviewer, and the forms are necessary to insure comparability of our separate sets of responses. The farmer interviews average 2 to 3 hours in length.

³The observations and opinions expressed in this paper are entirely those of the author, and they do not necessarily represent the views of the Foreign Area Fellowship Program or Cornell University, nor of Cần Thơ University, with which the author is affiliated as a research associate.

Our field operating procedure is to contact the USAID province advisor for land reform and to rely on him to introduce us to the Vietnamese Province Land Affairs Service chief. From the latter we obtain a list of all landlords who have applied for compensation payments for land expropriated in the village under study. We stratify these according to the number of hectares they have lost and draw a sample of 10 out of a hat, weighting the sample so that each stratum is represented in roughly the same proportion as its share of the total hectarage expropriated. This procedure reduces the sample bias toward the numerically greater small landlord group and gives a fairer representation of the piaster amounts of compensation involved, the disposition of which is our chief interest.

Either the USAID land reform advisor or someone from the Province Land Affairs Service introduces us to the chiefs of the district and village where we wish to conduct our interviews. The Village Office is a source of current population, agricultural and land reform data. The village chief passes us on to the chiefs of the hamlets chosen for research based on security assessments.

We have limited ourselves to those hamlets secure enough for us to enter unescorted on a routine, daily basis. I tried a few interviews in one hamlet (along a river) where I was permitted to go only under local defense force escort. While the interviews are usable in my study, I sensed a greater suspicion among the respondents that I was somehow connected with government plans to increase taxes, a suspicion much easier to allay where my wife and I are unescorted than where we are travelling under armed guard. The presence of this suspicion naturally produces reports of production activities and owned wealth which are biased downward.

This is not fatal to my study, since I am primarily interested in changes in production activity, and not in absolute amounts of production, but it is of course preferable to reduce this bias as much as possible. It is also preferable to concentrate on the more secure areas for another reason, since I am interested in the disposition of recent income increments due to the elimination of rent payments, and these increments either do not exist or are much smaller in the less secure areas. However, because my research must be restricted to the more secure areas, the results will be strongly biased thereby, and any attempt to project my findings or conclusions to less secure areas or to the Mekong Delta as a whole would be hazardous.

The establishment of close rapport with and the elimination of suspicion among the village residents are high on our list of priority activities. We have found that my wife's presence (she is Vietnamese) as my research assistant is helpful in this regard, especially among the women, who often seem quite fearful of a lone American male. On the other hand, my appearance also seems to dispel fears that she is a government tax agent, as well. We are an unlikely team for either government to send to the field, only true students would be working like this--this seems to be the reaction. So we make it a point to be seen and to make our initial approaches together, although we normally conduct interviews separately.

From each hamlet chief we obtain a list of all household numbers in his hamlet, making it clear that we are not taking names. We draw these numbers out of a hat until we obtain a number of rice farmers proportional to the hamlet's share of village population, for a total of 15 farmers in the village. We then ask the hamlet chief to show us the location of each

house we have drawn, which normally results in short visits to each house, complete with introductions by the hamlet chief (a valuable aid to later rapport), and explanations of how they were selected and of their anonymity in our study.

There is always great interest in our method of drawing lots out of a hat, which elicits expressions of approval of the fairness of our research efforts and of the fact that we would take the trouble to interview even the most out-of-the-way, poor and illiterate farmers, if we happen to draw their numbers. Accordingly we often take the extra time to perform the drawing in the presence of the hamlet chief and his deputies, or in some fairly public place, asking the observers to take turns drawing the numbers.

What we actually draw are 15 sets of 3 farmers each, to give us a total of 45. For comparative purposes we desire to interview 15 present tenants, 15 LTTT title recipients and 15 original owner-cultivators. Our practice is to interview each farmer whose lot we have drawn, and then ask him to show us the houses of one neighboring farmer in each of the other two categories. This procedure introduces a random element in our selection process while enabling us to interview an equal number of each category. The hamlet chief can usually tell us which households are farmers and which are not, but it is a rare chief who can look at his family register and tell us for certain whether each household is a tenant, a new owner or an old owner.

In addition to the farmers and former landlords, we interview ten hamlet chiefs, village officials, merchants and resident schoolteachers to elicit their opinions and observations about the matters under study. There is no attempt to be random in this group of interviews.

One problem is the lack of interviewee availability, which has been especially acute during the last two months due to the harvest season and Lunar New Year (Tết) preparations. We have intentionally adopted a low-key approach, making it clear that we do not wish to take the farmer away from pressing work requirements or other commitments and responsibilities, since government delegations usually take the opposite attitude, and as a result we often have to make several trips back before we catch the respondent at home with a couple of hours to spare. In our first village we were able to make advance appointments, which was of some help (though many were forgotten by people who are not accustomed to making appointments); but we have been cautioned against this practice as an unnecessary risk in our second village, which is somewhat less "secure."

II. Preliminary Results

A. The Case Studied

For purposes of this progress report, I have made some crude calculations based on our first 46 farmer interviews, conducted between 2 December 1971 and 22 January 1972 in Khanh-Hau Village, Thu-Thua District, Long-An Province.⁴ Khanh-Hau is now a village of 5,595 people residing in 773 households, or an average of 7.24 per household. Village officials estimate that before the Land-to-the-Tiller Program about half of the 992 hectares of paddy land in the village was cultivated by tenants, half by owners. Numerically the tenants were superior, comprising about

⁴This is the village studied in 1958-59 by Gerald C. Hickey, Village in Vietnam, Yale University Press, New Haven, 1964, and James B. Hendry, The Small World of Khanh-Hau, Aldine Publishing Co., Chicago, 1964.

300 of a total estimated 500 farm families, or about 60%. It is a prosperous village; most of its land is double-cropped, it has long enjoyed relatively greater security than most, and it is only a one-hour drive from the Sài Gòn-Chợ Lớn markets. Khánh-Hậu has long been considered a model village, and government officials often use it as a showcase for foreign visitors. It was selected for study because previous research gives us a basis for studying changes over time, because landlords have continued to collect rents through recent years, and because it represents upper-Delta agricultural conditions favorable for development programs.

In December 1971 the deputy village chief for administration reported progress in the Land-to-the-Tiller Program as listed in Table I.

Table 1
PROGRESS OF LTTT PROGRAM IN KHÁNH-HẬU
as of December 1971

	<u>Number of Applicants</u>	<u>Number of Hectares</u>
Title applications received	250	300
" " approved	224	274
Titles issued	214	247
Former landlords requesting compensation	23	227
Owner applications to retain land (Form A) (including direct cultivators and owners of Hương-Hòa worship land)	177	486

The government is paying compensation for most of the land expropriated in this village at the rate of 230,000 \$VN per hectare.

Of the 46 farmers interviewed 15 were still tenants paying rent (13 on Hương-Hòa land, 2 on land not Hương-Hòa but belonging to relatives), 16 were or expected to be new title recipients,⁵ and 15 were owner-cultivators. (Two of the latter received titles under the earlier Ordinance 57 land reform.) Some of the statistical averages calculated from this sample are presented in Tables 2 and 3.

Table 2

KHÁNH HẬU INTERVIEWEE DATA

<u>Total</u>		<u>15 present tenants</u>	<u>14 title recipients</u>	<u>15 owner- cultivators</u>	<u>44 Village</u>
Interviewees:	Male	12	8	12	32
	Female	3	6	3	12
<u>Average</u>					
Age of interviewee:	Male	54.8	54.8	47.9	52.2
	Female	45.7	30.7	41.7	37.2
Education (yrs.):	Male	2.8	3.0	4.7	3.6
	Female	0.7	1.3	2.3	1.4
No. of household residents		7.3	7.7	9.7	8.3

B. Economic Effects of Land-to-the-Tiller

Rent Reduction

As far as the individual farmer is concerned, the most obvious economic effect of the LTTT Program is the elimination of rent payments.

⁵Two have been excluded from the calculations discussed below (see note 1, Table 3). Another title-recipient has been placed in the tenant category as that of his predominant status. He has received title to .5 ha., but still rents 1.0 ha.

Table 3

KHÁNH HẬU INTERVIEWEE DATA ON RICE PRODUCTION

<u>Average</u>	15 present tenants	14 title ¹ recip- ients	15 owner culti- vators	All 44 farmers
Present holding of paddy land (ha.)	1.2	1.6	4.0	2.3
Ha. received under LTTT		1.5		
Gross paddy production per farm, 1971 (<u>gia</u>) ²	340	393	1157	635
Annual yield/ha. '71 (<u>gia</u>)	285	244	292	280
" " " '69 "	190	157	187	181
" " " before '69	186	150	195	184
(% increase 1969-71)	(50)	(55)	(56)	(55)
Portion of riceland double- cropped, 1971	.84	.92	.74	.80
" " " , 1969	.49	.46	.48	.48
(% increase 1969-71)	(71)	(100)	(54)	(67)
Yield/crop ha., 1971 (<u>gia</u>)	154	127	166	154
" " " , 1969 "	127	107	126	122
(% increase 1969-71)	(21)	(19)	(32)	(26)
Stipulated rent/ha. before LTTT(<u>gia</u>)	34	30		
Actual rent paid ha., 1969 (<u>gia</u>)	30	27		
" " " " , 1971 (<u>gia</u>)	29	1.6		
<u>Total 1969 rent actually paid</u>				
<u>Total 1969 harvest</u>	.16	.17		
<u>Total 1971 rent actually paid</u>				
<u>Total 1971 harvest</u>	.10	.006		
<u>Percentage increase or decrease in last 2 years of (rice paddy use):</u>				
Gross paddy production	50	56	56	54
Rent	- 3	-94	0	-44
In-kind labor payments	51	63	53	54
Home consumption and feed	4	9	8	8
Paddy sales	104	219	77	97

¹Two interviewees omitted as confused or mixed cases. One was still fighting her landlord in court over whether land was Hương Hòa, and the other was 3/8 owner, 3/8 title-recipient and 1/4 tenant.

²A gia is a unit of dry measure equal to 40 liters. One gia of paddy can range from 16 to 24 kilograms in weight, depending on the variety of rice, its quality and its moisture content. Taking 20 kilos per gia as a good average, 50 gia will equal one metric ton.

We found that rents have as a rule been collected in Khánh-Hầu, with some reductions, until the farmer actually receives his title, despite the provision of the law which declares rents abolished and landlord compensation collecting 10% interest as of 26 March 1970, the date the law was promulgated. Two years ago a total of 604 gia of paddy (or its equivalent in cash) was collected from 14 new title recipients, last year it only dropped to 372 gia, and this year to 35. At an average current price of 600 \$VN per gia, the 569 gia of reduced rents is worth 341,400 \$VN, or 24,386 \$VN (\$59.48 US) per respondent. At the female agricultural labor wage rate in Khánh-Hầu this year of 300 \$VN/day (for transplanting and weeding), 24,386 \$VN represents 81 woman-days worth of labor.

Marketable Surplus

A big question is what is happening to this income increment. Is the marketable surplus of rice going to increase or decrease because of the LTTT Program? Our interviewees in Khánh-Hầu indicated overwhelmingly that they are selling their additional paddy. The result is clear in spite of a 56% rise in paddy production over the last two years, due mostly to the new "Miracle Rice" varieties of seed and improved irrigation. The total gross paddy production minus rents of our 14 new title recipients increased from 2918 to 5463 gia, or by 87%. Of this increase only 144.5 gia additional was kept by the farmers for direct family consumption and livestock feed, a rise of only 9.4%. The rest, 2400.5 gia, was either sold or paid in kind to harvest labor--the amount sold rising by 219% during the last 2 years!

We did find some impoverished peasant farmers who kept all their

paddy increment to feed their families, selling none, but they were only a very few in Khánh-Hậu. Even these were not eating much more rice; they were merely forced to purchase less with their wage incomes to supplement their own farm production, and were thus able to use more of their money income for other consumption items.

The conclusion, then, is that in the prosperous farming community of Khánh-Hậu the LTT Program is not resulting in a decreased marketable surplus of paddy.

Consumer Durables

What are the LTTT title recipients doing with their additional income? Fully 13 of the 14 former tenants interviewed reported plans to remodel or reconstruct their houses during the coming year, compared to only 7 of the 15 present tenants and 5 of the 15 owner-cultivators. In a list of 11 consumer-durable items commonly desired by Vietnamese farmers, the LTTT title recipients reported plans to make 13 purchases in the coming year, while the figures for tenants and owner cultivators were only 4 and 5, respectively.

Farm Machinery

Two LTTT recipients plan to purchase motor-cultivators next year, compared with no tenants and 2 owner-cultivators. But the latter two are much wealthier, owning 9 and 10 hectares of paddy land, as opposed to only 2.3 and 3 hectares owned by the two LTTT recipients.

Reduction of Debt

At a time when inflationary costs are rising and rural credit is

becoming relatively more available due to government credit programs and the general prosperity of the Khánh-Hậu rural population, 8 of the LTTT recipients either borrowed less this year than 2 years ago or plan to borrow less next year than this, compared with 4 tenants and 3 owner-cultivators who made similar statements.

Agricultural Investment

In a crude attempt to measure incentives to produce and increases in general farm investment, I have counted the number of changes in various farm activities reported as having been adopted over the last 2 years or as being planned for the coming year. These include the number of rice crops harvested in one year, secondary crops planted, fish and livestock increases, new breeds of livestock, the use of more fertilizer, new canal or paddy dike construction, and the purchase of new farm implements. These changes require an additional investment of time and/or money and create an additional risk of loss.

The result is hardly significant for such a small sample; but if the trend continues throughout the rest of our planned interviews, it would be an indication that the new title recipients are changing their investment activities more rapidly than their tenant and old owner-cultivator neighbors, presumably due to the greater availability of owned investment funds and to enhanced incentives to increase production. The crude change count I have used for this report produces an average of 1.9 investment changes for each tenant, 2.4 for each LTTT title recipient, and 2.6 for each owner-cultivator. But if the one part-tenant, part-title-recipient is excluded and the two Ord. 57 title recipients are placed in a separate category, in order to "purify" the land tenure groups, the tenant average falls to 1.7

and the LTTT-title-recipient and owner-cultivator averages are found to be the same, 2.4, despite the greater wealth and higher education of the latter group. The two Ord. 57 recipients averaged 4.0, the most investments of all.

Infrastructure Investment

This was not asked as a direct question, but one hamlet chief observed that it has always been difficult to get tenants to contribute to various public works projects within the community because of their relative poverty, whereas those who have recently become owners are now much more willing to do so and seem to obtain more satisfaction out of such projects.

Several of the village leaders queried noted that, while all villagers are sending their children to school more regularly than before (mostly because more classrooms have recently been constructed, especially at hamlet level), the change was more pronounced among the new title recipients. When pressed for specifics, one hamlet chief, himself an LTTT recipient, gave a vivid explanation of why relatively poor tenants often could not afford to keep growing children in decent school clothes, to purchase school supplies, or to release them from household and farm chores, such as caring for younger children and tending livestock. It was often the case that both parents had to work for other farmers in order to earn enough to care for the family, leaving the older children home to watch the house and livestock and to care for the younger children. The reduction in rents, he claimed, has enabled many mothers to stay home more, releasing the children to go to school. (I suspect increased yield has also had something to do with this).

Size of Holdings

I have not yet studied this problem in detail, but so far we have found little evidence of increased fragmentation of holdings as a result of the LTTT Program, which in Khánh-Hậu has mostly conferred ownership rights of the land they till on the present cultivators. There have been several reported cases, however, of landlords deceiving or pressuring (often with the use of forceful tactics) tenants into giving up cultivation rights to half or more of the land they have operated for years, declaring it "directly cultivated" land. Unless the former landlord is able to consolidate several plots reclaimed in this fashion, this would seem to result in fragmentation. I have not determined the actual extent of this practice, which is illegal, but one hears many complaints of it in the field, and some such cases have reached the land courts.

Land Market Rigidities

The preferred method of holding on to tenanted land in Khánh-Hậu, however, is to have declared it Hương-Hòa worship land before the LTTT law was promulgated, which does not result in fragmentation, but which can serve to make the land non-transferable for 5 generations (except through inheritance) once the original owner dies. The effect of the Hương-Hòa retention provision, by encouraging large amounts of land to be newly declared Hương-Hòa, has been to introduce greater economic rigidity into the ownership of much good land than the 15-year restriction on sales by LTTT title recipients. Khánh-Hậu village officials report that 147 hectares are now Hương-Hòa, or about 15% of all village paddy land.

Landlord Compensation

We have hardly begun to interview landlords, since my interest is not to listen to their complaints about the slowness of compensation procedures, which everyone knows to be a serious problem, but rather to find out what they will do with the money once they receive it. The checks are beginning to issue from Saigon more rapidly than before, so we should be able to pursue this part of our research shortly.

It has disturbed me, however, that I have so far not heard of any government efforts to encourage landlords to use their compensation payments for productive investment. The landlord class is as a whole more educated and more mobile than most elements of the Vietnamese population, and they have been forced to liquidate large portions of their family savings. It seems an excellent opportunity for the government to direct these human and financial resources into productive channels, especially since many of the landlords have lost a source of income and financial security and will be looking for a replacement.

Government land bonds should be considered excellent security for industrial or agricultural development loans, and a discount market among private banks should develop, at least for those bonds near maturity. The few inquiries I have made, however, have drawn complete blanks on these possibilities. One small landlord I interviewed had even gone to an Agricultural Development Bank on his own initiative to inquire about these possibilities. He wanted to invest in farm machinery to use on his remaining, directly cultivated land. He was told that the government had not authorized the bank to accept the bonds either for discounting or as collateral for loans of any kind.

This seems to be a serious oversight in government planning. If these funds are not directed into productive investment, a large part of them will be slowly dissipated in consumption expenditures, resulting in added inflationary pressures and in the loss of scarce capital funds, as well as in the reduced wealth of the former landlord families and the economic opportunity loss to the nation of their entrepreneurial potential.

Inflationary Impact

It would seem the inflationary impact of this program would be high, since the government is compensating landlords out of the national budget at no cost to the former tenants, and general tax receipts have not yet increased enough to cover the cost of the program. I have been informed, however, that while the U.S. aid program has only limited funds specifically earmarked for the LTTT Program, the general budgetary support of the Commodity Import Program is sufficiently greater than it would otherwise have been to cover most of the difference, and therefore the actual inflationary impact should be much reduced.

C. Social and Political Effects

I am not yet prepared to make more than a few observations on the social and political effects of the LTTT Program. On the positive side, the program does seem to have stirred many Khánh-Hậu farmers, especially those who are gaining from land distribution and those who think they might gain, into attending more village meetings than before and participating more willingly in village projects. They are eager to keep up with what is going on. Several people told us the resident landlords are attending

more meetings than before, too, also eager to keep up with events and to learn possible strategies for keeping more of their land. Whether this effect will be a lasting one, leading to continued farmer interest in local organizations, remains to be seen.

There seems to be a new belief in Khánh-Hậu that someone in Saigon is on the side of the poor farmer and that some government programs are beginning to work in their favor; and the LTTT Program appears to deserve much of the credit for this. Whether this new faith can be sustained in the future remains to be seen, also, and depends in part on the outcome of some of the pending landlord versus tenant court cases. It amazed me that some of the tenants, who were very unhappy with landlord control over provincial land affairs and land court machinery, seemed to harbor a strong faith that when the case was finally reviewed in Saigon it would be reversed in their favor. My personal suspicion is that many of them are going to be disappointed.

Landlord Power

Absentee landlord power over local affairs seems to have been greatly reduced several years ago, with the LTTT Program only the final, severing blow. Resident landlord influence is still strong, however, in village and provincial administrations, and most of the judges and court clerks are from the wealthy, more educated, landlord or landlord-allied classes. Of the 15 present tenants interviewed, 14 of them had landlords residing in the village, and only 5 of them were protected with written tenure contracts. Of the 14 former tenants in the sample, only 4 had had resident landlords, and 10 had had written contracts.

A recent study found that only a small proportion of village and hamlet officials are presently landlords (8% in Long-An Province),⁶ but it neglected to determine how many were related to landlords. Very few wealthy landlords care to be bothered with the numerous, detailed duties of a village official. These jobs are no longer the easy and lucrative positions they were in the days of old, when wealthy families would purchase them at district or province level for a son or grandson---but even in those days the landlords themselves seldom held a village position. Then, as now, a relative or an old friend in the right place was all that was necessary.

Landlord power has certainly not scuttled the LTTT Program, but it appears to have greatly reduced its impact in many areas, especially in the more secure areas, and it threatens to reduce it even more as judges proceed to decide cases on technicalities favoring landlords rather than following the intent and letter of the law.

Shortly after the LTTT Law was passed by the National Assembly, each village was asked to report how much of its paddy land would be subject to expropriation. Khánh-Hậu reported 500 hectares, and this figure was then listed as the village "goal" in the LTTT Program. Village officials now claim that 316 hectares is the maximum they will be able to expropriate under the law and distribute to tenants, because all the rest is either directly cultivated by the owner or legally declared Hương-Hoà

⁶Pacification Task Force, Land Ownership and Tenancy Among Village and Hamlet Officials in the Delta, Control Data Corporation, Saigon, March 1970, p. 5.

worship land. This would seem to indicate that some 184 hectares changed status in the interim period, or 37% of the original "goal."

Some landlords have used Regional Forces soldiers to prevent tenants from harvesting paddy they planted. Many tenants were deceived into signing (often back-dated) papers ceding back cultivation rights on half or more of the land they have tilled for 20 or 30 years, having been led to believe the landlord had the legal right to take back all his land for direct cultivation and was thus being very generous--only later did they discover what the law really said. Reports from Long-An and other provinces are that judges have been honoring such papers, usually upon the recommendation of the Province Land Affairs Service Chiefs, as long as the dates are in order, instead of declaring them invalid as obtained under false pretenses or illegally backdated. The notion that a Vietnamese tenant farmer would knowingly cede back half of the land now legally his is utterly preposterous. The victims of such tactics often stop me along the paths of the village to tell me their stories and to ask for my advice and assistance.

The Hương-Hòa retention limit

Several cases illustrating abuse of the Hương-Hòa worship land retention provision are on file in the Long-An Province Special Land Court. One man in Khánh-Hậu, his wife and eight children are on record as owning a total of 50 hectares of Hương-Hòa land (this may not be all of it, tenants claim the family has declared 80 hectares of Hương-Hòa land and even has a young grandson listed as an owner). The family head, who bought and registered most of this land just days before the LTTT law was promulgated, has brought a large number of his tenants to court for refusing to pay rent.

The tenants claim rights to title under paragraph 5.2 of the LTTT law, which limits the amount of Hương-Hòa land each gia tộc can retain to 5 hectares. The Province Land Affairs Service chief recommended a court decision in favor of the landlord, based on the wording not of the law, but of paragraph 7 of the implementing decree.

Gia-Tộc

Now the word gia-tộc has confused many American advisors, because it is commonly translated merely as "family," as is the word gia-dinh. But the word gia-tộc is quite different from the word gia-dinh, as every Vietnamese knows. It is not at all confusing even to the most illiterate tenant farmer, and when the executive branch came out with its implementing decree changing the wording of that provision from gia-tộc to mỗi sở-hữu-chủ sáng-lập (any property owner who established it) they were simply rewriting the law. This is evidence not only of landlord influence at the highest levels, but of their cleverness as well.

A more correct translation of gia-tộc would be "a five-generation family," while gia-dinh is "a nuclear family." The establishment of Hương-Hòa land is an ancient Vietnamese tradition. The net income from its operation must be used to worship the family ancestors in whose honor it was established for five generations. During this time it passes into the custody of the eldest male descendent of each succeeding generation; it cannot be sold (except under certain stringent conditions) nor can it be claimed by another in payment of an overdue debt. It does not belong to the inheritor as personal property, but to the whole gia-tộc, for which the inheritor acts as custodian and must perform certain costly religious duties

connected with the worship of deceased ancestors. Any important decisions about Hương-Hòa land must be approved by the Hội-Đồng Gia-Tộc, the extended family council including all relatives bearing the same surname. This is the law.⁷

Lower House Debates

Records of floor debates in the Vietnamese House of Representatives show that the assemblymen made clear distinctions among a gia-tộc, a gia-dình, and an individual owner. When answering a suggestion to lower the Hương-Hòa retention limit from the Lower House provision of 15 hectares, the chairman of the Committee on Agriculture, who was presenting the bill paragraph by paragraph for floor debate and vote, said that since they had already decided that a number of individual landlords may retain 15 hectares, he could think of no reason why a whole gia-tộc should not have the right to retain the same amount.⁸

Another representative objected to the gia-tộc limitation as too restrictive, precisely because several individuals within the same gia-tộc are often the recipients of separate parcels of Hương-Hòa land. He recommended the word gia-tộc be amended to read mỗi người được thu-hưởng (each recipient).⁹ Still another representative objected for similar reasons and

⁷See Vu-Van-Hièn, Chế-Đô Tài Sản trong Gia-Dình Việt-Nam, Tập I (Property Regimes in the Vietnamese Family, Vol. 1), Bộ Quốc-Gia Giáo-Dục, (Ministry of Education), Saigon, 1960, pp. 145-210.

⁸Hạ-Nghi-Viện (House of Representatives), Biên-bản Phiên họp của Hạ-Nghi-Viện (Session Minutes of the House of Representatives), Number 68/69/H/BB/BT, 3 Sept. 1969, Republic of Vietnam, pp. 81-2.

⁹Ibid., p. 92.

wanted the word gia-tộc changed to read gia-dinh (nuclear family).¹⁰ Neither of these proposals was approved, and the gia-tộc limitation became law (with the Senate reducing the amount from 15 to 5 hectares).

There are other references in the debate to the fact that a gia-tộc includes "very many older brothers, younger brothers (anh em can also include cousins), younger and older paternal uncles related to each other"¹¹ but enough has been said to illustrate the point. The executive interpretation of gia-tộc as "any property owner" cannot be justified, nor can the failure of the courts to declare that interpretation invalid.

III. Plans for Further Research

In addition to the research discussed in this report, we hope to complete similar interviews in at least four other provinces. We should finish in our second village, Long-Bình-Diên, Chợ Gạo District, Định-Tường Province,¹² within 3 weeks after Tết. Like Khánh-Hậu, this village is part of the Upper Delta single-transplant area, but it is off the beaten track and has not enjoyed the same continuous security as Khánh-Hậu. Yields appear to be much lower and general housing conditions appear to be worse.

Then we plan to do a village in Phong-Dinh Province, in the Lower Delta double-transplant area, and another in An-Giang Province, where floating rice is prevalent and the Hoa-Hao religious sect is strong.

¹⁰ Ibid., p. 94.

¹¹ Ibid., p. 95.

¹² This is one of the two villages studied intensively by Robert L. Sansom in 1967 (The Economics of Insurgency in the Mekong Delta of Vietnam M.I.T. Press, Cambridge, 1970).

We also want to include at least one province along the Central Coast, where the sharecropping regime stands in marked contrast to the fixed-rent tenure system of the Mekong Delta; but this will depend largely on security conditions.

We shall pursue our landlords as far as we can. The lots we draw are giving us a fairly well-scattered sample. We must also reserve enough time before leaving the country for additional interviews with appropriate government and legislative officials and to follow up on the court cases that come to our attention.