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THE MAINTENANCE OF LAW AND ORDER IN THE CHINA–VIETNAM BORDERLANDS DURING THE FRENCH COLONIAL PERIOD (1896–1940)

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Abstract. The item about border between China and Vietnam is not just a contemporary issue. Its building and its story takes its roots in the past and the colonial period played a major role. This article aims to analyse how the French colonial administration tried to keep order on the Tonkin border. First, the structure of the maintenance of law and order along the border is analysed to better understand how these diverse borderlands areas with a harsh climate and a multi-ethnic population resulted in many issues, giving birth to the challenges of law and order on border. Then, dynamics of cross border criminal activities are studied. The authority of these isolated French colonial troops in the borderlands is usually fragile. In front of this situation, the author will question the colonial administration’s response against the threat of cross border criminality. Military actions and police operations are mixed and order and law is kept thanks to an auxiliary force made up of local populations, the “partisans”, that is the real backbone to maintain law and order in the borderlands.

Keywords. French colonial Indochina, law and order, borderlands, cross-border criminality, counterinsurgency, ethnic minorities.

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Introduction

The conquest of what became in 1887 French Indochina started in 1858 and ended in 1884 and it was a discontinuous and harsh one. It took around thirty years to establish French colonial order in this Southeast Asian area due to a strong resistance led by the Nguyen dynasty and support from China. The signing of the treaties of Hue in 1883 and 1884, which recognised a French protectorate over Annam and Tonkin, did not mean the immediate end of the conquest. Following their victory over China in the Sino-French War (1884–1885), French colonial troops had a long way to go to pacify the borderlands in 1895. The pacification of Tonkin had two aims: re-establish order in an area where banditry was prevalent since 1850 and represented a threat to the Delta and its rich agricultural lands; and to protect the Sino-French joint boundary commission, which still had to define their shared border [De Ruyg 2018]. French colonial soldiers pursue their aims through a mixture of political and military action. At the end of the XIXth century, order is officially re-established and the Convention that Auguste Gérard signed in 1895, recognized the borderline. Gérard wrote: “In the spring of 1897, the Sino-French joint border posts were created [...] the telegraph networks were connected [...] piracy was over [...] the military and civilian authorities began to collaborate” [Auguste 1918: 226–227]. With this outcome, the surveyor replaced the soldier. Many colonial studies still support the idea that the process of colonisation has two stages, conquest and pacification, followed by the construction of the colonial State [Fourniau 2002]. Yet, a survey of recent colonial historiography depicts this period as one of uninterrupted conquest [Grémont 2018]. Many studies about the borderlands in North Vietnam during the French colonial administration are in the field of international relations [Lafont 1989; Nguyen Thi Hanh 2006]. More recently, we can refer to Marie de Ruyg [De Ruyg 2018] who analyzed the link between cartography and the empire and questioned the construction of the imperial

territories through maps. Historians study also the borderlands from a political history point of view like Christopher Gotscha who analyzed the Southeast Asian networks of the Vietnamese revolution [Gotscha 1999]. Moreover, the borderlands seem to be an area where cross-border illegal activities are dynamic especially smuggling like opium [Le Failler 2001] or human trafficking. Nevertheless, the maintenance of law and order along the border has not been directly questioned. That is the reason why the author has studied these mechanisms in the framework of his doctoral thesis.

Indeed, an effective colonial government rests on a major pillar, the maintenance of law and order to uphold the authority of the French colonial administration [Blanchard, Glasman 2012]. The Convention handed over Sino-French border posts to the military authorities. Besides a wide variety of duties, the head officers of these border posts also had to struggle against a wide variety of crimes committed by people crossing the border, ranging from common criminal activities like theft, raids against villages, ambushes, smuggling to counter insurgency. The police records filed at the Overseas National Archives provide a clear description of the situation at the borderlands. The records also offer an opportunity to contribute to the debate about colonial area borders. This article aims to show how the French colonial administration tried to keep order on the Tonkin border. It explains how this diverse borderlands area with its harsh climate and multi-ethnic population, resulted in many issues, giving birth to the challenges of law and order on the border.

The structure of the maintenance of law and order

Early on, border posts numbered ten¹. They grew quickly until 1907 when they stabilized at around twenty just before the First World War. In accordance with the provisions of Article 8 of the Gérard Convention, a post officer commanded thirty soldiers. In practice, ninety-one percent of the posts were commanded by officers, usually lieutenants and only a small number of border posts had fewer than thirty soldiers. Nearly 800 soldiers were assigned to control more than 2,000 kilometers of borders. There were also regional imbalances. On the west, only a small number of border posts existed (Fig.1). Although colonial administration had to control the border, regional coverage and the territorial network of border posts was low.

The missions of the officers in charge varied even though their overall charge was the maintenance of law and order. Due to a lack of staff, the French colonial civil servants and militaries had to be adaptable. The French colonial troops had to fight along with their counterparts in China against any border crossing by “pirates” according to the official terminology. The sanctuary offered by the borderlands was a situation that French and Chinese authorities had to avoid. From 1915, the scope of their mission increased and they had to fight against smuggling as well as keeping “Annamite revolutionaries or rebels”, who sought shelter in the southern provinces of China, under close surveillance. Finally, in 1930, a decree provided for the fight against “the human trafficking of women and children, the clandestine introduction of weapons, drugs and all other prohibited goods” [Anonyme 1930].

¹ Móng Cái – Tong Hing, Pac Si, Li Tsie, Hoang Mo – Lang Dong, Chi Ma – Chi Ma, Đồng Đăng – Nam Quan, Bi Nhi – Bi Nhi, Na Lan – Bo Cup, Tà Lùng – Thuy Cau, Ly Ban – Ly Ban, and Sóc Giang – Ping Meng.

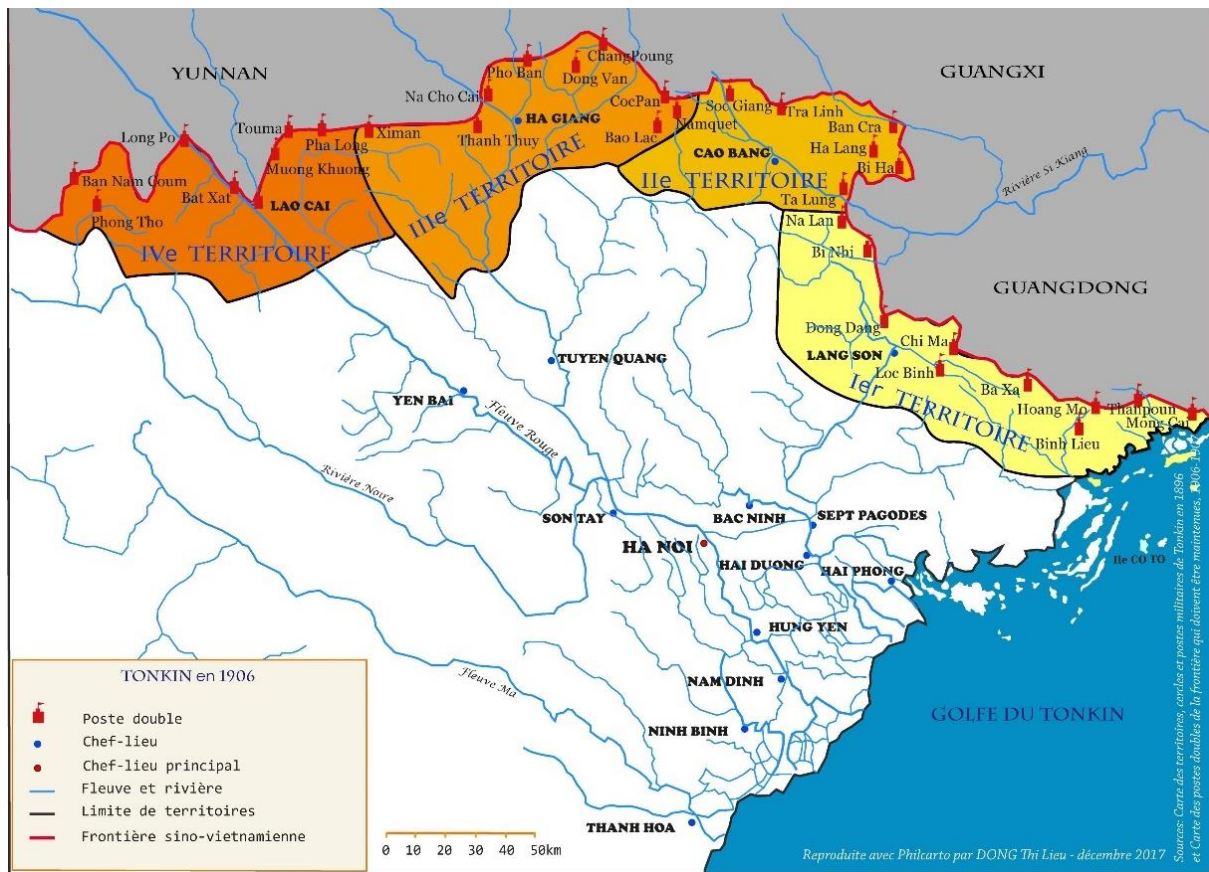


Fig. 1. The China–Vietnam border, 1906.

Sources: Carte des territoires, cercles et postes militaires de Tonkin en 1896 et Carte des postes doubles de la frontière qui doivent être, 1906–1907 [Map of the territories, circles and military posts of Tonkin in 1896 and Map of the dual border posts to be maintained, 1906–1907]. *Reproduced by Dong Thi Lieu, December 2017*

The Army was in charge of structuring the maintenance of law and order in the borderlands. The French colonial troops assigned to these border posts were not just soldiers. They were customs officers, intelligence agents, and in some cases, diplomats. The border police reports provide information about their daily life. A journalist from the weekly magazine *Indochine* noted that “no one will penetrate the atmosphere of the border posts if he does not pronounce the key word, the sesame word: feudality. [...] It is the accumulation of tasks that really makes the chief officer of the post the lord of the place. [...] He is his own police force, his own security, his own policy” [Anonyme 1944: 8–9]. In fact, the French officers, with just a handful of soldiers, represented the authority of the Colonial State on borders. We should be careful, however, of this hagiographic picture of these Empire builders. Indeed, at the beginning of the XXth century, the highest civil authorities in Indochina called the maintenance of law and order stability in question. At the end of his term of office, Paul Doumer, Governor General of Indochina, made the bitter observation that the “border is impossible to protect” [Doumer 1902: 160]. His successor, Paul Beau, confirms this comment. According to him, this border is defended in an “illusory way” [Beau 1908: 190]. In the outposts of the Asian French colonial Empire, the Colonial state presence would be finally weak and could be compared to the colonial statelessness concept supported by John Lonsdale [quoted from Blanchard, Glasman 2012: 22]. What then are the challenges faced by these officers to protect public order on the borderlands?

Border posts faced with major challenges to maintain law and order

First, the physical environment was one of the major challenges faced by the French colonial officers. Most French observers described the area as a tormented and harsh landscape. In the early 1940s, a journalist wrote, “the roads leading to the border post were laid out for cars to pass but not for cars to come” [Anonyme 1944: 8–9]

The Cao Bằng region “is one of the most rugged regions one can dream of” [Anonyme 1932: 18]. In the same way, superintendent Delmas had a similar comment about the province of Lào Cai where “the slightest movement requires an infinite amount of time” [RSTNF 4180, 1934].

Nevertheless, we should be careful to not fall into the trap of geographical determinism. The vitality of cross-border trade – legal or not – between communities that existed near the border was proof that living in a difficult physical environment was not a synonym for immobility. Nonetheless, the colonial troops were generally poorly adapted to this environment and any military deployment took a lot of time

Beyond topography, the harshness of the climate represented a major challenge. The Vietnamese imperial historiography used the term of *lam chướng* [Poisson 2009] to describe this unhealthy air. This climate was deadly for all imperialisms that tried to establish their authority on borderlands. According to Yaobi Zhuan in the Song Shi (宋史, History of Song Dynasty), toxic plants and miasma in the Cao Bang province may have caused the excessively high death rate of Chinese soldiers [Nguyễn Thị Hải 2015]. Under the Vietnamese administration, this geographical area was regarded inhospitable. The conquest of Tonkin was also marked with a high number of casualties due to this climate.

Obviously, the health situation in each border post was not homogenous. In Lao Cai province for example, “the border posts located in punchbowls where the air cannot circulate are unhealthy as Phong Tho. But those of them that are located at altitude [...] are healthy” [Anonyme 1900: 117]. Nonetheless, the overall impression remained a harsh climate. It resulted in a high level of absenteeism. For example, in 1906, “the average morbidity [of the Long Po post located in the 4th Military Territory] was 27.77% of the troops” [GGI 40 466, 1905–1907]. This situation led the medical officer of the 4th Battalion of the French Foreign Legion to advise his leaders “to abandon the post” [GGI 40 466, 1906]. In addition, this health situation was all the more difficult since the medical services did not have enough staff, according to the General Governor of Indochina.

Consequently, the presence of the representatives of the Colonial State on the borderlands would be more symbolic than effective and their visibility in the landscape weak. That was the reason why the commander of the Hoan Mo border post noted that he has to reduce patrols and ambushes “because of the health situation which is very bad” [GGI 65 386, 1909]. Finally, Auguste François, a French diplomat appointed to China², painted an apocalyptic picture of this environmental situation, especially of the Lang Son province. It is “covered with forests, inhabited by few tribes of very diverse and suspicious races. [...] It was occasionally kept under control by small posts of a few men locked in blockhouses, decimated by fevers and who could not establish between them a link enough closed to struggle against the Chinese bands” [Auguste 1990: 158].

Beyond the fact that physical environment was difficult, the French colonial troops were also faced with human challenges. To govern effectively a territory, two main principles should be respected. First, having a thorough knowledge of the local populations. Secondly, people have to

² Auguste François (1857–1935) was the French consul of Longzhou in Guangxi province then of Yunnanfou in Yunnan province from 1896 to 1904.

regard this authority as legitimate. With this in mind, the French colonial soldiers assigned to these “little posts lost in the mountains” [GGI 39 970, 1923] seemed to be deaf as well as blind and mute. The ignorance of local languages and cultures was mainly the cause. The production of lexicons, the presence of interpreters and the knowledge of local languages by some officers qualified this first opinion. In 1914, the resident Lemaire said that Lieutenant Brunet who was in charge at the Bi Nhi border post was an example of a model officer, “a man who speaks Vietnamese very well and knows fluently the Chinese characters and can translate any report in Chinese” [GGI 40 640, 1914]. Nonetheless, the linguistic gap between the French colonial troops and the local populations had great consequence. Although they had to preserve law and order on borderlands, they usually lived in isolation. During the summer of 1925, Lieutenant Marbot commander of Than Thuy border post confessed his difficulties in gathering information on the events taking place on the other side of the border. He noted, “in the absence of any interpreter who can speak Quan Hoa in order to interview peddlers, I cannot collect any information” [RSTNF 1759, 1925]. The fact that the majority of these officers (52%) were appointed for less than a year strengthened this feeling of isolation. Positive actions were often difficult because of a clear acknowledgement of the socio-cultural and linguistically environment, which, in the borderlands, was very complex. Social relations were specific with the predominance of very important clans like the Be Nguyen, who belonged to a branch of the family of Nguyen Trai. The Nguyen dynasty carried on the same policy especially under the reign of Minh Mang. Even if the colonial administration tried to reduce the power of these powerful clans, they remained an important influence in the borderlands. This situation confirmed what Ranajit Guha wrote about India [Guha 1997], a dominance without hegemony although the situation in the borderlands was more complex. In this situation, the border would be less a line between two countries than a moving area. Nevertheless, we should be careful and not only to focus on these police records. It would be intellectually fallacious to reduce a military career in the borderlands to a border posting. Captain Bernard is a good example. His name was recorded the first time in a police report in March 1902 as commander of Soc Giang border post. However, he previously had an experience as commander of the Hả Lang sector. At the stage of this research, our knowledge about these French colonial troops in the borderlands remain modest and we cannot give a closing conclusion. At last, only a prosopographical research concerning these officers who were appointed to the border posts could help us to have a better understanding of their common characteristics.

Dynamics of cross border criminal activities

Castle thieves, raids against villages, ambushes, smuggling, etc. Police reports recorded a wide variety of such crimes committed by looters, rebels or smugglers. However, any scholar working with criminal records should be careful. First, using criminal information from police or justice records, not only in the case of colonial studies, often gives more information about the administration that produced the data than about the crime itself. The second area has to do with the words used by colonial authorities to designate criminal activities committed by bands from China. It fluctuated between euphemism and dramatization. In this situation how to know the truth? Is it necessary to know it? Is the historian’s task to judge the past or to show what happened? That is why it is more important to understand and analyze the way in which the colonial authorities perceived the crime than the crime itself.

The cross-border crimes that colonial authority confronted indicate the porosity of the border between Tonkin and China. The border is more a moving area than a strictly line demarcated.

Thieves were widespread especially castle thieves that are the most and least common. Taking road links between the two countries meant running a risk of being robbed or killed such as the incident on 8 March 1915 when a man with five little girls were ambushed while they walked to the Ban Cra market [GGI 65 392, 1915]. Examples like this were important in the border police reports and were a sign of the collapse of law and order in the borderlands. Villages represented another favorite target. The reasons to cross the border to attack villages were various. Lootings, targeted attacks, revengefulness between border villages. For example, on 4 February 1931, at around 7 p.m, a band of looters prepared a real assault against Na Kang village. First, they placed lookouts at strategic places from which any help could have come. Then they split into two groups of ten people each before looting the house of the village chief, “the only wealthy peasants in the village” [GGI 40 266, 1931] as Captain Delory notes. Then they fled to China. If the purpose of this article concerns the maintenance of the law and order in the borderlands in Tonkin, it does not mean that only villages in Tonkin are under attack. Once again, in the borderlands, the border is a moving area.

Furthermore, smuggling and human trafficking were an economic activity with a strong structuring impact on these peripheral territories. As Eric Tagliacozzo writes about the British and Dutch colonial border in Southeast Asia, it is “two sides of the same coin: boundary production and the boundary transgression [...] that accompanied it” [Tagliacozzo 2005].

Because a part of local populations made profits of these illegal activities, it was difficult for the colonial authorities to fight efficiently against them. Opium remained the flagship of illegal products. Nonetheless, many products cross illegally the border to meet local needs. During an investigation carried out in September 1921 on the market of Muong Khuong by a customs officer, the latter noted “heavy loads of boxes of matches, tins of petroleum, tobacco, barrels of alcohol, loads of cotton fabrics and nets are sold by smugglers” [GGI 39 908, 1921]. Beyond these criminal activities motivated by social and economic reasons, the colonial authorities had at last to fight against rebels located in the southern provinces of China. From this shelter, they organized seditious plots or assaults on Tonkin like the one on 19 November 1927 when Tham Cam Say and 900 rebels organized an invasion attempt though this attack was repelled [GGI 39 944, 1927].

The lack of a permanent and strong representation of the Colonial State and dynamics of crime in the borderlands meant that the administration of these northern areas of French Indochina were far from being a peace zone. The commanders of border posts are faced with major challenges to maintain the law and order in the borderlands.

What is the colonial administration’s response against the threat of cross border criminality?

The colonial authorities tried to prevent and crack down on border crimes by organizing ambushes and patrols. The French colonial troops went on reconnaissance on average lasting a few days per month. Sometimes those increased due to the calendar especially during the Têt when thieves and attacks increased. In April 1928, for example, the soldiers posted at the Trung Khanh Phu border post were on patrol to drive bandits to back at the border while they crossed the border to loot the Dong Sy area [GGI 39 960, 1928]. Nevertheless, this presence in the borderlands is overall limited because of a shortage of soldiers. As Major General Lombard wrote, “the protection given by our border posts is illusory due to the immobility to which the shortage of soldiers forces them” [GGI 40 462, 1918].

To make up for it, the commanders of the border posts also created a kind of intelligence service. These informers were known as “emissaries” in the police records. They are peddlers, restaurant owners and those who worked in cash. In some cases, they were efficient and allowed the

colonial authorities to crack down on crime especially invasions fomented by the Annamese revolutionaries. For example, the suspicious activities of Tham Cam Say, a character between a revolutionary and a bandit, were well known by the colonial authorities because of information passed along. In November 1927, he tried to lead a band to cross the border in order to disturb the public order but failed. And yet, this intelligence service is usually not well considered except during the World War I. Information was often taken at face value. The threat of an invasion of Tonkin was regarded as a likely risk. For colonial authorities, the fear of an invasion was real. The chief administrator in charge of the border police in the 3rd Military Territory summed up the mainstream though. According to him, “the bands are led by Annamese revolutionaries with the financial support of Germany and in collusion with the Chinese authorities who promote the recruitment in secret” [GGI 65 391, 1914]. Apart from this specific period, the commanders of the border posts regarded these “emissaries” as suspicious. They regarded them as inveterate liars. In December 1918, the chief administrator of the border police in the Lào Cai province reported that “most of emissaries seem to be the dupe of those who pay them. A few robberies [...] became an invasion of Tonkin planned by thousands of gunmen. Mirages does not exist only at Tarascon³ » [GGI, 39 919, 1918]. Finally, intelligence activity in the borderlands was ambiguous. On one hand, secret agents represented a major way to prevent border crossings and provided information about what happened in China. Ultimately, the cooperation between authorities on the both side of the border failed because of persistent prejudice [Grémont 2019]. On the other hand, the commanders of border posts mistrust them. They suspect them of passing along fake news and overstating.

In the borderlands, the French colonial troops maintained law and order more as a reaction and less as prevention. In the case of serious disturbances caused by disruptive bands in the borderlands, the repressive capacity of the colonial authorities existed even if they had difficulties to quell them. For example, in 1908, thousands of armed rebels from China crossed over the border to flee the imperial Chinese repression. In Tonkin, they committed public disorders by launching attacks upon villages. In response, the colonial authorities carried out military operations over six months to reestablish order in the borderlands. However, these disruptive times were periods of crisis and were not representative of daily life. Indeed, crimes often went unpunished. The French colonial troops only cracked down directly on crime infrequently (19% of cross border crimes recorded). How then did these representatives of the Colonial State in the borderlands succeed in maintaining law and order?

An exit? Having recourse to the partisans

A decree signed in 1909 created an auxiliary force known under the name of “partisans” in colonial sources. They came from the mountainous areas of North Vietnam. Most of them had experience in local forces responsible for maintaining public order like the Garde Indigène. Some of them belonged to clans, which were required to provide some armed men. The colonial administration also supplied weapons to some villages. It is difficult to know exactly how many partisans were directly armed by the colonial authorities. For example, in 1910 they are 2,500 partisans in the Lang Son [GGI 65 387, 1910] territory and 675 in the Lao Cai province. They could be compared to a self-defense militia, and they appeared to be more interested in defending their land than in supporting the colonial administration. But the French colonial authorities used them not only to defend their villages but also more generally to keep order in the borderlands. They could arrest robbers or go on patrols on the territory of their *châu* for example. These patrols were sometimes commanded by a French officer.

³ *Tartarin of Tarascon* is an 1872 novel written by Alphonse Daudet.

Furthermore, this auxiliary force took part in military operations during serious border disorders. In 1908, the chief administrator in charge of the border police in the Lao Cai province acknowledged that “partisans have a major part in the success of the repression and thanks to their ambushes a lot of piracy have been killed” [GGI 65 385, 1908]. They were also posted in permanent blockhouses to make up for the lack of border posts commanded by the French colonial troops such as the Ha Lang and Bi Ha border posts that each had to around ten partisans [GGI 65 386, 1909]. They were also posted in temporary blockhouses during times when the border was under stress. In this framework and as a conclusion we can say that it is possible to reverse the roles. In most cases, the partisans maintain law and order on border and represent the real backbone of this policy. The French colonial troops remain often in the background and take actions as the need arises. This situation is understandable due the lack of French soldiers on the borderlands. If the border drawn on maps is a line, in reality it is more a dynamic area where the intensity of cross-border criminal activities is an indicator of the fragility of the border. To fight against these criminal activities, using locals to keep order in the borderlands does not appear to be an original policy created by French officers like Théophile Pennequin or Auguste Servièrre. The borderlands continued operating along the policy lines as its predecessor, the imperial court of Hué. This time was marked played an unstable score whose time was marked by balance of power between central government and its peripheral territories. Both pursued a similar goal it means integrating this territory into the national architecture though the Vietnamese administration had never gone as far as posting local representatives of central government along the border. Stated another way, a proximity policy was created where mixed military and police operations are led by local populations and French colonial troops. This foretold the experience during the Indochina wars in the upper lands. It meant the creation of armed groups made up of ethnic minorities and commanded by French officers, which used counterinsurgency methods to fight against Viet Minh. Finally, mechanisms of modern counter-insurgency draw on colonial experiences especially on the borderlands.

Conclusion

As a conclusion, we can say that after the Tonkin campaign, the French colonial administration reestablished the borderline between China and Tonkin and created a very small network of border posts. But this border was more a zone than a line. Due to especially a harsh climate, a lack of soldiers and a mistrust between the Chinese and French authorities, the French colonial troops had difficulties to keep the law and order along the borderlands in the daily life even if in the case of significant destabilisation they took actions but always in reaction not in prevention. The law and order were usually kept thanks to an auxiliary force made up of local populations, the “partisans”. Smuggling, thieves, raids were indeed numerous. Finally, in the borderlands, repression led by the French colonial administration was a mix between police and military operations and foreshadowed the counterinsurgency methods used during the Indochina wars.

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