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► **To cite this version:**

Emmanuel Pannier, Michaël Bruckert. Social Regulatory Regimes in Northern Vietnam: How Interpersonal Network Norms, State Laws, and Market Rules Interact. Gabriel Facal; Elsa Lafaye de Micheaux; Astrid Norén-Nilsson. The Palgrave Handbook of Political Norms in Southeast Asia, Springer Nature Singapore, pp.393-414, 2024, 978-981-99-9654-4. 10.1007/978-981-99-9655-1\_23 . hal-04694004

**HAL Id: hal-04694004**

**<https://hal.science/hal-04694004v1>**

Submitted on 11 Sep 2024

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# Social Regulatory Regimes in Northern Vietnam: How Interpersonal Network Norms, State Laws, and Market Rules Interact

*Emmanuel Pannier and Michaël Bruckert*

## INTRODUCTION

The coexistence of several normative systems within a single society is now a universal and widely studied phenomenon (Reyntjens, 2016; Twining, 2010). However, the nature of these different normative regimes, their relative importance in the regulation of social relations, and their concrete modes of interaction vary from one society to another. These aspects are less often studied and this is where field research can help, in support of and in addition to theoretical discourses on institutions and norms. It can help apprehend the concrete and polymorphous manifestations of institutional pluralism according to the socio-historical contexts. In this perspective, this chapter aims to describe and analyse the multiplicity of normative systems in northern Vietnam, how they interact with each other and how they can be transformed.

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We hypothesise that in Vietnam the social regulatory regimes of the state and the market are competed against but also nurtured by alternative normative systems that occupy an important place in the regulation of society, especially the norms that regulate interpersonal networks (Pannier, 2015). This phenomenon is not unique to Vietnam, but it is particularly interesting to study in this country for at least two reasons. First, its political history amplifies the phenomenon of multiplicity of normative regimes.<sup>1</sup> Indeed, Vietnam has since the end of the nineteenth century experienced the imposition of a colonial system on a mainly peasant society, governed by its own codes, but framed by an imperial regime with a more or less powerful bureaucratic system, partly inherited from a long period of subjection to the Chinese feudal empire (from 111 to 968). Vietnam then experienced the transition in the 1950s to a socialist system organised around a centralised collectivist economy, and finally the establishment in the 1990s of a market economy oriented towards liberal globalisation but still overseen by the Communist Party (Papin, 2003). These different modes of normative ordering of social and economic relations have followed one another but have not systematically supplanted the norms specific to each regime. There is more of a “stratification” (Bierschenk, 2014) through superposition and entanglement, which gives Vietnamese society a particularly composite appearance (Tréglodé, 2018).

The second reason for focusing on the issue of normative plurality in Vietnam is that, contrary to many studies on this topic (Meagher, 2012; Reynjens, 2016), the country is not in a “weak state” situation: the authority of the party is strong, the social and political system is stable, and the government has the means to enforce its laws (Duchère, 2017). This situation does not, however, prevent the existence of structuring alternative normative registers, the deployment of recurrent deviant practices, and the existence of a multiplicity of immanent practical norms, far removed from official norms, but which regulate interactions at all levels of society.

This chapter proposes to study the plurality of norms in Vietnam through two case studies: the first study looks at the way in which ethnic populations in the northern mountainous areas navigate between norms of local society and state regulations, and the second describes the institutional arrangements in the case of online food sales in Hanoi. These two field studies help establish a classification of the interactions between different normative regimes in Vietnam and beyond. This classification is intended to extend and complete the ones by Chauveau et al. (2001), Helmke and Levitsky (2004) and Olivier de Sardan (2021).

<sup>1</sup> Vietnam’s constitutive ethnocultural diversity as well as the intensity of the “cultural transfers” that have shaped the country (Aubert-Nguyen & Espagne, 2015) also contribute to the proliferation of normative systems.

## POLYMORPHOUS SOCIAL REGULATORY REGIMES

The concept of “social regulatory regime” helps us understand the diversity of normative systems in Vietnam and their modes of interaction. It refers to a system of norms that regulates relations and exchanges, reduces uncertainties, creates trust, arbitrates conflicts, and ensures cooperation within a social space (London, 2011; Pannier, 2021). Social regulatory regimes encompass institutions and their sets of norms and are characterised by their effects: they allow for the (re-)production of social relations or, to use Arendt’s conceptions of politics, living and acting together (Arendt, 1958).

Three ideal-typical modes of social regulation can be distinguished: interpersonal networks, the state, and the market. These three regimes can be compared to Polanyi’s (1957: 250) three “forms of integration”—reciprocity, redistribution, exchange—and Graeber’s (2011: 100) “three main moral principles on which economic relations can be founded”—communism, hierarchy, and exchange. Their meaning is nevertheless broader, as it is not confined merely to economic relations but includes political, socio-cultural, and institutional interactions. They partly overlap with some of the “worlds” conceptualised by Boltanski and Thévenot (2006): the domestic world, the market world, the civic world, and the industrial world. These regimes of social regulation are distinguished here for the sake of analysis, but in fact they interact, intertwine, and are interdependent. Thus, in this chapter, the phrase “interactions of social regulatory regimes” describes the way in which different normative systems meet.

In Vietnam, several studies address the plurality of norms and how they interact—as it is a ubiquitous phenomenon—but rarely do they focus on these dynamics as an object of study in itself. For example, there is abundant literature on the relationship between the state and various forms of local institutions, whether they relate to everyday politics (Kerkvliet, 1995; Kerkvliet & Marr, 2004) or to customary practices (Bui, 2000; Phan, 1999). Nonetheless, these studies do not make use of the conceptual contributions of normative pluralism (see Chapter 2) and sometimes even essentialise, reify, or homogenise the norm systems involved. There are also studies on the tensions between various modes of governance of natural resources, in particular, irrigation (Jourdain et al., 2011), land tenure (Sikor, 2006), and forest management (Hoàng et al., 2019). Nonetheless, but for a few exceptions (Linh, 2016; Pannier, 2021), these studies often remain focused on explicit norms, leaving aside the more implicit and tacit forms that regulate everyday life. Nevertheless, some studies in the field of economic anthropology address the issue of normative pluralism head on by thoroughly exploring the social regulation of market relations (Endres, 2014; Endres & Leshkovich, 2018; Horat, 2017; Lainez, 2020; Lam, 2019). There are also some recent studies in urban sociology that analyse hybrid forms of local governance developed in a context of rapid urbanisation (Labbé & Fauveaud, 2022; Tran & Yip, 2019). Finally, research on corruption within the administration demonstrates how

these transactions are embedded within the social logics that govern interpersonal networks (Nguyen et al., 2022). However, most of these studies focus on the encounter between two regulatory regimes and none of them attempt to broaden the subject in order to define a typology of the ways different normative regimes interrelate.

### OUR CASE STUDIES: A TÀY VILLAGE IN VIETNAM'S NORTHERN UPLAND AND ONLINE SALES IN HANOI

The data for these case studies were collected during qualitative and micro-quantitative field surveys. Between 2009 and 2013, ten field trips (115 days in total) took place in the northern highlands, within different villages in the commune. The commune is in the province of Lào Cai in northern Vietnam. In 2010, it comprised four ethnic groups, mainly Tày (97%), with 4846 inhabitants. The main activities are agriculture (rice growing, animal husbandry, cassava, corn, forestry) and extra-agricultural jobs. During the surveys, we stayed in local homes and collected data in different ways: immersion, observations, informal discussions, and formal interviews (90 in total) with villagers and official authorities.

The case study on online sales is part of the *Urbal* project (2019–2021) studying innovative urban food systems. Semi-structured interviews were conducted with 21 sellers and 20 buyers who use social media for their transactions, as well as with ten agricultural businesses and cooperatives selling products on a website operated by the Hanoi city authorities. These sellers and buyers work or live in Hanoi province and two adjacent provinces (Hà Nam and Hưng Yên). The buyers interviewed were selected to be representative of online food buyers. They are mostly women between the ages of 30 and 40 years old who work. Three interviews were conducted with Hanoi city authorities (Department of Agriculture and Agricultural Products Quality and Certification and Analysis Centre) and supplemented by informal meetings. Four half-day participatory workshops with about 50 people (sellers, buyers, public authorities, consumer associations) were organised to help characterise practices related to online food trade.

### “BUILDING A CIVILISED WAY OF LIFE” IN THE HIGHLANDS OF NORTHERN VIETNAM<sup>2</sup>

In the aftermath of Vietnam's reunification in 1975, assimilating highland ethnicities and getting them to adhere to the values of socialism became central issues in a context of national unity building and of asserting socialism (Hardy & Nguyễn, 2004). According to the official party line, this integration as well as the development of the country would only be possible through the

<sup>2</sup> The data presented here are based on a comprehensive study on the same question published by Pannier (2016).

elimination of “mores and customs” (*phong tục tập quán*) considered “backward” (*lạc hậu*) and through the profound transformation of local modes of social organisation deemed incompatible with the socialist modernisation effort (Michaud, 2009; Turner, 2022).

To this effect, the “building a civilised way of life” (*thực hiện nếp sống văn minh*) program was launched in the highlands of northern Vietnam in 1976. This program aimed to reform a wide range of social practices, spanning religious rituals, life-cycle ceremonies, ritual exchange practices, and village festivals. Behind the official rhetoric of respect for cultural diversity, this program was part of a dynamic of internal colonisation aiming at a double assimilation: rendering the ethnic minorities more like the *Kinh* (the *Kinh* are the majority ethnic group) as well as turning them into socialists (McElwee, 2004). In addition to the stated objectives of “modernization”, “cultural progress”, and “integration” of ethnic groups, these campaigns aimed to infuse the party-state (its laws, morals, and ideology) into the daily lives of the villagers in order to replace the locally produced norms, better control them, and guarantee the unity of the national territory (Pannier, 2016). The initial situation is thus a confrontation between exogenous state norms and endogenous local norms.<sup>3</sup>

As a result of these state interventions combining awareness campaigns, regulations, and sanctions, many norms and practices have been abandoned. For example, in the Tay community where we conducted our study in Lao Cai, forced and arranged marriages, once the norm until the late 1990s, no longer take place, as well as the practice known as *ở rể để trả lễ*, whereby the groom would live temporarily with his future wife’s parents in order to help them with their daily work while waiting for his parents to raise the sum needed to pay the “bride price” (*thách cưới*). As for funerals, the members of the deceased’s lineage can no longer freely choose the place of burial. Each lineage now has a specific area subject to authorisation by the communal authorities, far from dwellings and water sources.

New norms on the length of ceremonies, on the simplification of protocols, and on ceremonial exchanges have also been introduced. The objective is to undermine local forms of solidarity that compete with national solidarity and to reduce non-productive expenses (Malarney, 2002; Pannier, 2016). In the studied villages, funerals, which used to last between four and five days in order to carry out all the rituals, must now last no more than two days. To ensure public order, nightly rituals cannot be held between 11:00 p.m. and 5:00 a.m. Villagers have reported sanctions given to those who violated the rule. The many steps formerly necessary to seal a marriage (up to nine steps), each with their share of ceremonial exchanges, have now been officially reduced to two.

<sup>3</sup> It is understood that these “endogenous” norms are not homogeneous and are themselves the result of exchanges with other normative systems (including the Viet imperial power), taking the shape of borrowings, assimilations, and hybridisation. Nevertheless, in the present case, the interaction has been more externally imposed.

Although in practice there are more steps than those stipulated by the law, the simplification of protocols and the reduction in the number of steps advocated officially have been embraced by the villagers and are now becoming the new dominant norm.

These new official norms and the changes in practices that they provoke have a profound impact on the regulation of alliances, village sociability, relationships with the spirits, the relationships of obligation sealed by ceremonial exchanges, and the relationship with time. These changes, driven by state interventions and sometimes imposed through coercive measures, are not just adopted because of coercion. Some norms have been adopted because they have advantages, and others, considered too restrictive, are not followed. In the latter case, local norms endure in opposition to new state norms.

This second scenario is particularly evident in the case of marital regulations. The new law on family and marriage adopted in 2000, as well as the ministerial decisions<sup>4</sup> and the numerous local regulations aimed at its application,<sup>5</sup> set the framework for the new laws. For example, it is stipulated that women are not allowed to marry before the age of 18 years and men before the age of 20 years, that the wedding ceremony must not take place before the marriage has been officially registered with the People's Committee, and that the marriage certificate must be signed in order to register a child in the father's name.

Nevertheless, the census on marital status in the commune studied indicates many discrepancies. Some villagers have established a household and have children but have not organised a marriage ceremony or registered a marriage. In other cases, it is far more common for households to organise the wedding ceremony and officially register the marriage once the spouses are already living together and have children. Sometimes the spouses are under the legal age for marriage, this is one of the reasons why marriages are officially registered after a few years of living together. These practices appear to be transgressions of the state norms of the "civilised way of life", but they are legitimised by local norms, according to which it is not necessary to be legally of age or to hold a marriage ceremony in order to establish a home and have children. It is sufficient to announce the union to the ancestors and to the family circle and to validate it through a ceremony. The important thing is that both families are in agreement, that the local community witnesses the event and that the ancestors are informed. The wedding ceremony can be organised after this validation, especially when the family has gathered the means to compensate the bride's family ("bride price") and to organise large-scale festivities. Despite the legal reforms and the sanctions sometimes put in place

<sup>4</sup> Chi thị 27-CT/TW [Ministerial Directive no. 27 on the "Implementation of the Civilised Way of Life In Weddings, Funerals, Festivals", dated 12 January 1998].

<sup>5</sup> Quyết định 305/2002/QĐ-UBND [Decision 305 of the Provincial People's Committee on "Guidelines for Implementing the Civilised Way of Life in Weddings, Funerals, Festivals, and Belief Activities in Places of Worship in Lào Cai Province", dated 26 July 2002].

by the authorities, these local norms continue to shape local practices. They therefore contradict the official norms established by the government. During a field trip in March 2022 in a neighbouring commune inhabited by Hmong and Dao populations, we came across a large poster reminding the population that the non-respect of the minimum age for marriage “is breaking the law” (see 23.1). The presence of this type of message, and threat, is indicative that these campaigns are still relevant and that the population has not completely assimilated the new rules dictated by the government.

Between the two scenarios described above => “(substitution and resistance)” there is a third one. The villagers have partially implemented certain external norms by combining them with those already in existence. A typical example is matrimonial payments. Practices relating to the “bride price” were strongly condemned by the central power. There are prohibitions at all levels, from national laws to “village customs” (*hương ước*) to provincial decisions (Pannier, 2016). When villagers are interviewed, they claim that this custom no longer exists. However, when one observes the practices, one finds that payments from the bridegroom’s parents to the bride’s parents still exist. The custom has evolved by integrating elements from state norms.

The first important change concerns the financial weight of these transactions: it is no longer a question of demanding a large amount from the



**Fig. 23.1** State campaign to disseminate the official norms on marriage “Marrying under the age of 20 for boys and 18 for girls is a violation of the law”



groom's parents. The transaction is thus more a cordial arrangement than an obligation to which the donors must submit, even if these two aspects coexist. As a result, the husband's parents no longer need to save money for several years in order to be able to meet the recipients' demands, as was often the case before. Therefore, the *ở rể để trả lễ* practice mentioned above disappears and the practice of *thách cưới* no longer increases the risk of a potential debt spiral. In short, these marital transactions have a smaller impact on the family economy, which was one of the major objectives of the party-state when imposing the reforms. In addition, the villagers have changed the meaning attributed to these matrimonial transactions. When asked about the payments, they explain that they are not to "buy the bride" but to compensate for the costs of the wedding ceremony covered by the bride's family. If we dig a little deeper, we understand that the idea, which used to be paramount, of compensating for the "loss" of a household member and of her work effort is still present. Nevertheless, it is now second to the practical aspect of financing part of the ceremony at the bride's home, and to the social aspect of formalising and sealing the alliance between the spouses' parents. Thus, among the different meanings of this practice, those that are the most sensitive to the moral and legal requirements of the party-state persist, but are relegated to the background, and others, less subject to pressure, come to the forefront, whereas they were once secondary. The introduction of external norms has led to a re-evaluation, not a disappearance, of the meanings attributed to the practice, allowing divergent normative systems to combine. This third case of combining distinct normative systems is close to, but distinct from that of village customary rules, which is a case of blending.

In the study commune, as in most rural localities in Vietnam, there are village convention (*hương ước*) documents that record the specific rules of each village. These customary laws regulate a wide range of social domains: organisation of life-cycle ceremonies, maintenance of public order, hygiene rules, environmental protection, pasture management, etc. Theoretically, these laws are meant to record local norms, which were initially oral and later written down by the villagers. In practice, the central government instigated and supervised the drafting of these village convention documents and ratified them.

The former vice president of the commune's party told us how he wrote the first *hương ước* in 1985, following a request from the district People's Council as part of the campaign "building a civilised way of life". In 1998, when he was the chairman of the people's committee, he took over the customary chart to adjust them according to the new standards of the ministerial directive no. 27 dated 12 January 1998 on the "implementation of the civilised way of life in marriages, funerals, festivals". At the time of our research, the latest village convention documents dated to 2007.

All the village convention documents available in the various villages of the commune were consulted, as well as those archived at the district's cultural

service. Except for a few details, the contents of the latest village convention documents from 2007 are identical from one village to another. They follow a common structure established by the government's culture services. In addition, most of the norms promoted by the above-mentioned "building a civilised way of life" reforms are present. In other words, customary law is now a relay for official state norms and reflects the central government's strategy to regulate social relations in the villages.

Nevertheless, these village conventions are not just a system of exogenous or state norms. They are re-appropriated by the villagers and applied on a daily basis. Each year at a village meeting, these laws are validated and sometimes amended by the inhabitants (and subsequently ratified by official authorities). Some of the clauses are drafted by the villagers themselves, especially those related to the nature and the amounts of the ceremonial gifts for weddings and funerals in the context of neighbourly relations.

Thus, local oral norms are written down, formalised, recognised, and eventually modified by the central government and its local representatives. Conversely, state norms are added to these customary documents, introduced into the villages, and then implemented and modified by the villagers in their daily practices. In addition, these village conventions combine a local system of sanctions, executed by the villagers, with legal sanctions under the authority of the commune's People's Committee. In addition to self-enforcement by villagers, the use of legitimate coercion and an appeal to public authorities is possible in the case of repeated rule breaking. In short, these customary laws mix various systems of regulation and a repertoire of social, legal, and moral norms to the point that it is difficult to establish their respective boundaries: they are the result of a normative hybridisation process.

This case study on the implementation of the "building a civilised way of life" policy shows how the state has succeeded in introducing its modes of regulation into the mountain villages, but this incursion, initially marked by opposition with local norms, has finally given rise to a multitude of forms of articulation between distinct normative regimes, ranging from substitution to hybridisation through combination. A similar process becomes evident, differently, in online food sales in urban areas.

## THE MULTIFACETED INSTITUTIONALISATION OF ONLINE FOOD SALES IN HANOI

Online sales of everyday consumer products have increased significantly in Vietnam in recent years, against the backdrop of economic liberalisation, the rapid spread of new technologies, and the emergence of urban lifestyles. Most Vietnamese now own a smartphone, and most urbanites regularly order products online (Dong, 2018). Public health measures taken from 2020 onwards to limit the Covid-19 pandemic (physical distancing, lockdowns, market closures, etc.) have reinforced this trend, especially for food purchases (VietNamNet News, 2022).

Since the reopening of Vietnam to the market economy in the late 1980s, Vietnamese urban consumers have favoured purchasing food in markets (Wertheim-Heck & Spaargaren, 2016). In the marketplace, the long-term interpersonal relationships formed with vendors as well as the immediate physical contact with the products provide certainty or cues about the quality of the food purchased. Thus, freshness is assessed directly through the food's appearance, taste is validated by the repeated experience of satisfactory purchases at the same stand, while food safety is estimated through the information provided by vendors with whom relationships of trust are established over the course of interactions. The purchase price is also largely defined by the nature of the interpersonal relationship, particularly the degree of intimacy and the length of time it has been in place. In addition to marketplaces, many urban residents buy certain fresh (fruit, vegetables, fish) or highly valued (rice, handicrafts, etc.) products directly from family members or close friends. The development of supermarkets, supported by public policies, has so far only marginally challenged these practices, as the percentage of fresh food purchased there remains low (Wertheim-Heck & Raneri, 2020).

The online sale and purchase of food products is partly transforming this urban food landscape, reconfiguring the relationships between producers and consumers, the mechanisms for evaluating quality, as well as those for creating trust. Several distinct normative systems, sometimes complementary, sometimes competing, frame these emerging practices, structuring different transactional arrangements and social relations.

An increasing number of purchases are made on online shopping platforms belonging to private national (Tiki, Sendo) or international (Lazada, Shopee) companies. However, the use of these websites for the acquisition of fresh food products, whose quality is more difficult to standardise and stabilise than that of processed foods (canned goods, dry goods, etc.), is still limited. In the absence of direct contact with the seller and in the impossibility of physically evaluating the quality of the products, trust is mainly established through the mention of certifications, technical standards (ISO norms, certificates of good agricultural practices, etc.) or brands of reputable producers, as well as the publication of test results for compliance with sanitary norms, photographs of the products, or information on the production protocol.

Consequently, a new system of norms, based on impersonal and objectified confidence-building mechanisms, supervised by state authorities and evaluation bodies, in theory autonomous, is emerging. These labels and certifications seem to be increasingly recognised by the population. However, a certain distrust of public institutions, fostered in particular by a system of "bribes" that makes it possible to obtain certificates without respecting quality standards, and by the virtual absence of controls following the issuance of these certificates (Pham & Dinh, 2020), limits the generalised recognition of these new systems (Wertheim-Heck et al., 2014).

Parallel to these purchases on corporate platforms for online commerce, a large part of transactions, especially for the acquisition of fresh products

or products with specific qualities (fruit varieties, so-called “safe” products,<sup>6</sup> products linked to a territory called *đặc sản*, etc.), is carried out within bilateral relationships, through social media such as Facebook or the instant messaging app Zalo. In these small-scale transactions, sellers post information on what they offer on a personal page and buyers order directly from them via instant messaging or the phone. While some sellers are food trade professionals, others are individuals who sell food online to supplement their main income. These transactions take place in an intermediate normative system which lies between the impersonal dematerialised market regime of online commerce platforms and that of interpersonal exchange networks within a society of acquaintances.

Indeed, according to the fieldwork surveys, these social media-mediated market transactions are often embedded in interpersonal networks: consumers use these devices to buy products from sellers with whom they have established prior personal ties or who have been recommended to them by friends or relatives. Through the technical means of social media, personal networks can easily be extended to second- and third-degree relationships, without weakening trust. Many people use social media to buy products directly from family members, friends, or acquaintances. It is also common in agricultural universities or agricultural government services for an employee to take advantage of the contacts he or she has developed with certain “virtuous” producers in order to resell their products to office colleagues and relatives. In other instances, consumers order from vendors they have met in person (in stores, at fairs, or when visiting) and whose products they have tasted before buying online. In doing so, they extend, reconfigure, and render partially virtual pre-existing supply networks which are embedded in interpersonal networks. When a personal bond connects buyers and sellers in this way, it is rare that the purchase choice is motivated by the existence of certifications or other institutional marks of quality. “If I trust the seller, the information on the package is not so important to me”, says Trang, a 40-year-old shopper who uses Zalo to order fruit and vegetables from a store in her neighbourhood on the outskirts of Hanoi.

In this setting, it is not simply the encounter between supply and demand coordinated by a price system and guaranteed by state institutions that induces and regulates the interaction between buyer and seller (as in the ideal-typical case of exchange on a market), but rather the existence of a pre-existing personal relationship. Repeated satisfactory transactions in turn allow the relationship and mutual trust to be renewed and strengthened, thus encouraging new market transactions. This trust can also be reinforced by the good “reputation” (*uy tín, danh tiếng*) of the seller, built through the exchange of positive opinions within the group of inter-acquaintances or in the public comments of customers on social networks. This is one of the social rationales that characterise ceremonial exchanges within interpersonal networks:

<sup>6</sup> Agricultural authorities certify as “safe food” (*thực phẩm an toàn*) that produced by producers and processors who meet certain safety standards.

reputation, “loosing face”, and social control constitute a powerful mode of regulation that ensures compliance with norms, particularly of reciprocity and trustworthiness (*sòng phẫng*), and thereby trust between exchangers (Pannier, 2015).

Since the beginning of the 2010s, the party-state has been trying to stimulate online buying and selling practices, considering online commerce a powerful growth lever because it multiplies the possibilities, temporalities, and spatialities of the commercial transaction. Nonetheless, it also wants to control it: to keep hold over a difficult to control sector because it is partially virtual and because of the tendency of the actors within it to make arrangements on the fringes of legality.

Several decrees have been issued to facilitate and regulate these emerging market structures. Decree 52/2013/ND-CP became effective in 2013. It aims to establish a competitive online market aggregating supply and demand, in which information about products (quality, price, etc.), vendors, and terms of service (delivery methods and times, exchange and refund policy, etc.) circulate transparently. Sellers must be licenced, mechanisms for dispute resolution exist, and a system of penalties for illegal practices (fraud, sale of prohibited or counterfeit products) is in place. The decree considers that online sales and purchases are made under the aegis of an “electronic contract” (*hợp đồng điện tử*) guaranteeing the legal responsibility of the different stakeholders and the transparency of interactions between potentially independent or unknown actors. These regulations aim to formalise and standardise the transactions, the objects exchanged, and the exchange partners. By providing a legal framework for this new sector, the government seeks both to institutionalise an efficient impersonal market and to establish fiscal and sanitary control. According to the party-state’s ambition, two main measures are meant to promote buyer confidence in the purchase of food products online: on the one hand, formalising and professionalising the sector, and on the other hand, the use of certifications concerning the health safety of the products sold. In addition to a market logic, this new normative system therefore favours technical standardisation and the enforcement of norms by official institutions. It corresponds to the model of the civic-industrial city described by Boltanski and Thévenot (2006).

By seeking to institute and formalise online trade in this way, the state seeks to substitute its normative order for the practical norms and interpersonal arrangements spontaneously implemented by users. Nevertheless, despite these new state-market mechanisms and systems of norms, the sector of online food sales remains relatively unregulated by the state and its authorities, and many transactions escape its control. By seizing the mediating resources of social media rather than private commercial platforms, urban consumers are creating an informal *sui generis* market for food purchases. In addition, by privileging online purchasing within their interpersonal networks, they are moving away from the legal, technical, and sanitary norms and public control that the state tries to impose from above.

However, the norms imposed by the government and those followed by users do not just oppose each other, they can also intertwine. In their practice of online shopping, actors navigate between different regulatory regimes, applying one or the other depending on the types of products sought, the context of the transaction, and their relationship with the vendors. While fresh and quality food products are typically purchased within an interpersonal network through social media, processed or standardised products may be acquired on large-scale platforms operated by private companies deemed trustworthy by their reputation or apparent compliance with recognised standards. Similarly, sellers can use multiple types of media simultaneously to sell their products.

The interplay between normative regimes can also occur at the level where trust is established. For the purchase of products whose qualities cannot be fully assessed at a distance (fresh food products in particular), users call upon both the regulatory system of the impersonal market and that of the state, but they are sometimes not enough: for trust to be established, the market transaction may require non-commercial resources, or more-than-market resources, which are interpersonal relations and the norms that regulate them (Pannier, 2015). Thus, while institutional-market norms apply to the evaluation of “extrinsic” (visually perceptible) qualities, the norms of interpersonal relations are mobilised to establish trust with regard to the seller’s attitude and in the evaluation of the “intrinsic” (non-perceptible) qualities of the product.

Depending on the context, regulation through personal relationships—what Giddens calls “facework commitment” (1991: 80)—can therefore overshadow, but also complement, formal institutions—“faceless commitment”—in establishing trust and reducing uncertainty. In online buying and selling, the different normative registers at work can thus coexist and ignore each other, but also interact, oppose each other, or merge.

### CLASSIFYING MODES OF INTERACTION BETWEEN NORMATIVE REGISTERS IN VIETNAM AND BEYOND

These case studies confirm that “on the one hand, norms change (sometimes quickly), adapt, hybridise, and are created; on the other hand, norm pluralism is the rule, not the exception” (Olivier de Sardan, 2008: 14). A third constant can be identified, often mentioned but rarely conceptualised: The various normative systems not only coexist and evolve, but they also interact and maintain power relationships among them, which translate into various modes. Based on these Vietnamese case studies and the contributions of Chauveau et al. (2001), Helmke and Levitsky (2004), and Olivier de Sardan (2021) (see Chapter 2), the following five categories of modes of articulation between normative registers can be proposed: separate coexistence, opposition, substitution, combination, and hybridisation. These ideal-typical categories refer to empirical situations that are not fixed. Frequently the encounter or the balance

of power between coexisting normative systems evolves and moves from one mode of articulation to another.

### 1. Separate Coexistence

Separate coexistence refers to the co-presence of different normative registers that do not necessarily function within the same domain but work in parallel, each regulating a specific social domain of its own, without interference from another regulatory regime. This is the case, for example, in situations where specific norms regulate the gift system, other norms regulate market exchanges, and still others state services. This is also the case when a consumer buys online a food product from a seller with whom he or she has no other relationship than that which motivates the exchange. The consumer uses a market platform and money as impersonal mediation resources. Market prices, the contract, the logic of equivalence, and the legal obligations governing the formal market sphere are the main norms that regulate the transaction, without interference from rules and obligations that govern interpersonal networks. Even if state laws guarantee the exchange, state, and market regimes of regulation are complementary but remain compartmentalised: each dictates the rules over its own domain. Once the market has been established, the state does not intervene in the setting of prices or in the execution of the transaction, except in the case of disputes. The separate coexistence of normative registers can be further subdivided into various sub-types, ranging from simple compartmentalisation to different normative systems that ignore each other, through juxtaposition. However, a careful study of empirical evidence indicates that different normative systems present within a single society are rarely completely watertight.

### 2. Opposition

Opposition refers to situations of power relations between antithetical normative regimes. In online sales in Vietnam, this type of articulation is illustrated by the refusal of many sellers to register with the Ministry of Commerce, and thus their desire to maintain their activity in informality, and conversely by the party-state's desire to impose mediation and control in the bilateral relationships that sellers and buyers spontaneously establish through the use of social media. The opposition that exists between marriage laws and local norms among the ethnic populations of northern Vietnam are also characteristic of this mode. Marriage laws still struggle to replace local norms, and transgression and circumvention strategies remain frequent, despite existing sanctions.

Contradictory situations between various normative systems and local resistance to the imposition of external norms are common in Southeast Asia (Michaud, 2009; Scott, 2009) in general, and in Vietnam in particular (Kerkvliet, 1995; Lam, 2019; Sikor, 2006; Turner, 2022). This can be explained in part by the fact that a centralised state system around the Communist Party at the national level is a relatively recent development (from 1975 onwards) and has often been imposed by force, especially in the South and among ethnic minorities in the mountains. Moreover, reopening to a market economy with the “Renovation reforms” (*đổi mới*) in the late 1980s did not completely remove the routines and rationales of the collectivist planning system, leading to even more situations of opposition between normative regimes. Opposition between normative systems can evolve into the suppression of norms or the substitution of one normative system for another.

### 3. Substitution

Indeed, despite resistance and opposition, our case study in the mountain area shows how the party-state manages to impose its norms to the detriment of existing ones, just as the rules of the globalised liberal market have taken over a large part of the economy. This is another type of interaction: substitution, in reference to the replacement or absorption of one normative system by another. Substitution can occur in multiple ways, ranging from substitution by violence to voluntary substitution, with varying degrees of constraint and freedom in between these two extremes.

For example, in the highlands of northern Vietnam where we conducted our surveys, particularly among the Tày and Dao populations, forced and arranged marriages, once dominant, are now almost non-existent, many rituals have disappeared, and the content and duration of ceremonies have been profoundly modified to be compliant with state normative injunctions. If this substitution is today striking among the ethnic minorities of the northern mountains, because it is in progress, a similar process took place among the Kinh in the past (Malarney, 2002). These policies aimed at reforming customs reflect a broader dynamic: that of introducing modes of state regulation into remote villages in order to assert the dominance of state laws and supplant locally produced rules and solidarity. As Pelley states “State institutes and party organisations have explicitly aimed to create a new national culture, both in the restricted sense—new notions of aesthetics, new civic ceremonies, new curricula for public schools, new forms of mass entertainment—and in a broader sense as well: new economies, new kinds of labour, new sorts of hierarchies and exclusions” (1998: 389).

Finally, it should be remembered that Vietnam is not the only state implementing these processes aimed at replacing, sometimes forcibly, one normative system with another. Apart from colonial interventions with their civilising mission, any process of expansion and reinforcement of a centralised state



apparatus that only recognises citizens as equal before “the” Law is part of this phenomenon (Clastres, 1974). It is then necessary to observe, according to each case, how substitution operates concretely, between destruction, repression, subordination, exclusion, encompassment, and absorption, which can be considered as many sub-types of this type of normative system interaction.

#### 4. Combination

Despite their violence, processes of substitution should not obscure the multiple assemblages that take place when normative regimes meet or even clash. Combination is frequent, and perhaps even the most widespread situation. The case of online sales described here is one of these forms of mixing between state, market, and interpersonal network norms. When using social media to purchase food products, market norms regulate certain aspects of the exchange (expression of needs, pricing, payment, etc.) and the rationale of interpersonal networks helps to generate trust and reduce the uncertainty pertaining to the transaction and the intrinsic qualities of the products. Similarly, when a private platform puts up for sale a product certified by government authorities, market norms rule certain aspects of the transaction such as the “objective ‘natural’ description” (Orléan, 2011: 95) of the goods, while the state’s technical standardisation guarantees the product’s quality.

This study also demonstrates the ease with which Tày populations implement certain state norms related to marriage by combining them with those already in existence, thus making it possible to respect both their customs and the rules prescribed by the party-state. These complementary arrangements help reveal the amount of leeway that villagers still have within an apparently rigid and authoritarian system. They are not just automatons subject to customary norms or state laws, but also actors, who navigate between these different repertoires and use them to their advantage, depending on their abilities, resources, and membership in certain networks as well as existing power relations.

This type of interaction between normative systems is very broad and deserves to be detailed in sub-categories according to whether it is based on complementarity, imitation, accommodation, convergence, adaptation, superimposition, layering, instrumentalisation, compromise, and overlapping. What these various forms have in common is that these “composite set ups” (Boltanski & Thévenot, 2006) are “functional” in that the actors pick and choose the norms of each register, at least temporarily, to sustain an interaction, an activity, a social relationship, or the social order.

#### 5. Hybridisation

Finally, the last type of interaction is hybridisation. This term is often used, especially in the work on hybrid governance (Meagher, 2012; Reyntjens, 2016), to describe a situation where several normative systems coexist. Yet

hybridisation refers to a phenomenon that is not a simple juxtaposition or combination. It concerns cases where, following a “process of *mutual*, albeit not necessarily equal, penetration” (Yang, 2000: 478), two (or more) entities blend together, giving form to a new whole that integrates and agglomerates elements from the two initial entities. Described above are the village convention documents of the Tày people: a result of such a process, a hybrid between ancient implicit oral conventions, explicit customary norms, and state rules, so that it is difficult today to distinguish between what belongs to one normative register or to the other. Even the status of these customary norms, as well as their system of sanctions, is a product of hybridisation, since they are at the intersection of the social, the moral, the customary, and the legal.

Hybridisation is thus a complex assemblage which can result from a violent power struggle between normative regimes, from a compromise, from an accommodation, or from an agreement. Notwithstanding, whatever the process, it ultimately leads to a fusion which “is no longer a situation of two different entities entering into a relationship but of their merging into one” (Yang, 2000: 485). The modes and forms of hybridisation are multiple and need to be explored on a case-by-case basis to empirically identify the diverse existing sub-categories.

## CONCLUDING DISCUSSION: THE PROLIFERATION OF IMMANENT PRACTICAL NORMS

This chapter has attempted to outline some of the facets of normative pluralism in Vietnam, from which a classification of modes of interaction between different normative registers has been developed. This approach, combining typological distinctions with a systematic work of contextualisation, brings to light certain socio-political dynamics characteristic of contemporary Vietnam.

This analysis of the multiple forms of articulation between divergent normative regimes, ranging from separate coexistence to hybridisation through substitution, opposition, and combination, indicates that alongside and within the transcendent systems of official (bureaucratic, market, and cultural) norms, a large repertoire of more or less implicit immanent rules proliferate and also regulate social relations and everyday behaviour. An important part of these are “practical norms” as defined by Olivier de Sardan (2021): deviations from explicit official norms and the result of regulated non-observant behaviour. Notwithstanding, as shown, a number of these immanent norms may initially exist independently from the official norms, and only become deviations when new rules are imposed from outside (Tréglodé, 2018; Turner, 2022). Moreover, some of these norms do not pre-exist the new official norms, they do not simply stem from an already existing social system in which official norms are embedded: these immanent norms are also invented on a daily basis as a means to orchestrate interactions.

These immanent practical norms are malleable, can evolve according to circumstances, need little mediation, and are embedded in interpersonal relationships. They are based on the principle of endogenesis (Le Roy, 2007), i.e., they are generated within the social group, they emerge from the interactions and power relations between group members and can be directly modified by them. These characteristics give them a constantly evolving character, flexible and easily adaptable to different situations, as well as rendering them unstable, uncertain, and arbitrary. These types of regulations can be found in irrigation management (Pannier, 2021), in how the market economy functions in north Vietnam (Endres, 2014), in banking institutions (Le & Nguyen, 2009), in party bureaucracy and institutions (Gainsborough, 2010) or in the tactics crafted by mountainous populations to circumvent, contest or resist what Turner calls the “slow forms of infrastructural state violence” (Turner, 2022). These practical norms are constituted by and constitutive of power relations and strategies of domination.

A specific study explaining why these immanent practical norms are particularly prevalent in Vietnam is needed. Some of the issues put forward to explain their importance in Africa (Olivier de Sardan, 2021) can be found in Vietnam, such as the weak application of official rules, leading the different actors to make arrangements and develop alternative systems. These practical norms would then compensate for the uncertainties and dysfunctions that are linked to the high degree of arbitrariness in how rules are applied. Nonetheless, most of the contextual elements put forward to explain the phenomenon in Africa (weak states, failure of the market economy, political instability, the interplay between political parties, the absence of stable majorities, etc.—Olivier de Sardan, 2021) are absent from Vietnam, where a strong single-party state ensures significant political stability. Other issues necessarily come into play.

The following hypothesis can be put forward: if in Africa, practical norms respond to the failure of the central state (or to the absence of official rules to regulate large domains of life), in Vietnam, they respond, at least partly, to its attempted omnipresence. With the establishment of the communist regime from 1945 in the north and 1975 in the south, Vietnam found itself in a situation close to post-revolutionary China “where people have had to deal with a modern state perhaps more powerful and socially pervasive than any in [its] long history” (Yang, 1994: 320). The new regime firmly supervises and controls the population, from social and cultural life to the organisation of agricultural and industrial production, food distribution, health, housing, travel, births, marriages, distribution of the means of livelihood, and so on. The proliferation of immanent practical norms would in this context be a social response to the attempted penetration of state power in all areas of life. It would also be an act of resistance to the establishment of impersonal, top-down normative systems based on abstract principles (the state, the homeland, the party, modernity, civilisation, progress, the market, etc.), according to which the actors are anonymous individuals who theoretically can be replaced and are equal before the law.

On the contrary, practical norms—bottom-up, immediate, and modifiable according to circumstances—instil fluidity, flexibility, and contingency into this system. By interacting with the regimes of state and market regulations or by interfering with them, they generate a kind of unstable balancing act, constantly renegotiated, between the fluid and the permanent, between instituting and instituted practices, between improvisation and planning. Beyond the important variations dependent on time period, region, social milieu, and ethnicity, we argue that this ambivalence reflects a political state that is transversal to Vietnamese society, which Lordon calls (2019: 143) the “mesomorphic states of the political”. In chemistry, mesomorphic refers to an intermediate organisation of matter, between that of a single crystal solid and that of a liquid. Liquid crystals are the characteristic example. By analogy, “mesomorphic states of the political” could designate specific institutional arrangements where a significant part of fluidity, impermanence, and variation infuse the necessarily organised, fixed, and stable aspects of the institutional. In the flow of these institutional arrangements, actors can then be, either alternatively or concomitantly, “receivers” and “prescribers” of norms. The mesomorphic states of politics would embody “institutions in permanent emergence, the raw institution, institutional bubbling, the incessant motion between rule creation and rule transgression, precisely so that it does not become an institution in the current sense of the term, that is, relatively external to the subject, fixed, and sometimes transcendental” (Godbout, 2010: 500, *our translation*). Although these situations are not dominant, they seem to reflect an important part of everyday politics in contemporary Vietnam and beyond in Southeast Asia.

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