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CHANGING PATTERNS OF MINANGKABAU URBAN LANDOWNERSHIP*

I

1. *Modernization and the Changing Social Organization of Minangkabau Society*

The Minangkabau of West Sumatra are widely acclaimed as the world's largest matrilineal society and a fair number of ethnographic studies have appeared describing the basic features of their tightly structured social organization (Joustra 1923, Schrieke 1927, Willinck 1909, Josselin de Jong 1960a, Bachtiar 1967, Naim 1973, etc.). In the most general terms it can be said that Minangkabau society is divided into two basic adat groups (*laras*). These are made up of a large number of named clans (*suku*). From there on terms and descriptions differ, but it is generally stressed that there are sub-clans, matrilineages and minor lineages held together by an ascriptive leadership and various degrees of communal landownership.

Despite the strict traditional adat prescriptions that appear to a large extent to be yet maintained, the Minangkabaus have played a major role in the modernization of Indonesia (Swift 1972). The first Indonesian novels were written by Minangkabaus in the 1920's; "progress" (*kemajuan*) was a major topic of discussion in Padang during the 1930's (Taufik Abdullah 1971); Islamic modernism found its staunchest supporters in West Sumatra (Hamka 1967); and the ideology of Indonesian independence was to no small part created and actively pursued by political leaders of Minangkabau origin, spanning the political spectrum from Vice-President Mohammad Hatta to one-time communist leader Tan Malaka.

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* This paper is based on fieldwork in West Sumatra during 1970-71 and 1973 while I was on leave from Yale University and the University of Singapore. The first draft was read at a Seminar organized by LEKNAS (National Institute of Economic and Social Research, Jakarta). I have profitted greatly from the discussion at this seminar, particularly from remarks made by Mely Tan, Taufik Abdullah and Alfian. I am also grateful to Amilijoos Sa'danoer, Erik Cohen, Mochtar Naim and Michael Walter for useful comments on various drafts of this paper.

If major forces of modernization evolved from Minang society what then accounts for the considerable persistence of traditional Minangkabau social organization? From an early date commentators on the social situation of West Sumatra have predicted drastic changes and a breakdown of the Minang matrilineal system. As early as 1909 Willinck reported that Minang social structure was changing (Willinck 1909: 622), Joustra followed suit in 1920 by pointing out that closer father child ties had partly replaced the traditional mother's brother - sister's children (*mamak-kemanakan*) relationship, thus upsetting the core of matrilineal organization (Joustra 1920: 132). Schrieke in his famous Westkust Rapport of 1927 speaks of an "agrarian revolution" (vol. Ia: 102-104) and a breakdown of communal landownership (Schrieke 1960: 118-119); Mohammed Yamin (1952) even proclaims a "revolution of Minang adat" and Sa'danoer (1971) concludes from a study of 1,475 inheritance cases: "the communal matrilineal system of inheritance is fading away".

Despite all these claims Minang adat and Minang social organization are still going strong and appear to be far from a breakdown. Two aspects of life in West Sumatra have been discussed frequently to explain both changes and stability of Minang society: the conflict between adat and Islam (Prins 1954, Abdullah 1966, Hamka 1968), and *merantau*, the system of voluntary migration (Swift 1972, Naim 1971, 1972, 1973, Evers 1972b). I wish to add another aspect here, namely the communal ownership of land. The importance of the system of land tenure in the maintenance of corporate groups (in lineal societies) has long been recognized by anthropologists. It is the purpose of this paper to study the forces of change and tradition as they impinge on the keystone of Minang social organization, namely communal landownership. My data are primarily derived from fieldwork in Padang, the provincial capital, where in an urban environment with a long colonial history, the forces of change and modernization are likely to have been the strongest. It is felt that in the *rantau* town of Padang, far from the *darat* stronghold of traditional Minang adat, whatever is available in terms of defense mechanisms to maintain the system of communal landownership will become apparent.

2. *The Importance of Landownership in Minangkabau Society*

It is not necessary to engage in a detailed discussion of the intricacies of Minang adat and its regional variations, as there is an extensive literature on the subject culminating in Professor de Josselin de Jong's

sophisticated analysis (Josselin de Jong 1960a). It will suffice simply to discuss certain features of customary law as they relate to land tenure.

There are three basic types of land tenure:

(1) land held by individuals under individual ownership rights, (2) land held by descent groups of varying size and generational depth (Josselin de Jong 1960a: 21-22, 56) under communal ownership rights and (3) land held by local groups, namely village communities. Traditional adat prescriptions stress the distinction between self-earned property (*harta pencaharian*) and ancestral property (*harta pusaka*), and regulate the inheritance and disposal of both types of property. Ancestral property is always owned under communal property rights, so that ancestral land (*tanah pusaka*) is also communal land (*tanah kaum*). According to adat, self-earned property is turned into "low ancestral property" as soon as it is inherited and becomes "high ancestral property" after several generations. Communal property rights (*hak ulayat*) can be vested in a matrilineage (*kaum*) or minor lineage (*perut*), in a clan (*suku*) or in a village (*nagari*)¹ (Sihombing 1972: 73). The following tabulation of terms gives a somewhat simplified version of the Minangkabau land tenure system and defines the terminology as it is used in the city of Padang as well as in this paper:

Ownership rights are held by	Property rights:	Type of property:
(1) an individual	<i>hak milik</i> (private, individual property rights)	<i>harta pencaharian</i> (self-earned property)
(2) a descent group	<i>hak kaum</i>	<i>harta pusaka</i>
a) minor lineage (<i>perut</i>)	(communal	(ancestral
b) matrilineage (<i>kaum</i>)	property rights)	property)
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c) clan (<i>suku</i>)	<i>hak suku</i> (clan rights)	
(3) a local group	<i>hak ulayat</i>	
a) village (<i>nagari</i>)	(community	e.g. virgin land
b) several villages	property rights)	e.g. market place

¹ Willinck (1909: 57) claims that *harta pusaka* or *tanah ulayat* can be owned by either a sub-clan (*jurai*) or an extended family (*parui*). I did not come across any property that was effectively owned by a *jurai* in Padang. *Perut*, Minang *parui*, means "womb" and indicates that its members are all descendants of one womb (*separui*), i.e. trace their descent to a close female ancestor. Confusion arises because a *perut* is often loosely called "*kaum*" (group).

Communal landrights give the highest possible claim to landownership (Saleh 1972: 10, Joustra 1923: 103, 119), and communal land cannot be sold except for explicitly stated, specific reasons. In any case the consent of all adult members of the extended family and of its head, the mother's brother (*mamak kepala waris*) is required. Communal land should not be divided until when after five generations a fission of the original lineage into new autonomous units takes place. In fact lineage segmentation is common and disputes on the subsequent division of land rights occur frequently (Tanner 1969: 22). On the other hand communal land can be mortgaged (Guyt 1936) and the right of occupancy transferred more or less permanently.

The fundamental importance of rights in land is widely recognized in West Sumatra. The extensive literature on Minang adat that is still produced by clan chiefs (*datuk*) never fails to refer to the intricacies of landownership and inheritance. Since the turn of the century Minangkabau intellectuals and adat specialists have fervently discussed the compatibility of patrilineal Islamic law of inheritance and matrilineal customary law, and several seminars and meetings have been convened focusing on this issue. The conference of adat chiefs and Muslim scholars convened in Bukittinggi in 1952, the 1968 seminar on adat law whose proceedings were published by the Center for Minangkabau Studies (Naim 1968) and the 1971 symposium on "Communal Land and Development" of Andalas University (Sa'danoer 1971, Boerhan and Salim 1972) are examples of the importance attached to this issue by the local intelligentsia. The maintenance of communal property is, in a way, the keystone of Minangkabau adat as a functioning, living system. It is widely recognized that matrilineal inheritance and group coherence depend on common property and that individual ownership of land will lead to a demise of Minangkabau social structure. The migrant areas elsewhere in Sumatra and in Java provide an example of what might happen to the heartland, to the "Realm of Minangkabau" (*"alam Minangkabau"*), if property rights change from a communal to an individual basis and inheritance follows the patriline rather than the matriline. In these areas matrilineal Minangkabau social organization has, indeed, more or less disappeared (Naim 1973). If traditional matrilineal organization would break down even in West Sumatra, the Minangkabau heartland, then the basis for the current system of communal landownership would disappear too. Informants in West Sumatra were quick to point out that in this event foreigners or other ethnic groups tend to invade the territory and take over land. A frequent

example which they offered was North Sumatra where Bataks allegedly gave up their adat-based patrilineal organization and lost their land in consequence.

Adat, matrilineal social organization, communal property rights and landownership are therefore closely interwoven aspects of Minangkabau life. We shall now delve into this complex matrix and, on the basis of some case studies, try to unravel basic patterns and sequences of change in an urban context.

II

1. *Communal Land Tenure in Padang*

In this study we are concerned with urban land located within the city limits of Padang, the provincial capital of West Sumatra.²

Most of the land is used for residential purposes, but in the outskirts, incorporated into the town limits in the 1950's, there are still about 800 ha of rice paddies and gardens featuring spices, coconut palms and vegetables. The links between urban and rural areas are, in fact, quite strong as more than one third of the population are migrants from other, predominantly rural, areas in West Sumatra (Evers et al. 1972). Both migrants and local born inhabitants (*orang Padang asli*) frequently retain property rights in communal lands outside the city and periodically visit their "home villages". About 80 per cent of the population is Minangkabau, and there is a sizable minority of Chinese (about 8 per cent), concentrated in one area of the town and of Javanese (5 per cent) most of whom serve in the armed forces or the civil service.

Land owned by Chinese, land that was formerly owned by the Dutch and government lands are all measured, and registered and titles are issued. According to officials from the Land Registry these lands account for most of the approximately 40 per cent of the city area which is held under individual property rights (*eigendom, hak milik*). The remaining 60 per cent are not registered and are owned under Minangkabau customary law. It is likely that most of this land is communal land owned by matrilineages as ancestral property. From a cursory examination of the land records in the Sub-Direktorat Agraria Kota it appears that

² Padang had about 200,000 inhabitants in 1970 and extends over an area of 33 square km. For a brief description and statistical data see Evers and Thalib 1970, Evers et al. 1972, Evers 1972a and 1972b. Most statistical data on Padang stem from a sample household census of Padang that I prepared in 1970.

this proportion of communal to private land has not changed much for a considerable period of time.³ We are thus faced with the same question posed at the beginning of this paper, now, however, specifically related to land tenure: How is it possible that communal landownership can be maintained to such an extent in a fast growing city of almost a quarter million inhabitants?

Scores of authors have proclaimed the city as the centre of modernization (Lerner 1958, Goh 1973, Sternstein in Dwyer 1972, to name but a few) and the individualizing impact of urban life has been stressed by authors from Toennies and Louis Wirth to Alex Inkeles. Why does the city of Padang not exhibit this feature and allows the maintenance of communal ownership of land?⁴

An examination of four basic types of urban land tenure which I found in Padang will provide some empirical data with which to attempt an answer to the question posed.

2. *Types of Urban Land Tenure*

The urban land tenure system of Padang, the capital of the province of West Sumatra, is rather complex and exhibits a wide variety of land tenure arrangements. It was, however, possible to group the cases collected during the field study⁵ into a simple typology of four major types of urban land tenure. This typology is not theoretically consistent — it does not cover all theoretically possible cases — nor is it, as yet, a model or a theory explaining the dynamics of Minangkabau land-

³ Very few transfers of land were registered after 1958, the year of the PRRI rebellion. There were some new titles issued after 1970 which indicates a slow increase of registered land. I assume, short of a thorough study of land records, that most of the transfers from communal to individual property took place in the 1920's. This is indicated in the Westkust Rapport of 1927.

⁴ I have attempted to discuss a similar question in relation to the occupational structure of Padang by using the concept of "urban involution". See Evers 1972a.

⁵ The present study is based on fieldwork carried out in Padang from February 1970 to January 1971 and from April to May 1973. Data for this paper were collected as follows:

Interviews, observations and the analysis of a household sample census had provided data on the social ecological structure of Padang. (For some preliminary findings of this survey see Evers 1972a, 1973, Evers et al. 1972.) From each of the basic social areas several lots of land were selected and the ownership patterns ascertained in intensive interviews with the occupants. The land tenure data are not based on a random sample survey but on intensive interviews and observations.

ownership. It is just a classification of empirical cases into a descriptive typology.

The unit of analysis in each type is the lot of land over which ownership rights are exercised and which is occupied by a particular grouping of people (see figure 1).

Type A

Type B

Type C

Type D

Figure 1

TYPE A consists of a piece of land which is owned and occupied by the members of one lineage (*kaum*). The lineage is divided into several minor lineages (*perut*) which own, and dwell in, a house or a cluster of houses. The whole area including agricultural land is, however, owned by the lineage led by a lineage head (*mamak kepala waris*). This is more or less the traditional organization as also found in villages consonant with adat prescriptions.

TYPE B represents a lot owned by a lineage whose core or senior sub-lineage lives in a large house on the land. In most cases the lineage members would be descendants of early settlers of Padang. Some of them would claim aristocratic status and trace their origin back to the royal houses of Pagarruyung and Indrapura or to a former governor (*panglima* or *regent*). On the same plot there also are several smaller

houses that are occupied by descendants of workers, possibly slaves, of the original *kaum* and by rural urban migrants. From their long residence the people in the smaller houses develop claims to parts of the original lot, assume a sort of "permanent resident status" and, normally, do not pay rent. This is recognized in traditional Minang adat where newcomers (*orang datang*) can attach themselves to early settlers (*orang asli*) lineages (Tanner 1969: 22).

In TYPE C the lot is owned again by a lineage or sub-lineage but none of the members live on the land. The land is occupied by rural-urban migrants who "own" the houses but pay land rent to the head of the landowning lineage. This type can thus be described as a form of "absentee communal landlordism".

TYPE D represents the most individualistic case. Here rights to a plot of land are held by a single person who lives in a house on the land together with his spouse and children, or who rents the house to whomsoever he sees fit on a monthly or yearly contract.

We shall now illustrate each type with a case study.

TYPE A. The plot of land in our case study is situated in the urban-rural fringe of Padang. It extends over about 2 ha, including 0.8 rice fields (*sawah*). The whole area is owned and occupied by the members of one matrilineage, which in turn is divided into four minor lineages. At present there are 22 houses of varying sizes and of varying types of construction, depending on the wealth of the inhabitants, but there are still two old wooden houses that are said to be the ancestral homes from which the minor lineages branched off. The lineage head does not live on the land but, according to the rule of uxorilocal residence, in his wife's house in a Kampung near by. He receives one third of the harvest of the *sawah*, which he is supposed to spend for funeral expenses or other rituals for members of the lineage. But as he is not well off himself he usually consumes the anyhow rather limited amount of paddy himself. As the *sawah* is very small, the use of the land is rotated between the four minor lineages in such a way that a nuclear family from each one works the land every four years and receives the balance of the harvest after the lineage head has taken his share.

As agriculture provides only a very minor part of income, most males of working age are daily-rated workers engaged primarily in the construction industry. According to our household sample census of 1970

this kampung is indeed the most typically "working class area" in so far as a fairly large percentage of the workforce is employed as labourers. There are no migrant families in Kampung Mas though a few husbands hail from villages elsewhere in West Sumatra. There has been, however, considerable outmigration of males primarily to Pekan Baru, a booming oil town in Riau, and to Jakarta.

My principal informant was relatively well off. He had recently retired from the army and opened a shop in the Central Market of Padang. His house is owned by his wife and her younger sister, who had inherited it from their father. The father had built the house from his own earnings (*harta pencaharian*), and the house is therefore now regarded as "low ancestral property". The land on which the house is built is, however, regarded as "high ancestral property" and is part of the communally owned lineage land. The other members of his wife's minor lineage live in a cluster of four houses close to her own house.

TYPE B. The lot of this case study of more than 2 ha extent is located in the old Minangkabau centre of Padang, which is so vividly described by Marah Rusli in the by now classical Indonesian novel "Sitti Nurbaja" (Rusli 1922). The land is owned communally by a lineage which traces its origin back to chiefly families from whom during Dutch times governors emanated. Members of the lineage there still lay claim to aristocratic titles like *Sutan* and *Marah* (male) or *Putri* and *Siti* (female). The land is dominated by a huge wooden mansion, the ancestral home (*rumah pusaka*) of the lineage. It is surrounded by another old house and a cluster of twelve smaller houses and huts that are, in contrast to the ancestral house, termed *rumah gedang*. Some of them are owned and inhabited by members of the landowning lineage and their husbands, others by descendants of former servants; still others are rented by recent rural urban migrants. According to our household sample survey more than half, in some streets over 70 per cent, of the inhabitants in this Kampung are migrants and population density is the highest in Padang (about 15000 per square km). This high density may explain why informants tended to stress the unity of the original lineage and sometimes even referred to it as one *perut* despite the genealogical distance between the minor lineages (see figure 2). Members of the lineage also claimed that the land under discussion is actually part of a much more extensive area owned by their clan. About ten ha of it are *sawah* and located just outside the city limits. This land is worked by other minor lineages of the same clan. Theoretically they ought to sur-

render a share of the harvest but the head of the urban lineage "does not ask for it any more".

TYPE C. The lot of land (1 ha in extent) concerning us here is part of a densely settled kampung traversed by narrow muddy footpaths. It is situated at the fringe of the old, pre-independence town. There are by now about 25 wooden houses on the land that was probably settled in the 1930's. The occupants own the houses themselves, but pay rent to the head of the landowning lineage. They maintain occupancy rights as long as their houses are inhabited and they pay a fee to the landlord

Figure 2

if they repair their houses as this prolongs the possible occupancy. Most of the inhabitants have moved into the area only recently either from other crowded areas of Padang or from rural areas. Almost all of the adult males are small traders or hawkers with only a marginal income. It is these traders rather than industrial workers who make up the bulk of the urban proletariat. The lineage head, who collects the rent and administers the land, lives, contrary to adat prescriptions, in his mother's house, although he is married (see figure 3).

The proceeds of the urban land go to his mother, his sister and her children (his *kemanakan*) though he admits that he keeps some of it for his trouble in looking after the land. His minor lineage owns also some 4 ha of rice paddies and coconut gardens outside the city, which

M Lineage head (*mamak*)

K Lineage head's sister's children (*kemanakan*)

Figure 3

are rented out on a sharecropping basis. Half the produce is kept by the tenants, the other half goes to his mother who distributes it to other members of the lineage as she sees fit. Some of the ancestral land is already sold, as his lineage is small and found it difficult to look after the land, let alone cultivate it. The lineage represented by its head thus functions as an absentee landlord of both urban and rural land.

TYPE D. The lot of this case study is situated near the central market and is registered as the individual property of our informant's wife's mother. He migrated to Padang from a coastal village, married and took up residence in his wife's mother's house. He expects that the land and the house will be inherited jointly by his own and his sister-in-law's children (see figure 4), which is in line with Minangkabau adat. This arrangement is very common in Padang. In a survey of 345 government employees it was found that 31 per cent lived in houses owned by their wives or wives' mothers.

Another case illustrates a similar trend. Our informant this time was a successful trader who migrated to Padang penniless as a young man. From the proceeds of his business he bought a house which, however, he registered in the name of his children. This he did to forestall any claims of his sisters' children (his *kemanakan*) to inherit his land and

house according to adat law, leaving his own children without property.⁶

Another case does not require any detailed study. A plot of land and a house is owned by the male head of the household who has provided in his will that his property will be inherited by his children. When

Figure 4

interviewed, the owner stated quite clearly that he did not believe in Minangkabau adat any more. This case then represents a fully individualized type of urban land tenure.

3. Dynamics of Urban Land Tenure

The description of types of urban land tenure and the illustration of these types by case studies immediately raises the image of a fixed unchangeable pattern. Nothing is further from the truth. Despite the fact that the proportion of urban land held under communal land rights has not dwindled rapidly but remained fairly stable, the internal dynamics are considerable. The observations of scholars who described

⁶ His children might, however, inherit property from their mother's brother. As their mother hailed from a distant village, their chances to use his property were minimal.

a trend towards individual landownership and towards a bilateral inheritance pattern are basically correct (Schrieke 1927, Joustra 1920, Sa'danoer 1971 and others). They missed, however, the almost equally strong trend towards the re-establishment of communal landownership and somewhat modified "neotraditional" inheritance patterns. We shall therefore briefly analyse these processes and attempt to explain the long-term maintenance of communal forms of land tenure in an urban setting.

The precondition for these processes is the relative strength of adat in West Sumatra. A constant stream of publications on adat is pouring forth with undiminishing strength; an interest group of lineage chiefs (*datuk, penghulu*) preserves adat customs; a government sanctioned organization, LKAAM (*Lembaga Kerapatan Adat Alam Minangkabau*), provides an effectively organized pressure group to maintain adat law and frequent meetings and the overlong speeches in which Minangkabaus like to indulge spread the knowledge about adat. At the same time a convenient confusion of ideal adat and reality takes place. The social world is interpreted in adat terms and contradictory evidence is distorted to match the adat "facts". This makes fieldwork extremely difficult as questions pertaining to social facts tend to be answered by referring to normative adat prescriptions (Evers 1969). Blatant inconsistencies are often explained by regional variation of adat. In fact the flexibility in the use of terms is as annoying to the sociologist (see e.g. Josselin de Jong 1960a: 10, 50 ff.) as it is convenient to the Minangkabau adat specialist.

The continuance of adat as a normative system that is widely known and regarded as legitimate is thus an important social fact by itself. As communal landownership is an important feature of Minangkabau adat, its various safeguards to maintain the system still exert their influence. As mentioned earlier there are strict prescriptions against the sale of land. If land is sold nevertheless, there is yet very strong pressure to sell it only to other Minangkabaus, or, if possible, pawn it more or less permanently to distant lineal kin in preference to others (Tanner 1969: 49). Outsiders have therefore found it difficult to purchase land and former communal land, even if sold, is still owned by other Minangkabaus who are bound by the same adat prescriptions. These may eventually pressure them into converting individual land into lineage land again, as will be described below. Another safeguard is the maintenance of fictional communal property rights. Even if land has been mortgaged permanently, which amounts to a *de facto* sale, the

clan, lineage or minor lineage members often claim that the land is actually theirs though they do not demand a share of the proceeds from the land "at present". If conflict over the ownership of the land arises, an energetic lineage head can exert his influence and cause land to revert to communal tenure.

Customary inheritance law is another feature safeguarding communal property. Individually earned and owned property becomes "low" ancestral property (*harta pusaka rendah*) after inheritance. According to adat individual property held by a man is inherited by his sister's children and is added to their communal property. This means the children would not receive their father's property. In order to avoid this, a father could dispose of his self-earned property by giving it directly to his children during his lifetime or by giving it to his wife to ensure eventually matrilineal inheritance by his children. Amilijoes Sa'danoer's study of a random sample of 1401 inheritance cases provides us with detailed data on the actual practice in West Sumatra (Sa'danoer 1971). On the basis of data presented in Table 1 it can be shown that in 25 per cent of all cases the father's sister's children still inherited self-earned property (mostly land and houses) in line with traditional adat prescriptions.

Unfortunately Sa'danoer does not distinguish between male and female testators and, therefore, it must be assumed that a larger number of cases than indicated was actually in line with adat as children inherited their mothers' property.

Ancestral communal property, according to Sa'danoer (1971: 14) is still inherited by corporate kinship groups as prescribed by Minangkabau adat.

TABLE 1
Inheritance of self-earned Property in West Sumatra

Inherited by	Intestate Succession (<i>Warisan</i>)	Gift (<i>nibah</i>)	Total
Children	399 (64 %)	522 (68 %)	921 (64 %)
Si Children	202 (32 %)	149 (19 %)	351 (25 %)
Others	27 (4 %)	102 (13 %)	129 (11 %)
	628	773	1401

Note: The sample is drawn from Padang ($n = 272$) and selected villages ($n = 1,129$).

We may therefore conclude that a lively adat tradition provides various safeguards against the individualization of property rights. There is even a tendency, especially in rural areas, for a minor part of the individually owned property to revert to communally owned property. These forces are pitched against the pressures of urbanization in the growing city of Padang. In order to analyze how communal landownership changes and survives in an urban setting we shall again start with a typology which describes sequential patterns of changing land tenure. This will then be followed by case studies and a conclusion.

In traditional Minang village society a minor lineage occupies a large house (*rumah adat*), which provides one of a series of rooms along a veranda for each adult female and her visiting husband. A large number of these "long houses" are still found today in villages and even towns in the Minangkabau highlands. When the minor lineage occupying the *rumah adat* became too large a new house was built on the lineage land. In most cases these houses would be "ordinary" ones without the elaborate carvings and without the huge sloping roof. In the coastal lowlands and in Padang there have never been any long houses, but the principles of home occupancy and residential segmentation are still the same. The sequential pattern of urban land tenure would thus start with a *rumah adat* (lowland style), occupied by members of a minor lineage and the husbands of married females (see figure 5, D). In the following generation new houses would be put up to accommodate nuclear families or new minor lineages (type A_1). This process might proceed faster or slower, depending on the number of female siblings and on the rate of outmigration. Now the pressures of urbanization start to impinge on the system. As has been shown in another context (Evers 1973) urban residents tend to move out to other areas and rural-urban migrants tend to move in. These migrants now intermingle with the original members of the lineage from whom they rent land to build their own houses (type B_1). With increasing population density and pressure on urban land the city limits are pushed outwards to include former agricultural land or unused land. As this land is of necessity part of the communally owned lineage land, we might find the development of "absentee communal landlordism" (type C_1). Tenants on such lands may eventually buy the land on which they already own their houses (type D_1). Individual ownership of houses (type D_1) may also come about in a "short circuit process" when agricultural land is bought or mortgaged directly from a lineage (type A_2). Since, according to adat, land can only be sold under strictly

prescribed circumstances and with consent of all adult lineage members, this short circuit is only likely to occur at the incidence of lineage segmentation (see type A_1 in figure 5) when conflict about the distribution of agricultural land arises and/or there is pressure to reduce the number of lineage members to a "manageable" size.

Figure 5

The change of landownership patterns from type A to types B, C and D has thus been brought about by the following urban processes: the expansion of the urban area into former agricultural land; rural-urban migration; the differentiation of landownership and occupancy; increasing population density and crowding; and selling and mortgaging of land. But the sequential pattern does not stop here, as there is a tendency for type D_1 to change into type A_2 and a new cycle of

changing land tenure and occupancy patterns then starts.⁷

The new cycle starts when the plot of land of type D_1 is inherited from its original owner. In this case the land reverts back to the original lineage, since according to the principles of matrilineal inheritance the land will go to the male owner's sisters' children and will be added to their communal property. If the owner is a woman, the land is inherited jointly by her children who thus form a new property owning minor lineage.⁸

This reversion to full communal ownership can be circumvented if the owner uses Islamic law rather than adat law to regulate inheritance. In this case the land is divided among children and males receive a double share. However, despite the strength of Islam in West Sumatra Islamic law is used only in very few instances to regulate transfer of land (Sa'danoer 1971). The owner can also register the land and dispose of it as laid down in a will. In this case the land may eventually drop out of the cycle of changing landownership patterns. The most frequent type of inheritance seems to be, however, a transfer of land from female to females and thus the formation of a property owning minimal matrilineage. Each new generation also signifies an increasing population density. New houses are then constructed on the land or further rooms added. We are then back to types B and C, with the possibility of a development again into type D.

There is, of course, a limit to this process which could better be described as a spiral whose turns become narrower and narrower. Whereas our cycle might have begun with a rather large plot including residential as well as agricultural land, the new case A_2 in the second

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⁷ If one considers the "short circuits" and deviations from this sequential pattern one might, of course, argue that the term "sequential pattern" is no longer justified. As this model illustrates the general directions of change and consequently yields hypotheses on the dynamics of urban land tenure it is proposed to retain the sequential pattern model as a heuristic device.

⁸ Sa'danoer (1971: 23-25) found that in villages in 176 out of 1052 known cases individual property became communal property on inheritance, in Padang he found only 3 out of 189 known cases. There are, however, 83 additional cases for which information is not available. I see no reason to assume that in all these 83 cases individual ownership was the result of inheritance, particularly as individual ownership is much more clear-cut and "uncertainty" is more likely to occur in cases of communal ownership where the precise definition of who belongs to the owning lineage or who does not is often not quite clear and leads to disputes (Tanner 1969). In any case the principle is decisive: There are cases in which individual ownership reverts to communal ownership.

cycle is likely to have lost the agricultural land in the urbanization process. In fact the agricultural land of A_1 , at least in our model, has been turned into type C. With increasing lineage segmentation there occurs increasing land fragmentation, which in turn is accompanied by higher population density and crowding. Though some high density slums are being formed on communal land, the spiral process does not appear to have progressed further in Padang.

I shall now relate some case studies to illustrate the changing patterns of land tenure in West Sumatra's capital city.

Figure 6

CASE 1. Our informant, a government employee, lives uxorilocally in his wife's ancestral house. He claims that the house and the land on which it is built is "high ancestral property" because it was inherited from his wife's mother's brother, i.e. his wife's *mamak* (M1 in figure 6). The early history of the lineage is not clear but it appears that it had its origin in a village close to Padang. On lineage segmentation the ancestral rice land may have been divided while the new minor lineage moved to Padang (see figure 6, generation I). It could not be established

how the minor lineage came to own the land in Padang, but the land is now regarded as ancestral property (no. 1 in figure 7). The mother's brother (Generation III) of our respondent's wife earned money as a trader and purchased a plot of land on the outskirts of Padang and built a house on it. This house and land, originally his private property (*harta pencaharian*) was not inherited by his children but by his sisters (our informant's wife's mother) and her children. This, of course, was in line with adat prescriptions that the sister's children (*kemanakan*) inherit self-earned property. The land was thus transformed from individual to communal land and added to the ancestral property of the lineage. The original house was then vacated and the mother with her children moved to the newly inherited house. While her children grew up and married, two more houses were built on the new land. Only recently a small shop was constructed on a corner of the property, whose owner pays rent to the lineage. He sometimes sleeps in his shop and we may expect that sooner or later he will attempt to enlarge his shop into living quarters and bring his family to live there. Meanwhile a few huts have been constructed on the by now vacant plot of land that was occupied by the lineage a generation ago (no. 4 in figure 7). The agricultural land is worked by tenants, who are distant lineal kin and give half the harvest to our informant's wife's mother who distributes the proceeds as she sees fit; a share also goes to the new lineage head (M2) who happens to be her eldest son as she no longer has a living brother.

Figure 7

CASE 2. In this case the land is situated in a fast growing area close to one of the major roads leading out of Padang. The area was until the

late 1960's the private property of a Chinese who had rented it out. Tenants built and owned their houses on this land. In the wake of anti-Chinese feelings the tenants, aided by the government, brought pressure on the Chinese landowner who "sold" the land to the tenants. No new titles have been issued so far, but the individual plots were recently measured by the Land Registry. The general area is becoming crowded by migrants and our household sample census shows that more than 60 per cent of the inhabitants were not born in the city of Padang. The pressures of urbanization and the transitional character and uncertainty of landownership and occupancy is also evident in our case study. The whole plot of land covers not more than 300 square meters. It is occupied by an old, relatively large, wooden house on stilts (1 in figure 8), a newly built bungalow (no. 2) which is still under construction, a wooden shack (3-4) and a low *atap* house (5-7), recently attached to the back of the old house.

Figure 8

The land and the houses (except for the wooden shack) are owned by an older woman who occupies the old house with her children and her husband (HH 1). Her eldest daughter's husband (HH 2) has meanwhile constructed a small modern bungalow-type house, but so far both nuclear families still form one household. The old woman, her daughters and her daughters' children regard themselves as one minor lineage. It is understood that they will own the property jointly; in fact the proceeds from the land, i.e. the rent paid by the tenants (households 3 to 7), are shared by all lineage members. Furthermore, the woman's brother tends to be consulted in conflict situations. The tenants (HH 5-7) at the back of the old house are all from a village some 20 km along the road that passes by the property. All three women are only recently married and are related as shown in figure 8. While these rural-urban migrants (as well as those of household 4) have moved in, several earlier residents have moved out and left Padang for other towns. This case, which is illustrated in figure 8, shows the evolution of a pattern in which a woman and her daughter(s) are the joint owners of urban land and of houses. This system often becomes combined with landlordism and house ownership. Frequently the tenants form incomplete families because of migration, but may eventually develop into minor lineages.

III

We are now in a position to summarize and discuss some of our findings. Any attempt to generalize is severely hampered by the lack of comparative data on urban land tenure, particularly of communal land ownership (Evers 1975). Bruner's studies on Bataks in Medan (North Sumatra) give some useful insights into the maintenance of lineages in an urban setting but do not provide us with information on the land questions (Bruner 1963). Urban lineage land was prevalent in Yoruba towns in Nigeria, but unfortunately Mabogunje's recent comprehensive work on urbanization neglects this aspect⁹ (Mabogunje 1968).

Even our own findings that communal landownership did not break down in the process of urbanization are difficult to generalize and should be treated with caution. The city of Padang grew only relatively

⁹ This is pointed out by Paul Wheatley in his review of Mabogunje's book in *Economic Geography* 46 (1970): 102-104. In traditional Yoruba towns land was owned by corporate descent groups (*ilu*). I could not ascertain whether communal landownership is still found in modern Nigerian towns.

slowly, it did not experience much industrialization and it is not yet differentiated into clearly defined social areas (except for a Chinese one). In fact the city has "involved" (Evers 1972a) and its basic social structure has not changed radically.

With these cautions in mind we may suggest the following basic processes of urban land tenure that may prove to be useful as hypotheses for studies of similar cases.

- (1) In the process of urbanization, rural land is constantly incorporated into the city limits. As rural land is held communally by large corporate descent groups, the fund of urban communally based land becomes regularly replenished.
- (2) Growing population density and intra-city migration lead to early and frequent lineage segmentation and consequently land fragmentation. This trend towards individualization of landownership is, however, counteracted by "crowding". In the course of the growth of lineages it becomes impracticable to subdivide land further. The result is a kind of "forced" communal landownership as the number of lineage members living on one plot of land increases.
- (3) Rural-urban migrants find it difficult to purchase land because of lack of funds and because of the restrictions placed on the sale of land to outsiders. The result is a differentiation of land ownership and house ownership, which is now very common. Houses may become communally owned by minor lineages in the same way as land.
- (4) Urban occupations are predominantly carried out by men, in contrast to the situation in traditional rice agriculture. Men thus have a chance to earn cash and purchase or mortgage land from lineage members or others, which then becomes individually owned property. There is, however, a strong trend for this land to revert back to communal ownership as it is given to the wife and becomes eventually owned by the wife and her daughters. This has led to a new type of communal landownership by a minimal lineage consisting of mother, daughter and children or mother, a married daughter, unmarried daughters and children.

It is probable that with progressing urbanization communal landownership is maintained for a long time, as indicated above. I would expect, however, an increase of individual landownership under two conditions,

namely a rapid decline in birth rates and the formation of a landowning upper-class elite.¹⁰ Fertility decline would produce smaller families and would retard the above-mentioned process of the re-establishment of minor lineages and communal ownership. The formation of an urban landowning elite would probably introduce land speculation (Evers 1973, 1975), the intrusion of outsiders not bound by traditional customary law and small households without lineal relatives or tenants. This would eventually lead to an increase in the urban area owned individually but hardly to an abolition of communal urban landownership altogether.

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¹⁰ The Agrarian reform laws of 1960 have not uniformly been applied to West Sumatra. They require that all land is registered and private titles are issued (Swift 1972: 261, Harsono 1971). These laws also limit the extent of land to be owned by one owner but this regulation, even if imposed, would have little impact on urban landownership patterns as the upper limit on landholdings is geared to agricultural land and therefore relatively high.

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