

Chapter 4

Muyu land tenure

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Introduction¹

The Muyu tribe inhabits the hilly country along the border of Papua-New Guinea between the central highlands and the plains of the south coast (see Map 1). At the end of June 1955 the Administration counted 12,223 Muyu in West Irian, while a small number resided in Papua. The first contacts between the Muyu and the West date from some military explorations between 1907-15. More intensive contacts came about through bird of paradise hunting expeditions carried out from Merauke between 1914-26. Chinese and Indonesian hunters travelled far into the area and the Muyu assisted them in return for Western goods, especially axes and knives. Many Muyu, mainly younger men, went along with the hunters to the Merauke subdivision. In this way a conception of Western culture, as it existed in the Merauke subdivision, was introduced into Muyu society.

In 1933 the Order of the Sacred Heart opened a mission post at Ninati in the centre of the Muyu area. The Administration followed in 1935. Soon the mission attempted to concentrate the population into villages with a minimum of 100-150 inhabitants, mainly in order to facilitate teaching (schools being regarded as an important medium of missionary work), and to obtain the Administration subsidy given to schools having at least fifteen pupils. The Administration also encouraged the development of large villages. Western education was accepted promptly. There was no resistance to schools because of the religious beliefs they inculcated. The Muyu knew of the schools in the Merauke subdivision and thought they would enable them 'to progress', to acquire Western

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¹ This section is derived from Schoorl (1967:170-3) (ed.).

material welfare. However, although they desired education, they were unwilling to form and settle permanently in large villages. Their resistance was not due to a lack of kinship relations because most of the inhabitants of a large village would be related in some way, but rather to the strongly individual way of life (with highly developed individual rights to land) and to various economic conditions, especially those concerned with pig breeding. Village headmen and their assistants, both appointed by the Administration, had little authority.

Originally patrilineages were the most important territorial group; forty-two lineages investigated in 1954 had from two to sixty-one members. Although the dwellings of the individual families belonging to the lineage might be scattered, they were always situated on the territory regarded as the lineage's. The importance of this territorial element is indicated by the Muyu term for lineage, nuwàmbíp, 'our dwellings'; the territory belonging to the lineage is called nuwàmpikim, 'the place of our dwellings'. The lineage is attached to its territory by traditional and religious bonds. On this territory there is a sacred spot called kètpòn, which is taboo, àmop, and hence avoided if possible. There is a story or myth attached to each kètpòn, and most myths are the exclusive property of the lineage on whose territory the kètpòn is located. Some myths are more widely known. In a few cases, as a result of residential changes or splitting up of lineages, a kètpòn belongs jointly to two or more lineages. However, land tenure is not communal within the lineage, but individual.

The Muyu depends on his garden for an important part of his diet. The principal crops are bananas and tubers. Fish is not abundant. Pigs are bred in order to obtain cowrie money, not to provide meat for home consumption. Women play an important position in economic life by the part they play in gardening and above all in the care of pigs. The cowrie shell, òt, may be regarded as money among the Muyu for it serves as a medium of exchange, and as a standard and store of value. Trading expeditions range 25 to 31 miles (40 to 50 kilometers) from the place of residence, while pig feasts which serve also as markets are held to enable the acquisition of cowries.

There are four prominent features of the Muyu culture distinguishing it from some other primitive cultures. First, the individual is extremely independent in relation to the group to which he belongs. Secondly, the Muyu is very mobile and is often away on trips to keep up friendly relationships and particularly to trade. Thirdly, the society is characterised by an atmosphere of fear, distrust and circumspection, owing partly to the emphasis on obtaining personal justice and revenge, to the function of sorcery in explaining sickness and death, and to the method, by ordeal, of discovering guilt. Fourthly, the main interest of the Muyu is the acquisition of property in the form of òt and other valuables.

Rights to real property¹

All rights to land and water are individual. The lineage as a whole does not exercise rights to the land which is considered its territory. Thus there is no lineage functionary who has special duties or responsibilities in land matters.

1. Land. The Muyu word for land is àmbípkím. The entire Muyu area is divided into large and small plots of land which have individual owners. The owner is called àmbípkím djárimàn, 'the master of the land'. Although rights to land may be held jointly, for example in cases of custody,² this is a temporary arrangement and a division into individual rights always takes place.

Land transactions occur when individuals migrate, from fear of sorcery or of other personal danger in their home area. The owner effects the transaction without any interference from the other members of his lineage. Even a real brother cannot regard this as his concern because 'it is not his property'. Usually, land which is sold is planted already with sago palms. The sago garden constitutes the most important object of land transactions. In Kawangtet a transaction was to take place between one person from Metemko and another from the Minip lineage. The following were mentioned as possible prices: for a piece of land containing many sago palms, twelve òt and one wàm;³ for a piece of land containing few sago palms, six òt, one wàm and one roll of tobacco. In Yibi village four transactions took place in which the prices varied between two and five òt, plus in all cases a roll of tobacco. One piece of land which did not contain any sago palms was sold for use as gardens. The price was two òt, one yírip, one roll of tobacco and one bush knife.

Individuals do not deliberately mark the borders of their plots with signs but every owner knows from memory which land belongs to him. The person from whom he obtained the land would have shown him also the borders, which are indicated by ridges, creeks or trees. Land owned by one person is usually not a large single tract, but is scattered among the land of the members of his own and sometimes of other lineages.

¹ The following section is derived from Schoorl (1957:71-6), except for the last paragraph added by Schoorl for this publication (ed.).

² See p.39.

³ The cowrie shell, òt, is the most desirable valuable in Muyu society. Next to it there are several other things of value: bands on which Nassa callosa shells are attached, ínàm; large, flat, white shells, wàm; narrow strips on which incisor dog teeth are attached, yírip; stone axes, támát; indigenous tobacco, tábukyòt; dogs' canine teeth, mindít (ed.).

For example, the deputy headman of Yibi calculated that he owned ten plots of land scattered in different areas while the headman reckoned six plots. This fragmentation of land is caused by the inheritance system and also by the individual character of the ownership right. The lands of the different lineages are also dispersed. The individual ownership of land manifests itself in several institutions closely related to land tenure.

2. Gardens. The consent of the owner must be obtained before a garden can be made on someone else's land. Once this is given, any crop except sago may be grown, including kenari and ketapang.¹ Sago cannot be grown without permission. A sago palm produces offshoots regularly, which could result in a more or less permanent use of the land, and possibly the planter's acquisition of some rights to it. The owner does not have to be paid immediately for the use of a garden plot on his land. After the harvest he is presented with two or three string bags of food. A request to use another's land is usually made when, for example, a person has moved from his own area, or when the other's land is more conveniently located than his own. But only where the relations between the two are friendly is the request made and then it cannot be refused. Land is sometimes used without permission.

It is a serious offence to take produce from another's garden without his consent. Garden produce can be sold for dog teeth and travellers sometimes buy food in this way.

3. Sago. There are few large sago areas in the Muyu region. The sago palms grow along the small winding creeks and are regarded as individual property. Every family head produces sago from his own palms which he has inherited or planted himself. Sago cannot be taken from anyone else's palm without the owner's permission, even if the owner is a brother. Payment of one ot is often requested.

4. Hunting. In principle one may hunt big or small game only on one's own land. The owner's permission is again required if one wishes to construct pitfalls and traps for cassowaries and pigs on another person's land. This stems from the strong right of individual ownership but also from fear of assassins. People who pretend to be hunting might, in fact, be ill-intentioned. Travellers who come across a pig or some other wild animal may kill it without asking the consent of the landowner.

5. Fishing. Like land, the rivers and creeks are divided among individual owners who exercise their rights especially with regard to fishing. Fishing with poison and building dams on someone else's property are prohibited unless permission has been obtained. The owner

¹ Two Bahasa Indonesian words referring to two almond tree species, Terminalia catappa and Canarium commune respectively (ed.).

can fish with poison in his stretch of the river if the owners of river sections further downstream permit it.

6. Forest produce. All forest produce of any value is covered by the individual rights of the owner of the land on which this produce occurs. The following are among the forest products used in Muyu society: rattan; the resin obtained from the copal tree, damar; the bark of the gnemon gnetum tree, used in making string bags and other rope objects; leaves and midribs from the sago palm; cabbage palms; and hardwood for house building. The scarcity of these products in certain areas determines to what extent the individual possession rights are exercised and if the owner's approval has to be obtained before collecting them.

In Yibi where the population density is greater than in Kawangtet, and where certain products are consequently scarcer there is a stricter enforcement of rights to certain products than in Kawangtet. In Kawangtet, rattan, damar, the bark of the gnemon gnetum tree and hardwood may be collected by others without the owner's permission. However, in Yibi consent must be obtained, even to collect firewood. In both villages permission must first be obtained to collect sago fronds and cabbage palms from someone else's forest land.

Thus in principle there are comprehensive individual ownership rights to land and to everything contained in or grown on it. The scarcity of the products determines to what degree these rights are enforced. No circumstances or situations are known to exist whereby a lineage as a whole has ownership or disposal rights.

Rights to moveable property

It is understandable, in view of what has been mentioned above concerning real property, that there are also strong individual ownership rights to moveable property. Every person has his own possessions which are not to be used by others except with his permission. This applies even within the nuclear family. Both husband and wife possess separately pigs, tools, garden produce, and dt and other valuables. Usually the members of a family co-operate so that they benefit from one another's property. However, consent has to be obtained before using another's belongings. When a child takes water belonging to one of his parents without permission it is regarded as theft.

Rights of inheritance

Inheritance in the Muyu area comprises two main parts: first, the land together with everything belonging in or on it; and secondly, the wedding gift goods and therefore all valuables (including all claims on valuables by and against the deceased which were made before his death). Other goods are of little importance. The deceased's house remains occupied by his widow or co-resident. If neither are living it remains

vacant and is left to decay. Bows and arrows are either distributed among the sons or left also to decay.

In principle the sons inherit land from their father. The daughters either have married or will marry into another lineage. At the father's death, his land, sago gardens, fruit trees and fishing waters are divided among the sons. Sometimes an old man distributes everything during his lifetime, but more commonly he indicates before his death how his property is to be distributed. After his death the eldest son divides it, and usually he receives or rather takes a slightly larger or better share than the other sons.

If one of the sons is still young when his father dies his share is taken care of by the oldest brother. If all sons are minors, the mother manages the land, gardens and fishing waters until one of the sons has become adult and he then manages them for himself and for the others. If the mother has died also, and the sons are too young to manage the property, then the responsibility is temporarily entrusted to the father's brother, father's brother's son, or to one of the closely related male relatives of the father's lineage. Such custody over land can sometimes be extended for a period longer than is necessary. However, a distribution is finally made and the strong individual ownership rights reappear. For example, in Katanam village, following a man's death, his brother had undertaken to care for his land because the deceased's son was too young. This custody was continued even after the son became adult, probably because the father's brother was considered to be the son's social father (pater) and as such remained the manager of the land. Although in practice the responsibility had already been transferred to the son, this would happen formally at the death of the father's brother.

The deceased's garden passes to the son who has inherited the plot of land in which this garden is situated.

Although in principle the sons inherit the land, this, or part of it, can pass also to daughters. An unmarried daughter can receive a share of the inheritance, and she is looked after by one of her brothers and is regarded as a member of his family. Their co-operation in this circumstances resembles that of husband and wife. A woman can also inherit if she is a widow who has left her deceased husband's lineage to return to her own. Sometimes a father stipulates before his death that a daughter is to receive part of the inheritance. When a man dies without leaving a son the daughter inherits her father's land. However, if she is married or marries, and lives elsewhere, her father's real or classificatory brothers take possession of the inheritance. In return they usually pay off their deceased brother's debts. Unmarried or widowed women and married women living nearby can inherit their father's land. In these cases it may be looked after by one of the deceased's brothers. Clearly it has passed to the daughter because her son acquires the land when he becomes adult. It is therefore possible to

inherit land from the mother's side though one inherits normally from the father's.

A son can usually acquire his mother's land if he has been assimilated into her lineage. This happens if, for example, his father dies and his mother takes him, while still a young boy, to her own lineage. In this circumstance he may also acquire land from his mother's brother, even if his mother does not possess any land. A similar situation may occur if a man, because of conflict within his own lineage, takes refuge with his mother's brother and remains living with him. The land he would have or has inherited then passes to his father's brothers or to their sons. However, it is also possible, mostly for practical purposes, to inherit from both sides. For instance, sago areas which are distant may be inherited because they can be used as camping sites during travels. The inheritance may also include areas rich in fish or game.

When a child inherits from his mother's brother, it is mostly as his foster child. A foster child who was 'purchased' also inherits in the same way as a son.¹

However, in Muyu culture whether and in what way particular rules are applied depends to a large extent on the personal relationships of the people involved. This is a result partly of the absence of mediatory institutions. An exception to the normal practice was recorded in Kawangtet. A few generations ago the Kawangtet-Okkibitan lineage, which traces its origin to a man born in Ketetput, acquired land with sago gardens from the Minip lineage. At this time the former had a shortage of sago gardens and they saw an opportunity to acquire more gardens when two mòm² who were members of the Minip lineage needed to be looked after. They built a house for them and cared for them. When they died the Kawangtet-Okkibitan lineage claimed the land of these mòm in return for the services they had given.

A second illustration comes from Yibi. A man from the Wonggombo-Kimki lineage died, leaving a wife and two unmarried daughters, one already adult. The wife was born in Mokpit village. She inherited her husband's land which would later pass on to her daughters. The half

¹ Foster children are most often the children of a deceased brother. However, when a woman has lost her husband and returns to her own patrilineal relatives, her children, if young enough, usually go with her. Later these children may stay on with their mother's brother, especially if their father has not paid bridewealth. They then become the foster children of their maternal uncle.

A man who has no children or only daughters may purchase a child or a son. The child becomes a member of his lineage. Such transactions are uncommon (Schoorl 1957:14-15) (ed.).

² A mòm is a male member of the mother's lineage (Schoorl 1957:30) (ed.).

brother of the deceased, born of the same mother but of a different father from another lineage, had a son who tried to obtain part of the inheritance because he was short of sago palms. He succeeded and received three small plots which were situated among other people's land holdings.

The individual character of Muyu land tenure can be both positive and negative in its effect on the development of the area. As most Muyu can make gardens only on their own land, they were reluctant to settle permanently in large villages which might be at considerable distances from their gardens. When pressed to form such villages some people spent long periods away from them. This impeded communal activities such as building roads and schools and caused absenteeism from schools. However, in conjunction with the strong desire for individual progress, the individualistic land ownership will be a positive factor in the development of commercial agriculture.

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