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4. Matriliney and Women's Land Rights in Rembau

This chapter, based on fieldwork in three villages in Rembau, Negeri Sembilan,¹ contrasts somewhat with the preceding case studies. Some observers of women's condition have alleged that Negeri Sembilan women have lost much of their land to men, and many of their social advantages (Boserup, 1970: 61; Rogers, 1980: 140). These secondhand accounts of this famous matrilineal society in Malaysia have fuelled claims about the course of the relationship between women, the colonial state and capitalist development.

Our fieldwork, however, suggests that the picture of men gaining land at the expense of women is greatly oversimplified. On the contrary, Malay women in the study villages today hold the titles to almost all the ancestral rice land and orchards and half the smallholder rubber land. Over time, there has been a constant tendency for new land in the system to end up in female hands, a process which can be termed the *feminization* of landed property relations. This outcome should not be seen as a simple continuation of 'matrilineal tradition', the *adat perpatih* system; although this reconstituted² matriliney does transmit property to women, land is also coming women's way from a number of other sources. This can be explained by looking at some of the historical processes that have shaped the Negeri Sembilan village economy. The argument will be that there is a crucial link between the ultimate fate of smallholder rubber and the decline of the peasant³ economy on the one hand, and the processes feminizing land in subsumed agrarian sectors on the other. The fate of these women's land rights can be understood only in the historical context of uneven development.

The colonial reconstitution of this matrilineal 'yeoman peasantry' had contradictory effects on women's ownership of land. It formally strengthened their property rights *vis-à-vis* men by giving women individual titles to 'ancestral' land; it also underlined women's identification with matrilineal 'tradition' and matrilineal community.

But, as shown earlier, the peasant sector as a whole lost some of its best land to capitalist entrepreneurs. The subsequent massive rise in petty rubber production produced some further dislocations in property relations, with men often being able to register new land in their own names. Ultimately, however, smallholders were undermined

by the rubber restrictions set in motion by plantation capitalist interests. These political controls in the 1920s and 1930s severely affected the long-term reproduction of petty commodity rubber production.

The resulting decline in the Negeri Sembilan peasant economy has supported the feminizing trends in land ownership already present in reconstituted matrilineal 'tradition'. Rubber land has been made over to women as 'insurance', to protect them against their increasing economic vulnerabilities which post-colonial industrialization has intensified.

Feminism and the fate of matrilineal property relations in Negeri Sembilan

The empirical findings of this research challenge a number of common assumptions about the fate of women and matriliney in the capitalist world.⁴ Two often-cited writers on women and development, Boserup and Rogers, have both drawn on material about Negeri Sembilan, asserting that colonialism was inherently antagonistic to matriliney and supported men in an assault on women's land rights. Boserup (1970: 6), citing Swift (1963), suggests that:

In south-east Asia, European administrations have similarly transferred rights in land from women to men.... The British administration took the first step in the change favourable to men when it was decided that only the land which was under actual cultivation by the women would continue to pass in the female line, whereas the areas serving as fallow land in shifting cultivation had to be registered to ensure the continuance of female inheritance. In this way, the women lost their rights to forest land and later this proved to have been a significant loss when the men began to plant rubber trees in the forest areas.

Rogers (1980: 127-87, 140), taking up the same theme, also accuses the British of misogyny.

It is understandable that Boserup and Rogers should interpret Swift in this way. First, they clearly associate the reified matriliney of pre-colonial Negeri Sembilan with enhanced female status in a somewhat simplistic way. Second, Swift, like most other ethnographers of Negeri Sembilan, accepted the local ideological opposition between male and female, rubber and rice, as some real structural duality (cf. de Josselin de Jong, 1960). Sexual divisions in production, however, are much less straightforward. Swift and other ethnographers have all assumed that the arrival of rubber land as a significant form of property produced a dual system of property and inheritance, with 'male' rubber land tending to follow Islamic fractions and 'female' ancestral land following *adat*. But while this assumption mirrors local ideology, it

does not reflect actual practice. Moreover, it fails to take into account the way inheritance and other mechanisms transferring land to women worked in the long term.

Undeniably, new rubber land was often registered in men's names. But Swift, in fact, says nothing in the article cited by Boserup about colonial officials directly favouring men. They may have done so, but the net effect of colonial policies and class action by plantation capital was not a misogynistic favouring of 'male' cash crops over 'female' subsistence. Rather, in the end, there was a total undermining of smallholder rubber production and the reconstitution of a matrilineal peasantry.

In fact, though, Rogers' and Boserup's secondhand accounts are also misleading about the colonial response to the *adat perpatih* (matrilineal) system. This was much more complex than a case of simple sexism. Although British officials were undoubtedly ambivalent about Negeri Sembilan matriliney, they made a number of positive comments about the 'tribal system' and its aptness for colonial administration.⁵ They seemed to view Negeri Sembilan rather romantically as the prototype of the Malay 'yeoman peasantry' they wanted to impose on the rest of the Peninsula (Lim Teck Ghee, 1977: 35). And, whatever their earlier misgivings, later, at least, a consensus about matriliney seems to have emerged. Taylor (1929: 13), a colonial official in Rembau, had no doubts about the value of the matrilineal 'custom':

The custom is a potent force in the development and maintenance of local patriotism and tends to produce a manly and independent outlook. The Rembau Malays are relatively free from the feeling that they are under an alien law;... [they have a tougher] intellectual fibre than the typical Peninsular Malay and [are] far less prone to that casual or fatalistic negligence which is expressed in the phrase *tid' apa*,⁶ so rare in Rembau but elsewhere so common.

Another former district officer of Rembau finished his book on 'matriarchy' (sic) with even more fulsome praise for the 'custom': If one or the other had to be favoured as regards general culture and economic stability, it would be well that it should be the female sex (De Moubray, 1931: 219). Later in the same work, De Moubray opined that the *adat* was well suited to modern conditions.⁷

Boserup and Rogers' misunderstandings about the fate of women's land rights in Negeri Sembilan point up more serious theoretical difficulties. Misogyny was clearly entrenched in the colonial social process. But voluntarist, *ad hominem* arguments ignore many other dimensions of the complex relationships between gender, capitalism and the state in underdevelopment.

Historical perspectives

The state of Negeri Sembilan

The state of Negeri Sembilan in Malaysia is famous in anthropological circles for its matrilineal social organization. Ever since the British established formal colonial control in the late nineteenth century, interest in Negeri Sembilan has resulted in a large body of material centering on the system of *adat perpatih*, or 'matrilineal customary law', which relates to personal behaviour and land tenure. After Malaysia's independence in 1957, the state's somewhat prominent role in writings on Malayan history and society assumed a new ideological significance as an archetype of the Malay golden past.

There is some debate currently about how to characterize such pre-colonial Malay states,⁸ which is beyond the scope of this discussion. But it is important to note that our evidence about pre-colonial Negeri Sembilan mainly comes from somewhat codified accounts of the *colonial* period, and represents a systematized model to be used for the practical purposes of day-to-day administration (Parr and Mackray, 1910).

Many anthropological accounts of Malaya have tended to present a one-dimensional picture of 'traditional' Malay society, in which the 'natural economy' of centuries-old patterns of semi-subsistence rice cultivation and fruit growing in small, self-contained villages is rudely disrupted by the rapid changes following the imposition of formal British colonial rule. This inadequate characterization has been challenged by work showing that peasant incorporation into the world economy began long before colonial rule.⁹ Certainly, by the late nineteenth century, Negeri Sembilan peasants had been producing commodities for the merchant capital circuits centering on the Straits Settlements for some time. The nineteenth century saw merchants investing increasingly in production, especially in tin mining, small plantations (pepper, tapioca, sugar and, later, at the end of the century, rubber) and large plantations (coffee, sugar and rubber). Peasant production, however, was reproduced mainly outside circuits of commodity circulation. Land, for example, was allocated according to complex ideologies of land relationships structured by matrilineal ideology.

Sources on the nineteenth century suggest that Negeri Sembilan represented the most developed area of peasant agriculture. Most potential rice land in Rembau, for example, had been brought into cultivation before British rule (Lim Teck Ghee 1977: 34). Household production (in a 3-5 person household) appears to have averaged around 400-700 *gantang* of rice (Gullick, 1951: 46).¹⁰ Evidence for some degree of commodity production comes from reports that

peasants were involved in producing a range of small commodities, including fruit and livestock for the growing number of Chinese tin miners, as well as engaging in areca nut production and various other experiments with coffee, tapioca, coconuts and gambier (Gullick, 1951). Many villagers had cash to make the pilgrimage to Mecca by the 1890s. Rice, the staple, was not often sold (Gullick, 1951).

The allocation of agricultural land according to matrilineal ideology needs some explaining. The core of pre-colonial social structure was *adat perpatih*, usually translated as 'matrilineal customary law', although in some ways the meaning of *adat* is closer to the anthropologists' 'culture' (Kahn, 1980). *Adat perpatih* relates to the representation of the structure of the matrilineal clans in Negeri Sembilan, each of which was further divided into lineages, ideally localized descent groups. According to this folk model, all land in pre-colonial Rembau was owned by the ruling clan, or by the other eleven clans, who purchased it from the ruling clan.

Adat differentiated two kinds of landed property: ancestral land (*harta pusaka*) and acquired land (*harta carian*). Usufruct rights to ancestral, clan land were transmitted from mother to daughter (mainly rice land and orchards). Ancestral land was not alienable and was not a commodity. The rules about acquired land were more problematic. A holder of acquired land could in theory dispose of it while alive, but had no power to make testamentary disposition. On the death of the owner, it should devolve according to the matrilineal rules, but there has been much debate about how many times it must descend before it is considered ancestral property.¹¹ The logical implication of this is that much acquired land ultimately became ancestral land, constantly moving into the female sector of ownership. Theoretically, land could be kept out of this sector but both Stivens' (1983) and Fett's (1983) data show a drift towards it historically for the later colonial and post-colonial periods, as elaborated below.

The rules for acquired land in the pre-colonial period can be interpreted in part as a mechanism for bringing new property into the system. This issue is taken up below in the discussion of arguments about whether the development of smallholder rubber land as the most significant form of acquired property disrupted property relations.

Women thus effectively possessed most land in use. Residence was uxorilocal, husbands moving into their wives' households, and most access to subsistence land was through women. Some men had access to their own female kin's land, but this was often inconveniently located (because of uxorilocal residence). Women provided a great deal of labour in rice production, if we believe accounts of the time, and had considerable control over the product (the women in each

compound, usually a mother and her daughter, had their own granary, for example). This was a replica of a Minangkabau house which held a year's harvest or more (although older rice did not store well). Savings often took the form of gold, which was the woman's in practice. Overall, women appear to have had considerable economic autonomy within subsistence production, autonomy which was closely linked to their central role in matrilineal ideology and practice.¹²

A colonial peasantry

Adat perpatih and land legislation

The period of colonial rule brought dramatic changes for this peasantry. There was a political subsumption of the matrilineal clan organization¹³ and crucial land legislation, which became a major mechanism structuring the peasant economy. A series of land laws established procedures for the registration of all occupied lands according to 'matrilineal customary law'.¹⁴ Taxation was imposed, and all vacant land became state land. In practice, this meant the alienation of some areas previously open to peasant use, including forest areas. Subsequently, peasants were granted land for rubber smallholdings, during the rubber boom, but prime locations on road frontages and so on were often given to European plantations and other capitalist entrepreneurs. In 1913, the Malay Reservations legislation controlling the sale of land to non-Malays also took effect (see Wong, 1975, for discussion of this).

There is some debate about the intentions of the colonial state in trying to create a Malay 'yeomanry' of rice growers through this land legislation and policies supporting rice production (cf. Kratoska, 1982; Lim Teck Ghee, 1977). Whatever the intentions, colonial administration clearly played a major part in structuring this agrarian economy. Legal moves to codify and preserve matrilineal customary law and prevent the sale of village land to non-Malays placed controls on the level of commoditization of land and prevented the freeing of non-capitalist social relations.

The colonial codification of *adat* had especially important consequences for property relations. After Malays demanded individual land grants to match the individual titles of the European and Chinese plantations (Gullick, 1951: 42), they were given 999 year leases under the Torrens system (Wong, 1975), amounting to ownership for plots of 'ancestral' land currently in use (mainly rice land and orchards). But such a notion of private property, implied by giving individual grants, conflicted with the reconstituted matrilineal property relations enshrined in colonial land tenure. In theory, ancestral land in Rembau could only be transferred to clan members and only sold or mortgaged

for certain recognized purposes like going to Mecca. This ambiguity about land's status as a commodity has produced enormous confusion in land offices.¹⁵

Colonial efforts to codify *adat* also had significant ideological effects. The resulting legalistic texts have played a large part in the continuing development of matrilineal discourse. Villagers today constantly quote the better-known of these, and even *adat* experts regard them as ultimate sources of authority. This discourse should not be seen merely as a colonial imposition;¹⁶ it was equally a local response to that imposition. The development of this discourse and, in particular, its propositions about the rights of women in the system, were to have important implications at the end of the colonial period, when pressures against the *adat* were fought off by an alliance of clan luminaries and women, as discussed below.

Petty commodity rubber production

The 'yeoman' idyll was soon disrupted by the rubber boom of 1909 onwards. When plantation rubber took hold in the Malayan economy, rubber 'madness' spread quickly to villagers. Contrary to many assertions about their fatalism, Malays all over the Peninsula were willing to get involved in rubber production, even cutting down fruit trees and planting in the rice fields. In spite of early success, by 1918 falling rubber prices brought moves from plantation interests to curb the 'low-cost, efficient' smallholders (Bauer, 1948; Lim Teck Ghee, 1977). A powerful lobby supporting the plantations implemented a scheme restricting both smallholder output, and later, in the 1930s, peasant alienation of new land and replanting.¹⁷

This outcome has been variously interpreted as gross neglect (Bauer, 1948) or ruling class action (Lee, 1973). The latter argues that these restrictions prevented the reproduction of the peasant enterprise and led to a crisis of low returns and the deterioration of holdings. It is difficult to establish whether peasant producers managed to circumvent these political controls to some extent. But certainly, by the late 1940s, many smallholdings were reported to be overgrown and untapped (Bauer, 1948). The national picture was mirrored in Jelebu, Negeri Sembilan in the late 1950s (Swift, 1965), and in the late 1970s (Stivens, 1985b). Although there were significant variations within Negeri Sembilan smallholder production in the colonial period, the decline in smallholder rubber production is clear.

A reconstituted colonial peasantry

The effects of colonial imposition and capitalist penetration, then, were somewhat complex for this colonial peasantry. Political action against

petty commodity production of rubber had produced a state of considerable decline and crisis. This, and continuing controls on ancestral land, prevented any strong moves towards concentration of wealth and accumulation within the village economy. Rembau landholdings, as shall be shown for the contemporary period, have been remarkably undifferentiated, and there was little large landlordism.¹⁸

Colonial Rembau society should not be seen, however, as a rural reserve, reproducing labour power for capitalist sectors. Although there was some out-migration during this period, Malays were unwilling to become plantation labour until late in the colonial era (Lim Chong Yah, 1967). Nonetheless, the extent of Malay proletarianization has probably been underestimated; Negeri Sembilan, for instance, achieved some fame for its soldiers and police. But we cannot explain its complex history during this period as functioning simply for capitalism. And, as suggested below, many villagers' responses can easily be interpreted as resisting the further penetration of capitalism.

Colonialism and women's land rights

How far did the massive growth in petty commodity rubber production also disrupt village property relations, especially those between the sexes? This chapter began by criticizing assertions that cash crop rubber production led directly to a loss of female property rights over this new form of property. On the contrary, the data reveal a tendency for rubber land ownership to become feminized over time. To explain this, we need to look not only at how land was acquired and inherited in the colonial period but also at the long-term implications of these inheritance patterns. Published material on Negeri Sembilan has not looked at inheritance patterns diachronically, apart from a partial account by Fett (1983) and a more recent study by Peletz (1983, 1988).¹⁹

Another central point of this argument is that these patterns are not simply a perpetuation of matrilineal 'tradition' — indeed, they represent patterns quite outside its formal workings — but are closely linked to the ultimate fate of smallholder rubber and the decline of the rural economy.

Ancestral land

It is possible to see the reconstitution of a matrilineal peasantry as actually strengthening women's rights, as individuals, to land. Grants replaced the previous usufruct, with these passing from mother to daughter on the death of the mother. (In practice, informal arrangements, like a group of sisters using their mother's rice land during her lifetime, were often made.) Equally though, as noted, the peasant sector as a whole, both women and men, lost access to land alienated

by capitalist enterprises. Women's land under the codified *adat* had an ambiguous status as a commodity that could only be sold under certain restrictive conditions. In a more general way, the preservation of *adat* meant a continuing identification of women with the *adat* community. This was to have important political and ideological consequences when the time came to defend women's land rights.

Acquired land, the inheritance of rubber land and feminization

Did the rubber booms undermine this position? Whether encouraged by colonial officials or not, many new rubber land titles were registered initially in men's names.²⁰ How did this come about?

The informants' answer to this question referred to the nature of the peasant productive unit, the household. Under the presumed existing sexual division of labour, men, they said, would have carried out most of the heavy work of clearing jungle for rubber planting. Logically, land would then be registered in men's names, as men were the main 'cash providers' (cf. Swift, 1965). In practice, of course, this local explanation overlooks the not inconsiderable participation of women in rubber production, either working singly as tappers or 'helping' their husbands.²¹

The real issue is whether the initial registration of rubber land in male names implied the creation of a permanently 'male' sector of ownership and a form of dual inheritance — subsistence rice land to women, rubber land to men. This has been the local ideological model, as previously noted. Moreover, those who have alleged this, like de Josselin de Jong (1960), suggest that an increasing tendency for Islamic inheritance to be applied to acquired land has intensified this dualism. In fact, there is little evidence of this, a view supported by both Hooker (1972) and Norhalim (1976).²² The actual patterns of inheritance of rubber land, and other mechanisms transferring rubber land to women, are more complex than some of the simple structural dualities characterizing much writing about Negeri Sembilan. To illustrate this, it is necessary to look more closely at the rules governing the inheritance of acquired land.

The rules for acquired land

Before the rubber booms, when petty commodity production was limited, the inheritance of new land coming into the system was presumably less problematic. The application of the codified rules during the colonial period, when this potentially valuable category of property had grown enormously, presented many difficulties.²³ Briefly,

according to the consensus about these rules for acquired property (*harta carian*), as they were codified, a holder of acquired land could freely dispose of land, but had no power to make 'testamentary disposition' (Taylor, 1929). Acquired land must go to the matrilineal heirs on the death of its holder, female or male. There were several provisos attached to this rule. If the holder was single, it devolved in the same way as ancestral land. In the case of a married holder, dissolution of the marriage, either by divorce or death, returned any property brought by the respective spouses to the marriage back to them or their clans. Land jointly acquired by a couple during their marriage constituted a separate category — joint property (*carian laki-bini*). Colonial opinion was divided about how this joint property should be distributed. The consensus has been that it was divided equally on divorce, that a surviving spouse with no children should retain it all, that a widow and children should inherit it all, and that a widower and his children should divide it, not necessarily equally. Once transmitted to children, property became 'ancestral', and should be inscribed as 'customary' (Taylor, 1929).

As noted before for the pre-colonial period, the logical implication of this system was that most acquired land ultimately became treated as ancestral, moving into the 'female' ancestral sector. But, in fact, this only happened formally in the earlier part of this period. Later, there was considerable confusion about whether acquired land devolving to matrilineal heirs should be inscribed formally as 'customary'.²⁴ The question, though, is whether in spite of this, villagers continued to treat land informally as though it was ancestral; and they do appear to have done so. Often, for example, the formal transmission of land would not take place on the death of the holder but up to a generation or more later. The land would be used by the holder's heirs (according to *adat*) in an informal arrangement.²⁵

Although the basic rules for inheritance of acquired land are ambiguous and complex enough, we have the further complication of parents and others making arrangements during their lifetime for the transfer of titles, as they were able to do. There is evidence of such transfers, both from the informants' memories and Land Office records (see also Peletz, 1983, 1988). Very commonly, for example, a wife and husband would have a joint title to land which a few years later the records would show to have been transferred to the women's name. A number of men also made over land to sisters (often at the Land Office hearing after their parent's death), and parents made over land to children. Their motives were often to make sure that particular women received land. These various mechanisms outside the formal reproduction of matrilineal tradition have been transferring land to

women right through the informants' lifetimes, including, of course, the later colonial period.

The freedom to dispose of land during the holder's lifetime could have placed limitations on the feminization process. For example, the constant disposition of rubber land to men could have kept acquired land permanently out of the female sector. In fact, this has not happened, as the discussion of contemporary land patterns will show.

Taking these factors together with the logical implications of inheritance patterns, we should expect to find women owning sizeable proportions of rubber land. The key statistic from this research, namely, that 57 per cent of the owners of rubber land censused in the villages studied by Stivens in the 1970s and 1980s were women, strongly supports the conclusions of a long-term feminization of landed property relations. The contemporary cases will illustrate some of the processes leading to women inheriting and otherwise obtaining land. As suggested, these feminizing trends are linked to the long-term decline of the village economy.

The attacks on matriliney and women's land rights

Rembau Malays had clearly perceived this decline in the rural economy. Both the late colonial and the post-colonial periods saw the matrilineal system and women's position within it being blamed. The most famous of these attacks on matriliney came in 1951. It was alleged by members of the Rembau branch of the United Malay National Organization (UMNO) Religious Affairs Department that *adat perpatih* was against Islam, unfair to men, and preventing economic development (de Josselin de Jong, 1960). Intense political activity for and against the anti-*adat* proposals culminated several months later in large numbers of women, supported by the clan chiefs, emerging to defend their land rights. Women are even reported to have threatened to invoke mass divorce by their husbands if the husbands persisted in supporting the anti-*adat* moves. The proposals to dismantle the system were finally dropped (de Josselin de Jong, 1960).²⁶

These attacks on matriliney in 1951, coming towards the end of the colonial era, during a period of intense nationalism and social unrest, are worthy of study in themselves. The full implications of this are beyond our scope here, but the course of events highlights important elements between women and men that are central to the argument.

To understand the importance of these events it is necessary to look a little more closely at the household and the conflicting forces within it. The empiricist model of the household at this time sees it as an integrated economic enterprise with all the members contributing

through the roles apportioned to them by age and sex.²⁷ Males are seen as the generators of cash, women as the providers of various kinds of unvalorized labour. Yet, as stressed earlier, this picture of sexual divisions is too polarized. Women probably provided at least some 'hidden' labour in smallholder rubber production, and male inputs in rice cultivation were sizeable too. Moreover, local ideology generally seemed to see the household as an integrated entity whose members should all work together for the common good. This ideological unity, of course, obscured many inequalities in social relations, including the appropriation of domestic labour from women and, with frequent divorce, the constant dissolution and regrouping of household resources.

In analytical terms, it might be better to see the household at this time as the focus of a number of separate sets of relations between women and men. Such a deconstruction allows us to speculate that the household was the site of a central contradiction: between forces maintaining matrilineal kinship and property relations on the one side, and forces trying to capitalize on rubber cultivation on the other. These two sets of forces are not easily seen as sexually polarized. Superficially, these events suggest that women identified with the preservation of their subsistence base in the matrilineal community (cf. Scott, 1976). Yet, given that sexual divisions were more complex than the opposition presented in ideology, this seems much too simple. Moreover, unless we are going to assume an essential contradiction between women and men everywhere, we have to account for specific forms of female-male contradictions thrown up in concrete circumstances. It is easy to see the events of 1951 as heightening existing sexual contradictions within households.

It has already been suggested that the social forms and accompanying ideologies of the village community have to be seen as shaped partly by its response to colonial rule and the events it set in motion. This is clearly the case with women's land rights. These were created not only by colonial fiat but through everyday practice, including, importantly, political actions like the 1951 defence of 'tradition' (this, of course, had a wider significance than purely a defence of women's rights, although this was a core issue).²⁸

The post-colonial period

The second major transformation in Rembau's political economy came after independence in 1957, with the advent of heavy investment by industrial capital in the Malaysian economy. During the late- and post-colonial periods, the state has intervened strongly in peasant production through various government agricultural organizations. These have included RIDA (Rural and Industrial Development Authority, later

renamed MARA), Rubber Industry (Replanting) Board, later renamed RISDA (Rubber Industry Small-holders Development Authority, from 1973), FELDA (Federal Land Development Authority) and FELCRA (Federal Land Consolidation and Rehabilitation Authority). The impact of these in the study villages was not overwhelming, although there have been some (rubber) latex collection depots elsewhere in Rembau, some servicing of the Green Revolution with (unsuccessful) experiments in high-yielding varieties, fertilizer subsidies, opening up of marginal land and rubber replanting grants. Some villagers have joined land development schemes (mostly FELDA, outside the village). All this has not prevented further problems in the village economy. During the 1970s, new technological improvements in the plantation sector, especially latex stimulants, and low prices for rubber (at least until the late 1970s) further undermined peasant producers. Very importantly, increased commoditization of production placed intolerable burdens on many of the older village residents.

This further decline in the rural economy is linked closely to structural changes in the economy as a whole, from domination by plantation capital to the growing importance of transnational corporations and concomitant industrialization. Many younger people from the study villages now work in the urban and industrial sectors. This has meant serious labour shortages in the rural economy, which have contributed to its difficulties. To trace some of the links between these new employment patterns and the rural economy, the economic structure of the three villages studied will be outlined.

Three villages in Rembau²⁹

The majority of the population of the three villages studied (total about 450) lived by growing some rice on small plots of irrigated rice land (*sawah*), while a few individuals tapped rubber and sold fruit. Most, however, depended on remittances from salary and wage earners among the 900 or so members of the villages who had left to live and work in the cities of Kuala Lumpur and Singapore, and in various towns.³⁰ Both subsistence rice cultivation and rubber growing in these villages were in a chronic state of backwardness. Few could live on what they earned from rubber and fruit. Some retired people had come back to live in the village with a pension from their migratory years, but many of these were also helped by kin, especially adult children. A few people earned salaries as teachers, clerks and labourers in nearby small towns. The villages were marked by high numbers of female-headed households, with nearly half of all households consisting of women alone, or looking after children and/or grandchildren, or co-resident with an adult daughter and her family.

Rice cultivation

Almost all rice land was owned by women. Every household had access to irrigated rice land, but few grew enough rice for the whole year. A large proportion of women were owner cultivators. Almost a third were involved in some form of sharecropping, either because they were formally landless (that is, land had not yet descended to them from their mother or grandmother), or because there were problems in cultivating their own land — it might be located too far away, or have drainage problems, for example. Only three holdings were more than four acres in size; most were 1–2.5 acres but no woman was in fact cultivating a parcel of land larger than three acres. Holdings were frequently held jointly by several sisters or more distantly related clan members who had inherited shares. The extreme fragmentary potential of this, however, was generally avoided by informal arrangements for the use of the land. An example of this would be the woman who had lived in Singapore from 1956 to 1976, leaving her share of the ancestral rice land to be cultivated by her two sisters.

Villagers often said that rice cultivation was 'women's work'. In fact, men contributed labour to many stages of the productive process. Ideology recognized that men did a great deal of the preparation of fields, but questions about men transplanting or weeding were met with the response that they were 'helping out'.

It should be stressed that nearly a quarter of the rice land censused was unused in 1976, and even more by 1982. By 1987 all the village rice land lay fallow. Increasing migration to the cities by young people was beginning to affect cultivation profoundly even in 1976. Mini-tractors could replace hoeing, but if land were unsuitable for mini-tractors it tended to be left uncultivated.

This relates to an important point — growing labour shortages in the study villages. With many young people away, older people, especially women, faced increasing pressure to cultivate rice land. They might have received help from younger household members in the past. They told Stivens that 'now the young have all run away to the city'. They often had to rely on cash inputs like herbicides, money to hire mini-tractors and sometimes wage labour on a small scale at harvest time to replace family labour. This rising level of commoditization — cash inputs reproducing the peasant enterprise — in turn often depended on kin remittances. But this growing cash outlay for no certain return made production even more problematic.

By 1982, most of the villagers in the village where Stivens lived during her fieldwork were no longer cultivating rice at all, in spite of almost frantic attempts by the government to get them to do so. By 1987, all the rice land was fallow, not only in the villages, but through-

out Negeri Sembilan, according to official statistics (Courtenay, 1987). This outcome is a predictable result of all the problems facing the contemporary peasant enterprise. (For a discussion of the commoditization of inputs, which has developed significantly in Negeri Sembilan in the last 20 years or so, see Kahn, 1981.)

Rubber production

Between 30 and 40 per cent of the households in the three study villages got an income of some kind from rubber production by tapping on their own smallholdings, sharetapping on someone else's, or by having trees on their smallholdings sharetapped. The usual arrangement for sharetapping was *bagi dua*, by which income from the sale of rubber is divided equally between the owner and the tapper. Renting land was unusual in the area.³¹

About 54 per cent of village households owned some rubber land, with 15 per cent owning more than four acres. But only one of these household holdings over four acres in size exceeded 20 acres and only three others exceeded eight acres. The largest household holding was about 28 acres. Most of the owners of these larger holdings either inherited them from parents or bought the land with proceeds of salaried employment, for instance civil service employment.

It is important to note that women owned several of the largest landholdings and over half the acreage censused. The fact that women may be among the largest landholders points to a dialectic between class and gender which has been ignored in most accounts of the Malay peasantry.

Women who owned land were not owners in name only. The high proportion of female-headed households in the villages meant that many were fully in control of the management of their land. They were the ones who organized the sharetapper, her or his payment, and supervised the sharing of the proceeds from the sale between the owner and tapper. Even where a women's husband tapped her land, she still played a part in the decisions about its use.

In spite of the high rates of female ownership of rubber holdings, rubber production was strongly represented locally as a 'male' activity. Admittedly, men in the study villages were the main tappers (only two women were tapping at the time of the first fieldwork); men tapped, carried the latex back to the compound in tin drums to process it with coagulants, operated the rubber mangle to produce the flat sheets and supervised the drying of the sheets. But Stivens suspects that women's labour input into rubber production has been consistently underestimated. The few women who themselves tapped were younger divorcees who had no other means of support, although on occasion

women might tap with a husband (like one woman who with her husband rented a decrepit holding for a few weeks only, in a highly unusual arrangement). But as illustrated later, women often 'helped' in processing the rubber latex, and in the general upkeep of smallholdings, such as clearing old wood and weeding.

Although over half the villagers owned some rubber land, fewer gained an income from it (37 per cent). An important feature of the village rubber sector in the 1970s and 1980s was the extent of unused rubber land. Thirty per cent of the total acreage of the village was left untapped due to a lack of available tappers, or because the holding consisted of old trees. Much of this unused land had been left for years. This situation was the outcome of the complex series of political moves by estate interests described above, which had made the replanting of rubber smallholdings very difficult over a long period of time.

These interventions in the reproduction of the means of production have meant a steady deterioration in smallholder rubber land. Many village holdings reflect this situation, being overgrown with *lallang* grass and littered with fallen decaying trees. The considerable problems faced by village rubber production in the mid-1970s and on into the 1980s, of low prices for rubber, labour shortages and competition from technical improvements in the plantation sector, intensified these trends. Some better-off peasant households had weathered these, profiting from government aid like replanting grants. Significantly, a high proportion of such replanting aid went to female owners. We have to remember, however, that only a minority of women actually owned rubber land and only a proportion of these had received such help. But many others saw rubber tapping as a fail-safe economic activity, as an insurance policy to fall back on, just in case. They used the term *insuran* (insurance) specifically to describe rubber land ownership, especially women's ownership.

Other sources of income

Although rubber and rice were the main agricultural products, over half the households had at least a part-share of orchards (most only growing fruit for consumption, however); other sources of income have become increasingly important. A number of older men (aged fifty and above) had pensions, a few other residents worked as teachers, clerks or labourers in nearby towns, and a few raised livestock. As noted earlier, large numbers of villagers, including young women, have migrated out to work in urban areas; in fact, few people between the ages of 25 and 40 lived in the villages at all. Thus, many village households now relied heavily on remittances from migrant kin.

This underlines the growing importance of remittances in the village economy. Many younger informants had been upwardly mobile

Table 4.1
Ownership of Rubber Land in Rembau Village J by Household and Gender

	Household rubber land holdings by size (acres)								Total	
	0	<1	1-1.99	2-2.99	3-3.99	4-4.99	5-7.49	7.5-9.99		
Number of households	13	1	0	4	5	0	3	0	0	26
Percentage of households	50	4	0	15.4	19.2	0	11.5	0	0	100
Total acreage	0	0.5	0	8.5	15	0	17.5	0	0	41.25
Total female-owned acreage	0	0	0	8.5	9	0	12	0	0	29.5
Number of female owners	0	0	0	4	3	0	3	0	0	10
Total male-owned acreage	0	0.5	0	0	6	0	5.25	0	0	11.75
Number of male owners	0	1	0	0	2	0	2	0	0	5

Total female acreage = 29.5 acres (71.5%)

Total male acreage = 11.75 acres (28.5%)

Average female acreage = 2.95 acres

Average male acreage = 2.35 acres

Total of female owners = 10 (66% of owners)

Total of male owners = 5 (33% of owners)

Table 4.3
Ownership of Rubber Land in Rembau Village T by Household and Gender

	Household rubber land holdings by size (acres)									Total
	0	<1	1-1.99	2-2.99	3-3.99	4-4.99	5-7.49	7.5-9.99	10+	
Number of households	21	1	3	4	6	0	4	1	0	40
Percentage of households	52.5	2.5	7.5	10	15	0	10	2.5	0	100
Total acreage	0	0.5	4.5	8	18	0	23	9	0	63
Total female-owned acreage	0	0.5	1	4	3	0	7	9	0	24.5
Number of female owners	0	1	1	2	1	0	1	1	0	7
Total male-owned acreage	0	0	3.5	4	15	0	16	0	0	38.5
Number of male owners	0	0	2	2	5	0	3	0	0	12

Total female acreage = 24.5 acres (38.88%)

Total male acreage = 38.5 acres (61.11%)

Average female acreage = 3.5 acres

Average male acreage = 3.21 acres

Total of female owners = 7 (37%)

Total of male owners = 12 (63%)

Table 4.2
Ownership of Rubber Land in Rembau Village G by Household and Gender

	Household rubber land holdings by size (acres)								Total	
	0	<1	1-1.99	2-2.99	3-3.99	4-4.99	5-7.49	7.5-9.99		
Number of households	12	1	0	7	5	1	4	2	1	33
Percentage of households	36.4	3	0	21.2	15	4	12.1	6	3	100
Total acreage	0	0.5	0	14.5	15.5	4	24.55	17	28	104
Total female-owned acreage	0	0.5	0	10.5	10.75	4	9.5	17	16	68.25
Number of female owners	0	1	0	5	4	1	2	3	1*	17
Total male-owned acreage	0	0	0	4	4.75	0	15	0	12*	35.75
Number of male owners	0	0	0	2	2	0	4	0	1*	9

Total female acreage = 68.25 acres (65.62%)

Total male acreage = 35.75 acres (34.37%)

Average female acreage = 4.014 acres

Average male acreage = 3.972 acres

Total of female owners = 17 (65.38%)

Total of male owners = 9 (34.61%)

*Note that this household is problematic to classify. Twelve acres of the holding were in the husband's name, although he had been dead for 15 years. In the discussion I shall treat the widow as the effective owner, which she was until such time as the land was formally transmitted at the Land Office.

into the new, fast-growing Malay middle class, and thus were in a position to help kin. Better-off children were obviously better placed to help. Of course, somewhat better-off parents have been the ones able to support their children in education, a major path to mobility during this period. A number of villagers' children have even gone to university in Malaysia and abroad, in part a result of the government's positive discrimination towards Malays. Such attainment is highly valued in Rembau which historically has produced a number of public servants and teachers. But even the poorer migrants are under great pressure from the 'moral economy' of kinship to help their kin (see Stivens, 1987, for a discussion of this).

It is clear then that even 'getting by' in the village economy was problematic. Those that survived best on village income comprised a youngish wife and husband who could both work hard. This elementary family household, however, was by no means the norm. As noted, nearly half the households were headed by women (widows, divorcees or women with husbands away working), and many of these were very vulnerable economically.

Clearly, both the high proportion of female-headed households and women's extensive economic rights lead to women having substantial control of the household's resources. We saw that each woman had her own granary; married women also often handled family finances, although the advent of post office accounts has encouraged older men with their greater literacy to become family bankers. But, in such cases, women still had considerable say in consumption patterns.

The characterization of Rembau peasant economy

There is no space here to enter into current debates about rural differentiation and class relationships. However, it would be a mistake to dwell too much on differences in the size of village landholdings in an attempt to characterize class relations in Rembau village society. The degree of differentiation occurring here is lower than those reported for some other areas of Malaysia, a significant factor that needs explaining in itself (cf. Swift, 1965; Syed Husin Ali, 1975). Obviously, the sharetapping relationship has yielded some surplus. But little accumulation of land has occurred through this or debt relationships. The reconstitution of matrilineal property relations limited the accumulation of land through forfeits on debt, as occurred elsewhere in the Peninsula. The accumulation of land has not been a dominant tendency in the Rembau economy, and such concentration as has occurred has arisen increasingly out of economic structures outside the

village. Most investment in land has come from cash so obtained. This has particularly been the case in the last fifteen years or so, when investment in rubber land has been represented explicitly as 'insurance' (*insuran*) rather than as a directly productive undertaking. There were and are sizeable status differences between villagers in terms of wages and land, but such differences do not comprise significant class relationships compared to that between peasants as a whole and dominant ruling-class fractions.

Both here and in the earlier chapters, the role of capitalist class interests and the colonial state in structuring a 'yeoman peasantry' was stressed. In effect, it is argued that the colonial state's interventions in Negeri Sembilan reconstituted a matrilineal peasantry characterized by non-capitalist relations of production within subsistence and petty commodity sectors. There is, of course, endless debate about the nature of the linkages between these sectors and the dominant capitalist sector in many parts of the Third World. The historical specificity of uneven development in Malaysia generally, and in Rembau in particular, compels us to reject any simple theorization implying that the Negeri Sembilan peasant sector has functioned directly to serve the interests of capitalism or that capitalism accounts for its social and economic forms. Some have seen such rural economies as a form of subsistence community, reproducing the conditions of existence of capitalism by cheapening the cost of labour power (cf. Meillassoux, 1981). But as noted above, until the last two decades, many Rembau Malays were not willing to be cheap labour for capitalist enterprise. It is only very recently that large numbers have migrated out. (But there was some out-migration during the colonial period, which has probably been underestimated.) We cannot see these reconstituted rural social forms as functioning simply to reproduce capitalist relations. Indeed, as we saw, the rural economy was at least partly reproduced by the remittance economy. The village economy is connected to the wider society through a variety of linkages; the forms of rural economy cannot be deduced from the functionality of these linkages (Kahn, 1981: 559). On the other hand, there is clearly a case for linking the processes of under-development of this peasant economy, the reconstitution of matriliney and the feminization of property relations. Hence, this feminization process is explored in a little more detail.

The feminization of landed property relationships and underdevelopment

Ownership and use of rubber land

The extent and central role of women's property in the colonial and post-colonial agrarian economy has been stressed. It was seen that,

historically, acquired land coming into the system was often registered initially in men's names. But the longer land has been registered, the more likely it is to have come into women's hands. This process is clearly documented in the work of two other social researchers in Negeri Sembilan, Fett (1983) and Peletz (1983, 1988). Tables 4.4, 4.5 and 4.6, drawn from Fett's study of land titles in the Negeri Sembilan district of Kuala Pilah, also illustrate how land has moved to women over time.

Table 4.4
Female Equity in Land in 1977 (Excluding Rubber):
Mukim Serting Ulu, Kuala Pilah, Negeri Sembilan

Year of title	Total land registered		Female equity	
	No. of lots	Acres	Acres	Percentage
1915	19	40.77	33.19	81.40
1917	2	10.66	10.66	100.00
1918	10	35.60	32.71	91.91
1919	22	76.94	69.08	87.78
Decade	53	163.97	145.64	88.82
1921	1	3.48	3.48	100.00
1924	3	9.64	7.84	81.27
1925	28	77.43	64.07	82.75
1926	35	82.74	63.28	76.48
1927	3	7.55	7.55	100.00
1928	1	3.00	3.00	100.00
1929	12	35.13	18.59	52.94
Decade	83	218.97	167.81	76.64
1930	5	14.59	11.19	76.74
1931	27	67.11	51.64	76.96
1932	28	74.85	56.94	76.07
1933	3	8.13	6.93	85.23
1934	2	4.00	2.00	50.00
1935	2	3.97	3.97	100.00
1936	7	18.08	16.52	91.39
1937	2	5.63	4.18	74.22
1938	6	12.51	8.73	69.73
1939	15	38.29	24.43	63.81
Decade	97	247.16	186.53	75.47

Table 4.4 (continued)
 Female Equity in Land in 1977 (Excluding Rubber):
 Mukim Serting Ulu, Kuala Pilah, Negeri Sembilan

Year of title	Total land registered		Female equity	
	No. of lots	Acres	Acres	Percentage
1940	9	20.34	14.93	73.39
1941	2	8.93	2.67	29.90
1944	5	13.63	13.63	100.00
Decade	16	42.90	31.23	72.80
1952	5	10.11	5.13	50.71
1953	8	23.49	16.81	71.55
1954	5	14.54	10.60	72.91
1956	7	21.35	14.49	67.89
1957	39	122.84	72.29	58.85
1958	17	56.93	32.01	56.23
1959	2	4.89	4.89	100.00
Decade	83	254.15	156.22	61.47
1960	1	1.01	1.01	100.00
1962	51	106.87	59.01	55.21
1963	12	33.18	25.43	76.64
1964	54	170.01	78.46	46.15
1965	93	239.83	132.99	55.45
1966	167	430.15	240.19	55.48
1968	13	39.91	28.00	70.61
1969	17	58.64	29.93	58.64
Decade	408	1079.60	595.02	55.12
1970	33	99.45	48.01	48.27
1971	25	62.67	33.22	53.01
1972	12	30.27	16.44	54.31
1973	9	24.64	13.25	53.78
1974	12	34.01	24.20	71.15
1975	13	35.98	18.81	52.28
1976	10	24.79	16.23	65.48
1970-76	114	311.81	170.16	54.57

Source: Fett (1983).

Table 4.6
Ownership of Rubber Land in May 1977

	Male owners		Female owners		Joint owners			Total		
	No. of lots	Acres	No. of lots	Acres	No. of lots	Male acres	Female acres	No. of lots	Acres	% female
1930	1	1.96	—	—	3	8.82	6.99	4	17.77	39.32
1931	11	30.58	6	19.29	7	12.04	12.38	24	74.29	42.63
1936	—	—	1	3.56	—	—	—	1	3.56	100.00
Decade	12	32.54	7	22.85	10	20.86	19.37	29	95.62	44.15
1964	3	15.59	1	6.55	—	—	—	4	22.14	29.59
1965	6	20.64	3	9.32	3	7.02	7.02	12	43.99	37.14
1966	19	92.51	5	17.16	3	6.05	7.09	27	122.85	19.74
1967	1	3.04	—	—	—	—	—	1	3.04	—
1968	1	3.04	1	5.62	—	—	—	2	8.66	64.86
1969	—	—	—	—	2	5.78	5.78	2	11.56	50.00
Decade	30	134.82	10	38.65	8	18.89	19.89	48	212.24	27.58
1970	5	19.18	5	24.11	—	—	—	10	43.29	55.69
1971	8	31.98	8	19.14	3	4.91	6.93	19	62.07	42.02
1972	4	21.80	6	10.93	1	1.35	1.35	11	35.43	34.66
1973	5	26.75	3	13.66	1	2.81	1.88	9	45.10	34.45
1974	8	40.98	—	—	3	6.68	9.45	11	57.11	16.55
1975	10	51.27	4	25.05	2	5.79	6.70	16	88.81	35.75
1976	14	151.60	4	18.86	10	31.84	27.43	38	229.93	20.13
1970-76	64	343.76	30	111.72	20	53.38	53.74	114	561.74	29.46

Source: Fett (1983).

Table 4.5
Rubber Land at Time of First Registration: Mukim Serting Ulu, Kuala Pilah, Negeri Sembilan

	Male owners		Female owners		Joint owners			Total		% female
	No. of lots	Acres	No. of lots	Acres	No. of lots	Male acres	Female acres	No. of lots	Acres	
1930	4	17.79	—	—	—			4	17.79	—
1931	20	58.59	4	15.15	1	1.94	1.94	25	77.62	22.01
1936	1	3.56	—	—	—			1	3.56	—
Decade	25	79.94	4	15.15	1	1.94	1.94	30	98.97	17.27
1964	4	22.14	—	—	—			4	22.14	—
1965	8	31.99	3	9.32	1	1.34	1.34	12	43.99	24.24
1966	19	88.74	5	17.16	3	9.48	7.48	27	122.85	20.05
1967	1	3.04	—	—	—			1	3.04	
1968	1	3.04	1	5.62	—			2	8.66	64.86
1969	1	5.88	—	—	1	2.48	2.84	2	11.56	24.55
Decade	34	154.83	9	32.10	5	13.30	11.66	48	212.24	20.62
1970	5	19.18	4	21.03	1	1.54	1.54	10	43.29	52.12
1971	9	30.76	7	15.31	3	6.99	9.01	19	62.07	39.18
1972	5	23.36	6	12.08	—			11	35.43	34.08
1973	7	33.89	2	11.21	—			9	45.10	24.86
1974	9	45.74	—	—	2	5.68	5.68	11	57.11	9.94
1975	9	50.29	4	25.05	3	6.29	7.19	16	88.81	36.30
1976	25	158.12	4	18.86	9	28.68	24.27	38	229.93	18.76
1970-76	69	361.34	27	103.54	18	49.18	47.69	114	561.74	26.92

Source: Fett (1983).

The key statistic for this discussion is the fact that 57 per cent of study villagers who owned rubber land were women (owning 59 per cent of the acreage). Moreover, several of the largest landholders were women. Tables 4.1, 4.2 and 4.3 illustrate the patterns of ownership. Seven per cent of rubber land in Rembau district is actually inscribed as 'ancestral' (customary land). Male ownership has in fact increased slightly with recent government schemes to offer marginal land (*tanah pinggir*) for cultivation. A sizeable proportion of such land was registered in male names at the time of Stivens' first study. These schemes were designed to help peasants with 'uneconomic' holdings, that is, under eight acres. In Rembau as a whole, about a fifth of the 27,002 acres of Malay rubber smallholdings is fringe alienated land.

The patterns of use also show some differences relating to the sex of the owner. It will be remembered that much village rubber land was untapped. A greater proportion of unused land was owned by women. There are at least two possible explanations for this: one is the prevailing sexual division of labour in tapping. Women were less likely to tap than men, and more likely to have problems either tapping it themselves (because they were fearful about being alone in an isolated rubber holding) or getting tappers, especially as so many women were in female-headed households (as noted, nearly half of all households) with less access to male family labour. But it has been stressed that the sexual divisions in rubber production were somewhat less absolute than local ideology portrays them. Women often 'helped out' with clearing a holding of weeds and fallen branches, even if they rarely tapped in the study villages. For example, the school-aged daughter of a well-off teacher spent a good deal of her vacation clearing her father's holding of fallen wood and weeds. (Although they probably could have afforded wage labour, this family all subscribed to the idea that hard work was good in itself.) Women owners were also generally older, and many felt themselves to be too old for such village work.

A second possible explanation would be that women are more likely to inherit, or have transferred to them, land that is problematic to tap. This is unlikely, given the main reasons for land being unused: first, a shortage of tappers; second, the fact that villagers found it more profitable to send their younger family labour to work in the capitalist sector, rather than tap family holdings.³²

The proportions of women owning rubber land are perhaps less important than the trends towards the feminization of property relations over time. Historically, as has been suggested, the longer land has been registered, the more likely it has been to come into women's hands. This feminizing process was occurring in the colonial period through

a number of practices which we can also see in the last decade or two, especially family arrangements outside the formal workings of matriliney. Contemporary cases suggest that the disposition of rubber land is, if anything, accentuating the feminizing process. A number of examples will illustrate how this has happened. The first case comes from one of the better-off families in the villages:

Hajjah Norimah and her husband Haji Abdullah were 73 and 83 respectively when Stivens talked to them. He had been a *kadi* (Islamic official) for a long period during the colonial era, and had studied in Saudi Arabia. She came from a 'well-off' clan chief's family. At one point, between them they had owned over 20 acres of rubber land, but they sold several lots, one of them to make a pilgrimage to Mecca. Hajjah Norimah had been given six acres in 1920 (she said) by her mother's brother, and she had inherited another two plots from him on his death in 1960. She transferred one of these lots to her two daughters at that time. Haji Abdullah had also bought two acres himself, which he wanted to make over to one daughter who was divorced. The other widowed daughter's husband had a substantial rubber estate and she was well-provided for. The divorced daughter's economic position, however, was less secure. When Stivens asked Haji Abdullah why he wanted to give this land to his daughter and did not plan to give it to any of his sons, he said, 'They have all got salaries! My daughters will now have insurance (*insuran*)! One son is a clerk, one a schoolteacher, and the other a technician.'

A second case concerns three sisters and their father's land:

Hajjah Mariam, aged 55, lived with her schoolteacher daughter who commuted 20 miles every day to her school. Hajjah Mariam's first husband had been a clerk, her second had been engaged in 'village work' (*kerja kampung*). Her father had bought seven acres of rubber in all, which she, her two sisters and her brother had inherited on the father's death. The brother had given the sisters his share: 'He didn't want it. He had work.'

Her sister Zainun had also inherited a share of this land. Interestingly, her husband, who had been a policeman and therefore had a pension, had given away one holding of over two acres to his younger sisters (inherited from his father) recently and another two and a quarter acres to a sister's daughter, twelve years before. 'We've got *Mak Cik's* [his wife's] share to look after, that's enough!'

The third sister, too, had a smallholding that her husband had bought and registered in her name. In all three cases, the sisters

were active in managing the land. They did not tap it, however. Only the husbands or sharetappers did so.

Such patterns of gifts and inheritance were found repeatedly during fieldwork. Several other instances will illustrate this: for example, Hajjah Salmah, who was one of the largest landowners in the village, had been given a 10-acre rubber holding jointly with her sister by their father before each got married. Other women would say, 'I have no (rubber) land now. My father sold it'. The clear meaning behind this was that they would have expected to inherit some. There were numerous cases, too, of family arrangements whereby sons who inherited land would make it over to sisters often directly after the formal land distribution proceedings. Men also bought land, registered it in their wives' names and subsequently it was inherited by a daughter. This was explicitly discussed as a process by Zainun and her husband, quoted in the case above. Zainun's father-in-law had sold some acres to Zainun's mother. Zainun said that when it descended to her, then it would be 'properly ancestral' land. Significantly, she also said that the two acres, plus what she had inherited from her father (discussed above), were '*belum pusako betul*' (not really ancestral yet).

The third case relates to Ahmad and his daughter Halimah:

Ahmad had been a clerk in government service before he retired at the age of 55. One year before, he had bought two acres in a new village a couple of miles away and registered it in his 18-year-old daughter's name. There was little indication that she had any part in the management of the land at this stage. It was rented to a sharetapper by her parents. This young woman's three older brothers all had well-paid executive positions in the civil service. The land had been bought for her as a form of premarital provisioning.

Women of value: ideological imperatives

Why do Rembau men give land to women? When asked, they often stated a clear ideological imperative: 'We Malays look after our families', they would say repeatedly, sometimes adding 'not like you people in the West!' Women are represented as weak and needing protection by such proponents of family and *adat* values. In particular, they stress the need for women to have independent economic means in case of divorce or a husband's death. Some also say that women, the clan, and the matrilineal system itself must be protected. This is somewhat contradictory, for knowledge of and adherence to some aspects of *adat* are in definite decline. For example, some young couples have been defying the rules of clan exogamy to get married,

and knowledge of *adat* by many young people is almost non-existent. Men also often show little responsibility towards women as wives, as the women crowding the religious offices seeking maintenance will attest.

There are other imperatives for men to give women land. People nowadays sometimes say that if a man does not register rubber land in his wife's name, he must be planning to divorce her. (cf. Swift, 1965, who reports earlier community pressures on men to register rice land in their wives' names). Women's vulnerabilities in divorce were one of the main explanations given to me for transferring land from husbands or male kin to women. In the past, the high divorce rate caused great concern, but it has now fallen dramatically. The average annual rate in Negeri Sembilan during 1945-53 was 59 per cent (Djamour, 1965). In Rembau in 1975, it was about 15 per cent.

Many villagers in the past felt that where both sons and daughters were to receive property, they should receive broadly similar shares, and not the statutory Islamic shares. As the examples above showed, this feeling has developed differentially for females and males. It no longer seems to follow the previous ideology of 'rubber to men, rice to women', but instead puts forward a new explicit proposition: 'rubber to women, the men now have other, better sources of cash'. It is highly significant that women's disadvantages in the labour market, which favour men of course, mean that sons are seen as better able to look after themselves.

How far should we explain the fate of women's land by the value placed on women in Rembau culture, past and present? Although there are dangers in such a view, we should not underestimate women's central ideological position even today, especially their association with the 'matrilineal community' that Stivens (1983, 1985a) has explored elsewhere. The modernist attacks on matriliney in 1951, and later, specifically denied that women needed such protection. Yet women's economic vulnerabilities are clearly greater with the decline of the rural economy and the rise in migrant women's dependence on husbands. And these vulnerabilities are fully recognized, if somewhat paternalistically, as the examples showed.

Reproducing matriliney

Should we see the feminization of rubber land ownership as a continuation of *adat*, without formal procedures, that is, reproducing matrilineal practices outside the formal juridical sphere? Certainly, there is an element of this. But many aspects of these cases have little to do with the formal workings of matrilineal customary law. A number involved parents transferring land to daughters, as shown

above. Making such provisions for daughters was seen by some, like this man, as going against matrilineal law:

If you have a daughter, you want to help her, you want to give her property of her own, so that she doesn't have trouble [*susah*, the all-purpose Malay word for difficulties]. If I die, my daughters will have land. That is because I don't like *adat* much.... What's the point of your matrilineal relatives getting your property?

Although the effects of these arrangements mimic some of the effects of the rules for acquired land, they represent a distinct set of patterns. Parents, rather than maternal kin, have long been primarily responsible for children's welfare. Transferring a father's acquired rubber land to his own children during his lifetime forms a part of these patterns.

A further point which seems to have been overlooked by other commentators is that women's greater longevity would mean that they are more likely to receive a spouse's share in joint acquired property. Naturally, the previous very high rates of divorce in Negeri Sembilan have complicated the picture. Other kinds of property, like houses, are also affected by this. Many men spent large sums (up to several thousand Malaysian dollars) on houses in their wives' villages, which they generally forfeited on divorce for purely practical reasons (as it would be untenable to continue to live in the wife's village).

Conclusions

Our analysis has contradicted the reading of the Negeri Sembilan situation by some other observers of the female condition. We have tried to show the need for a long-term historical view of the fate of women's land, arguing that gender relations have played a significant part in the development of Rembau agrarian economy. This chapter has been necessarily critical of accounts that reduced the impact of colonialism and capitalist development on women's land rights to a picture of men gaining individually and personally at the expense of women through misogynistic colonial ideology. The significance of Rembau women's property relations can only be understood by placing them firmly in specific historical contexts, showing the interpenetration of gender and other social relations in the uneven development of this society. The effects of colonial imposition and capitalist penetration have been extremely complex, uneven and contradictory. The reconstitution of a matrilineal peasantry, the wholesale appropriation of the best land and political action against rubber smallholders by large capitalist interests mediated by the colonial state have all been key elements in structuring Negeri Sembilan society and women's situation in it.

Ideological imperatives have certainly sustained the feminization

process, both formally and informally. But at another level, there is a case for seeing these transfers of land as structurally embedded processes relegating land to its 'traditional' keepers, the women. These processes, moreover, are integrally linked to the backwardness and decline of the rural economy. Land became increasingly viewed as a form of social insurance, something to fall back on in hard times. There is a clear link between the feminization of landed property relations and the marginalization of Rembau rural economy by capitalist penetration. It was precisely the uneven development of capitalism that helped secure women's land rights in such overt form.

It is easy to argue that there is a crucial connection between Rembau property relations and women's relative economic autonomy historically. The reconstitution of Rembau's matrilineal practices, and women's defence of *adat*, resisting development, has given women many advantages in property relations, including considerable rights in land and control of production processes.

Domestic labour and its appropriation in the household are a different matter. We would argue that however advantaged Rembau women have been, they are subsumed by gender relations within the household. At the time of Stivens' first fieldwork, many women carried a double burden of productive and reproductive labour, and were articulate about how oppressive they found these.

The transformations produced by industrialization are threatening to undermine women's comparative autonomy in this segment of Malay society. These include pressures against matrilineal practices, new patterns of economic dependence within the extended family as with 'modernity', and, above all, pressure against *adat* property relations.³³

And the future? This rural economy is clearly undergoing a crisis; some would even say the peasantry is on the way out, as labour shortages increase and the village economy becomes less and less viable. Already, rice production has ceased. Yet, so far, there is little evidence of any reversal of the feminizing trends in property ownership, although the 1988 fieldwork did find an increasing number of property divisions in the Land Office records which appear to be following Islamic fractions.

Women's political defence of their rights to this land is in one sense conservative. Communitarian ideology, the moral economy of this peasantry and the cultural valuation of women are all linked inextricably to this sector and its conservation. At the same time, women's base in this community is being undermined by the new political, economic and ideological conjunctures of investment in industrial sectors, massive out-migration and religious revivalism. On

the other hand, matriliney is by no means bowing before modernity. On the contrary, we find a continuing strong attachment to being matrilineal and an active reconstitution of tradition with conferences on, and archival collections of, *adat perpatih* abounding.

It is hard to speculate about the future of Negeri Sembilan women's land rights in the face of all these contradictions. There are many, intensifying pressures acting to dismantle *adat perpatih*, but there are other forces favouring its active recreation. Whether the latter will act to protect women's rights *per se* is another matter.

Notes

1. The main fieldwork was undertaken from July 1975 to September 1976 and funded by a Social Science Research Council (SSRC, UK) studentship in the Department of Anthropology, London School of Economics, London University. Further visits were made in 1982 (funded by the Hayter Travel Fund), 1984, 1985, 1986 and 1987-88. Various earlier versions of this chapter were presented to the Peasants' and Artisans' Study Group of the British Sociological Association/Development Studies Association, the American Anthropological Association Meetings and the Subordination of Women Conference, Institute of Development Studies, Sussex (1978). We are grateful to members of the Development Studies Association Women and Development Group, and Joel Kahn, for comments on this chapter. An earlier version of this chapter appeared in Stivens (1985b).
2. The term reconstitution has been adopted from the work of, among others, Sidney Mintz and Joel Kahn.
3. The theoretical problems of the term 'peasant' are ignored here; see Kahn (1981) and Friedman (1979). Instead, as explained in the introduction, the term is used loosely in this report to refer to a spectrum of petty agricultural producers, ranging from those producing exclusively for subsistence to those producing completely for market sale.
4. The definition of 'matriliney' is highly problematic. Stivens (1987) has argued that we should not take Rembau matriliney at face value. There, she suggests instead that we should see it as a constantly reconstituted category of practices centering on descent ideology and property relations. These practices do not represent a persistent matrilineal 'tradition', frozen by colonial process; Rembau's matrilineal practices have their historical origins in a migration from West Sumatra's Minangkabau region, from the fourteenth century on, but represent a constantly recreated and developing set of relationships which resemble the historical 'homeland' only in broad outline.
5. For example, the *Annual Report of Negeri Sembilan*, 1982, suggests that the 'tribal system' works better for the purpose of indirect rule than the systems in the other states of the Peninsula under British rule.
6. 'Tid apa' (*tidak apa*) means 'it does not matter', 'never mind'.

7. It would be a study in itself to analyse the colonial response to Negeri Sembilan's matriliney. The shift from some negative remarks early on to a very positive view by the late 1920s seems significant.
8. See particularly Jomo (1986) and Burns (1982) for preliminary analyses of pre-colonial state structures in Malaya. Also, Gullick (1958) and Sullivan (1982).
9. See Jomo (1986) and Gullick (1951).
10. One *gantang* equals one imperial gallon. One *gantang* of unhusked rice (padi) weighs approximately 5.5 lbs.
11. See Taylor (1929, 1949), de Josselin de Jong (1951, 1960) and Hooker (1972) for a full discussion of the social, political and legal complexities lying behind this simplified account of the workings of Negeri Sembilan inheritance. See Jomo (1986) for a discussion of the characterization of pre-colonial Malay states.
12. The implications of women's property relations for their autonomy, and the historical development of factors undermining this autonomy, have been explored more fully elsewhere (Stivens, 1985a). There the role of property relations in conferring some degree of independence is stressed, but other practices that offset this, including marriage controls and ritual and Islamic discourses, are pointed out.
13. Hooker (1972) examines the historical process of the political subsumption of *adat perpatih* in some detail.
14. The relevant Enactments are as follows:
 - (a) Customary Tenure Enactment, 1909, 1935. 'This Act was originally passed in 1909 and its replacement in 1926 together with the amendment of 1930 provides [sic] the bulk of the Act as it stands at present' (Hooker, 1972: 53).
 - (b) Customary Tenure Enactment (Amendment) Ordinance (No. 23 of 1949).
 - (c) Customary Tenure (State of Negeri Sembilan) Ordinance (No. 33 of 1952).
 - (d) Undang of Rembau (Lands) Enactment (No. 2 of 1949).
 - (e) Small Estates (Distribution) Ordinance (No. 34 of 1955); Small Estates (Distribution) (Amendment) Ordinance (No. 26 of 1959) (Hooker, 1972: 53-5). He also discusses the constitutional provisions relating to *adat perpatih* on the same pages.
15. In practice, there has been considerable confusion over the actual administration of land tenure in Land Offices, about the status of land grants and about the rules for acquired land and how it comes into the system, all compounded by a general lack of knowledge by administrators (Hooker, 1972). Of course, these difficulties have arisen most acutely at the formal judicial level, and are less problematic in everyday practice.
16. The effects of colonial imposition in partly creating matriliney can also be judged from the following quote from one of Lewis' (1962) informants in the district of Inas in Negeri Sembilan:

'Before the white man came, there were no *perut* (or lineages), just the *suku* (clans).... There were no *perut*, for people did not want (to become) head....'

When the white man came, he wanted to meet with the head of the *suku*. He gave a pension and everyone... wanted to be a head.... It was the British who (brought about) the reorganisation and arrangement (of the *suku*). There was a meeting after the British came, to bestow titles.' (Quoted in Hooker, 1972: 180.)

Such processes obviously meant that the society's model of its own social system derived partly from colonial political economy.

17. These developments are discussed extensively in Lim Teck Ghee (1977), Drabble (1973), Jackson (1968) and Bauer (1948).
18. Sharecropping and sharetapping complicate this picture considerably. While these relationships imply and perpetuate some degree of inequality, we should be wary of assuming that the local term *bagi dua* (literally, equal shares) always refers to the same phenomenon and therefore is evidence of differentiation *per se*. Analytically, there is a range of possible relationships covered by the same term, from an outright landlord-tenant relationship to an arrangement between two kin who each swap their land because their own holdings are inconveniently located. See the *Journal of Peasant Studies*, Vol. 10, Nos. 2 & 3, 1983, special issue on sharecropping, for a discussion of the issues involved.
19. Fett's (1983) account looks at Land Office records to determine the percentages of land owned at different periods by women in the Negeri Sembilan district of Kuala Pilah. Her short period of fieldwork does not appear to have explored inheritance patterns or other social processes transferring land to women. Her analysis of Land Office records, however, gives clear support in gross terms to the suggestion of a historical process of feminization as is shown in Tables 4.1, 4.2, and 4.3. But see also Peletz (1983, 1988) for an account that provides substantial support for my arguments.
20. According to Gullick (1951: 41), the (*adat*) system had already begun to come under strain when men began to acquire land and other forms of wealth in their own right and independently of their wives and sisters. 'This had begun to happen by the end of the [nineteenth] century. By 1896, there were cases of Malay men taking up lots of 3-15 acres in the Coast District and in Rembau for the cultivation of coffee. But in 1898, only 1% of all Malay holdings were registered in the name of men'. It was only after the rubber boom that larger numbers were registered in male names. In the 1950s, former members of the security forces were able to buy rubber land at concessionary rates (Norhalim, 1976: 148).
21. Towards the end of the colonial period, we have some (very small) figures for the participation of women in rubber production from Lewis' (1962) study in Inas, 4 out of 14 tappers in her sample being women. She does not calculate the proportions of female owners of rubber land. Swift (1965) also gives no figures for the number of women tapping, only noting that widows and divorcees were more likely to need cash.
22. Islam is often invoked in land disputes, but there is little evidence from the data of increasing use of Islamic inheritance fractions up to the 1980s. As

noted earlier in this chapter, there does seem to be some increasing use of Islamic fractions in the 1980's entries in the land registers. The complexities of the historical interaction between *adat* and Islam are not conveyed adequately by the structuralist dualities of much of the literature on Negeri Sembilan.

23. The whole area of jurisdiction about the rules for acquired land has been beset by confusion about the workings of these rules and interpretation of these rules and the workings, as noted. These complexities, especially judicial thinking and practice, are discussed in greater detail in Hooker (1972), and Taylor (1929, 1949). Although Hooker writes from a legal viewpoint, he is aware of the *adat perpatih* system as a social system. He and others writing on Negeri Sembilan do not consider the long-term implications and working of the inheritance system or address women's ownership of rubber land directly.
24. Again, the formal judicial aspects of this problem are discussed in some detail in Hooker (1972).
25. In law, the land should be formally transferred on the death of an individual, but many villagers procrastinate, often to avoid the fee involved or because they feel uncomfortable in dealing with officials.
26. In addition to the 1951 episode discussed here, there were later attacks by a high-ranking civil servant in 1968. The state secretary published an article attacking *adat perpatih* and blaming the state's economic backwardness on women's ownership of (rice) land (cf. Norhalim bin Haji Ibrahim, 1976). Since then, the topic has been regularly debated in the media and, for example, among local schoolchildren. In one school debate, all girls were for *adat* and all the boys against it!
27. Most ethnographic studies of Negeri Sembilan, like Swift (1965) and Lewis (1962), do not look explicitly into the 'black box' of household relationships. De Josselin de Jong (1960) is something of an exception in that he poses a structuralist opposition between women and men. But there has been little interest in examining the implications of this reconstituted matriliney for women's situation, except for Azizah Kassim's (1969) thesis on Kuala Pilah.
28. It is no accident that this episode of attacks on *adat*, and its defence in the form of resistance to 'modernization', that is, capitalist development, came at a crucial point in colonial Malaya's history, during a period of intense nationalist and insurgent political activity during the so-called 'Emergency'. This basic point is not noted in de Josselin de Jong's (1960) account. This context suggests that while opposition to women's land ownership was expressed in pro-Islamic terms, it should be seen as something much more than the manifestation of an eternal opposition between Islamic and matrilineal forces. As suggested earlier, the complex relationship between Islam and *adat* should be seen as a dialectical one.
29. The total population in Rembau at the time of the study was 39,708 (District Office). Stivens carried out research in three contiguous villages in the southern part of the district, with a resident population of about 450. Two of these villages are very old clan (ruling *Biduanda*) segment villages,

considered to be 'strong on *adat*'. The third, where she lived, was a much newer village, composed of members of several clans who had settled there in the last century.

30. This figure was calculated from the totals of all living matrilineal descendants of the oldest living female heads of lineage segments. This method, of course, reproduces matrilineal ideology. It also seriously underestimates migration rates, and it cannot trace nominal members of the village who have links to relatives living in the village but no living ascendants there.
31. Techniques and equipment were relatively simple. The tappers in the study villages processed the latex themselves, forming sheets with coagulant chemicals and mangles. The sheets were sold to local Chinese dealers, unsmoked. The average number of working days per month for the tappers was about twenty. During the rainy and wintering seasons when the trees lose their leaves, tapping was not usually possible, but apart from these times it could provide a steady, non-seasonal source of income, albeit a low one. The average earnings of owner-tappers were M\$80–100 per month, to be compared to workers' wages in the better-paid manual jobs in the industrial sector, where a male might have expected to earn M\$ 350–400 per month in 1976.
32. *Tanah Pinggir* (marginal land) grants may account for some of the difference between villages in the proportions of women and men owning rubber land, as shown in tables 4.1, 4.2 and 4.3. The proportions of the female owners and female-owned acreage for villages G and J were quite close, although village G had a higher per capita average acreage, and was clearly better off, with lower proportions of landlessness. But Village T differed quite startlingly, with the figures for female ownership pretty much reversed; only 37 per cent of owners were female. If one looks at the proportions receiving *Tanah Pinggir* land, however, then the pattern becomes explicable. Whereas 13 per cent of Village J owners (two women) had received *Tanah Pinggir*, and 12 per cent of Village G owners (three women), 32 per cent of Village T owners (six men) had been given such grants of land. The male recipients had all clustered in the one, poorer village which was in any case more dependent on rubber production. The fact that average female acreage per head was still higher in the village where more men owned rubber land supports this conclusion. The underlying structural pattern clearly demonstrates slightly greater overall female ownership and higher female acreage per head.
33. The contemporary factors undermining what is left of Rembau women's autonomy are discussed in detail in Stivens (1985).

5. Conclusions

Women's legal and customary rights to land

This study has examined the sexual politics of Malay peasant women's land rights in West Malaysia, trying to document some of the nature of women's ownership and control of land in several parts of the Peninsula. We have argued that the significance of women's property relations and their access to resources within the rural economy can be understood only by analysing such relations historically; we need to show how gender relations and other social relations inform and are affected by the complex, contradictory and uneven processes of capitalist transformation. As Moore (1988: 79) points out, 'if women are portrayed as losers and victims, then there is a danger that they might be represented simply as passive recipients of social change, rather than as active participants'. As we have suggested, rural women's political actions in defence of their land, both individually and more collectively, have been important forces forming Malay agrarian society historically. We underlined the point that gender must be brought back into history.

This historical reconstruction was not straightforward, however. We have stressed particularly the need to redress the neglect of gender in the main arguments about agrarian transformations, even if that left scholars with the difficult task of reclaiming gender from the paradigms which implicitly include it, but exclude any real consideration of its workings. In our introduction, we looked briefly at the kinds of models available for such re-conceptualization and at work on Malay women.

Our discussion of the colonial transformation of the Malay agrarian economy emphasized the far-reaching effects of colonial land legislation in structuring and subsuming a 'yeoman peasantry' and creating the conditions for increasing class differentiation. Colonial legislation and policies radically transformed the significance of land, the primary means of production for peasant farmers in the peasant economy and peasant relations of production. Land alienation policies controlled peasant access to and cultivation of land, shifting agriculture was discouraged and peasants faced cultivation conditions and controls on output. Colonial land law recognized private property rights to land, rendering land a commodity to be owned, bought or sold.

As we noted, a number of writers have seen the processes integrating the Malay peasantry into the capitalist order as producing the conditions for increasing landlessness, land concentration and social differentiation, especially landlordism, tenancy and proletarianization. Integration into the world economy gave rise to new, non-capitalist relations of production fundamentally different from the pre-colonial class relations. Peasant differentiation can be traced both to the granting of large land tracts to members of the pre-colonial ruling class and to other new tendencies generated by the colonial situation. In contrast to the pre-colonial era, subsequent increases in land area cultivated by peasants no longer corresponded to demographic growth. Under colonial law, cultivation was only lawful on legally alienated land, but the best land had been alienated to foreign interests. With Islamic inheritance law and customary Malay inheritance practices operating in this context, the ratio of peasants to land has increased, largely reflected in greater joint ownership and subdivision of landholdings. Hence, it was suggested that the phenomena of landlordism, land hunger and landlessness are primarily consequences of the agrarian situation under colonialism. But in our view, colonial legislation to reconstitute Negeri Sembilan matriliney and, elsewhere in the Peninsula, to limit the wholesale sale of Malay land, has curtailed the differentiation process somewhat. We suggested that little surplus was actually generated within village economies and that we had to look outside villages themselves to understand how these contradictory forces of differentiation and peasantization have operated. We also pointed to some of the ambiguities surrounding the use of the concepts 'landlord', 'tenant', and 'sharecropping', ambiguities often enmeshed in kin relations.

The empirical chapters reflect the uneven development of Malay peasant differentiation. They have tried to document some of the ways that colonial policies, especially land legislation, interacted with gender relations. While it appears that colonial policy favoured men in the registration of new land, as far as we know this was not a uniform process. There were at least some exceptions, as in Rembau, where junior colonial officials flirted for a time with the romance of matriliney. The lukewarm attitude of the colonial state to rice cultivation, in contrast to the generous incentives given to plantation agriculture, also had important long-term effects on the peasantry, and on the place of women within it. We outlined some of the problems this caused for rural Malays above. Certainly, in most areas, there seems to have been something of a relegation of women to subsistence rice growing, while males became increasingly associated with cash-crop production. Although this pattern has been translated into a dominant ideological

model both for the Malay peasantry itself and for foreign and local scholars observing the phenomenon, the empirical chapters introduced a note of caution about its universality. They point out that the actual patterns in the gender division of labour and land ownership appear to have departed quite substantially from the models of village and researcher alike. This mystification of women's role in cash production can have serious implications for understanding women's control over household income, which we shall look at below. There are many conceptual difficulties in disentangling such ideologies from actual practices, both in interpreting past and present patterns, and in making proposals for the future.

Our discussion of the historical transformations of the Malay peasantry and the empirical studies have also documented the nature and extent of women's legal and customary rights to own, inherit and use agricultural land, both in theory and practice. A full analysis of the complex development of customary law is beyond our scope here, but we would note that most analyses have not addressed gender specifically. Again, many conclusions have to be based on supposition rather than on close historical detail. We suggested that the past and present importance of peasant women's land and labour has been reflected in the customary law relating to land tenure although there is no simple connection. This study has shown how state enactments in the colonial period have formalized certain aspects of *adat*-based property relations, and has explored how far these formal rights to land and its products, as they have been constantly recreated through time, confer real access to land and its products on women.

Formal legal precepts and everyday practices

A major focus has been the complex dialectic between formal legal precepts and everyday practice. Our analysis of the role of *adat* and Islam in conferring land rights on women in Malay rural society has constantly pointed to some of the gaps between formal legal prescriptions about land ownership and what happens in practice. These gaps, in our view, are wholly ascribable to the force of the social construction of gender, the whole panoply of economic, political, social and cultural practices creating gender relations historically. We particularly stressed the role of cultural practices in securing women's rights to land in the pre-colonial period. Among both the basically 'bilateral' majority of the Malay peasantry and the matrilineal minority, women had strong formal rights to land which appear to have provided them with a genuine degree of economic autonomy. Extrapolating from more recent studies into the past, however, we would emphasize

the social construction of gender relations both within and outside the household. Malay society's ideological view of the household as a unity can offset and submerge much of this female autonomy. The role of religious ideology and bureaucratic ideology in promoting the male as head of the household and male rights in divorce can be assumed also to have been potent.

The case studies clearly illustrate the gap between legal precepts and everyday social practices in either conferring or denying women real access to land and its products. Thus, in the non-matrilineal Malay areas, women who have formal rights to land, under both Islam and *adat*, suffered forms of social weakness which meant that they were in some cases unable to enforce their legal rights. In Pulau Tawar and Semanggol, social interpretations of gender roles in both *adat* and religion provide ideological legitimacy for what Ng sees as the patriarchal order in village life. This gender ideology of male domination supports other mechanisms of gender subordination in the village economy, such as unequal access to land and income.

The empirical cases provide contrasting illustrations of the force of social factors affecting women's ability to own and use land. Whereas the social relations of gender seem to have rendered women relatively powerless in Pulau Tawar and Semanggol, we have women in the districts of Kuala Pilah and Rembau in Negeri Sembilan brandishing weapons in the land offices in support of their claims!

In the Negeri Sembilan case, the reconstitution of matriliney operated to support and indeed augment women's rights to land, albeit land in backward, declining non-capitalist sectors. This Rembau case study emphasized the historical specificity of this matrilineal enclave, and the role of capitalist development and state intervention in its reconstitution. It was argued that this peasant sector was not directly structured to act as a reserve of labour for capitalist sectors, nor did capitalism directly account for its social and economic forms. It is precisely the uneven development of capitalism that contradictorily secured women's land rights in such an overt form. The social forces sustaining matriliney and the consequent set of gender relations have acted as potent social supports for women's 'traditional' rights to land. The continuing force of these supports is reflected in the tendency for newly acquired land to revert to female ownership, a process here termed feminization. This case shows clearly the social, economic and ideological supports for women's land rights in the cultural association of women with the matrilineal community. If anything, these ideological processes have intensified the basic legal rights that women have; moreover, women have not been slow to defend and redefine these cultural processes politically.

Consequences of women's control of land

A further focus of this study was to ascertain the consequences of women's control, or lack of control, over land. There are important questions involved here. For example, does women's direct access to land influence decisions about food production? Does it give women control over the product of the land, and how far does it guarantee any measure of autonomy?

A central issue is the representation of the household as an economic and ideological unit. Even though divorce has been very common among Malays historically, most household strategies have involved a pooling of land resources, rather than separate 'female' and 'male' plots and crops (as happens in parts of Africa). Although ideologically, rice has been associated with the female, and cash crops like rubber with the male, the sexual divisions are by no means strict. The historical relationship between rice and commodity production, especially state intervention, is important in understanding household labour allocation patterns.

In the context of massive out-migration, this household unity has broadened to a combined family strategy reaching from city to countryside. Although it would be easy to over-emphasize the moral economy of kinship, children's support of parents and so on, the remittance economy is a powerful factor in the village economy in many parts of Malaysia. The fact that divorce has been historically significant complicates this picture of household pooling, a point we come back to later.

The potential for gender inequality in such arrangements is, of course, great. Female subsumption in a unified household, or in the extended family economy, is more or less universal, especially with all the state supports for males as heads of households. Female domestic labour services other members of the extended family, while low wages for migrant female workers are rationalized because young women are ostensibly 'only helping out in the family'. Even women's control over land is often rationalized as part of such a combined family strategy and is not viewed as an individual right *per se*.

Of course, we should beware of applying Western individualist feminist ideas about such individual rights here. This is not the place to debate the appropriateness of such frameworks; it should be remembered that individual grants of land have been a colonial capitalist imposition. Although such commoditization and individualism are growing rapidly in many parts of Malaysia, responses to threats to women's land rights, in the Rembau case at least, have been collectivist rather than individualistic, as when the women threatened

en masse to demand that their husbands divorce them. Nevertheless, of course, women also take individual actions. The issues of female subsumption in a wider, combined extended family economy, as well as the household, also raised considerable conceptual problems. Is it possible to give a definite answer to questions about the consequences of women's land ownership, especially of the product, and female autonomy?

What we are suggesting is that we cannot directly read off women's control of the product, control of labour and indeed autonomy from the fact of land ownership. As all the empirical chapters suggested, there are complex linkages between women's situation in the household and other aspects of women's economic situation, including landowning. Only the most crudely materialist arguments would suggest that landowning, or its absence, determines women's situation directly.

Baling

Our empirical chapters provide a range of materials and discussion on a number of different aspects of these issues. Chapter 2, based on a study of Kampung Pandang Che Mas in Baling, Kedah State, examined land inheritance in theory and practice. The study falls within the ambit of *adat temenggong*, but, more importantly, the villagers represent themselves as subject at the same time to *syariah* (Muslim law), including the Islamic rules of inheritance (*far' aid*).

Nevertheless, the Baling study found that though many villagers and all Muslim religious officials claimed strict adherence to Islamic prescriptions for the distribution of inheritance, the actual distribution of estates of the deceased tended only to formally imitate Islamic prescriptions, rather than substantially subscribe to them. In practice, it appears that the most common aspects of formal adherence to *far' aid* involved unequal gender shares, with male heirs generally receiving double that of their female siblings. Also, it was found that many estates were legally distributed in proportions favouring immediate kin and older children (compared to those not yet of age, especially children of second or subsequent wives). It was also found that many land transfers (*hebah*) were made before the death of the landowner to avoid division upon death for inheritance purposes.

Most significantly, there is an important disparity between the situation as it is and the situation which is supposed to exist if *far' aid* prescriptions were strictly adhered to. This gap exists not only because of the superficial and formal adherence to prescribed Islamic inheritance practices, but also because of the widespread reluctance to effect actual land transfers, whether or not these adhere strictly to

Islamic prescriptions. And perhaps most importantly, prescribed inheritance practices have frequently been avoided by *hebah* gifts of land transfers during the landowner's lifetime to preferred beneficiaries, regardless of prescribed inheritance entitlements. Hence, in effect, there is widespread avoidance of *far' aid* inheritance prescriptions by *hebah* land transfers before the death of the landowner, only superficial compliance with prescribed Islamic inheritance shares, usually with regard to gender proportions, and indefinite delays in effecting transfers as prescribed or as agreed.

It appears then that the disparity between land inheritance theory and practice in Baling may actually favour women; *hebah* transfers, as well as evasion or postponement of prescribed procedures, tend to favour adult heirs remaining in the village, and an increasing proportion of these in recent years have been women. On the other hand, actual inheritance distribution tends to disfavour women because it tends to superficially imitate *far' aid* prescriptions in so far as gender proportions are concerned.

Semanggol and Pulau Tawar

The research in Semanggol and Pulau Tawar discussed in Chapter 3 emphasized the primary role of peasant women in agricultural production. For example, women provide about 60 per cent of labour in rice production in Semanggol, and many, especially those from poor to middle income households, have had to seek income in various economic activities, including petty commodity production and wage employment. Men's wider access to employment opportunities has meant higher wages. We saw, too, that poor peasant women's labour in agricultural production has intensified to replace the increasing withdrawal of male labour. At the same time, the study emphasizes how women's unpaid labour contributes to the reproduction of this wage labour. Thus, poor peasant women are doubly subordinated in terms of their unpaid contribution to reproduction and their limited access to wage employment.

In Pulau Tawar, the same general pattern of production and reproduction was also observed. There, where men have greater access to government wage employment, women form a marginalized labour reserve, working as contract labour on state-sponsored land development schemes, to be hired and fired at will.

In the two villages it is argued, the material basis for gender subordination is similar. In an increasingly commoditized economy, women have less economic power, especially in terms of land ownership and employment opportunities.

State intervention has intensified this gender subordination, reinforcing male controls. In spite of some measure of control over household activities, women's central location in the household limits their social autonomy outside it in both Pulau Tawar and Semanggol. State and village ideologies do not limit women's participation in production, which is forced on them by economic circumstances. But they limit women's economic power inside and outside the household. Thus, while women may provide income, patriarchal ideologies dictate control over that income and any freedom that might result from female participation in work outside the home. Drawing both on aspects of *adat* and Islamic precepts, they justify and rationalize inegalitarian social practices that disadvantage women.

Women also use aspects of *adat* ideology in a search for emancipation from male domination; they are not silent or passive victims of gender subordination. But the sheer force of female and male commitment to a view of women as primarily housewives and mothers acts ideologically to counter any assertions of female independence. The ideology of male domination is seen by Ng as supporting various social mechanisms of gender subordination in the village economy, including unequal access to land ownership and income opportunities. Land ownership only confers limited power.

Rembau

In the study of Rembau, in Chapter 4, the continuing problems in rice cultivation are also readily apparent. Strictly economic considerations in the 1980s discouraged most young able-bodied villagers from cultivating rice, when the same labour could yield higher incomes in urban labour markets. Only older members of the extended family remaining in the villages were involved. By 1988, no rice cultivation was occurring at all. As noted, rice does not ever appear to have been a significant commodity in Rembau, most being used for subsistence only. Thus, as far as rice cultivation is concerned, women's ownership rights have been eclipsed by current developments. The increasing commoditization of the economy has meant that the formerly important consideration of having one's own, even if partial, rice supply has rather rapidly been replaced with an extreme dependence on the remittance economy. But, interestingly, even with the total demise of rice production, women have been actively defending their ownership and control of the use of rice land.

Women's not inconsiderable rights in rubber land similarly involve land in a backward and declining sphere. Again, few young people are involved in rubber production. As argued earlier, many villagers themselves see this ownership as insurance, something to fall back on

in hard times. Women owners, many of whom are older, have been active in the management of their land; male control is not anyway an issue for the many widows and divorcees resident in the villages, although other (male) family members may intervene.

Thus, in Rembau, women's sizeable land rights have been a fundamental cornerstone of the historical reconstitution of this matrilineal enclave, and have conferred considerable autonomy on women, especially in economic matters. In particular, women have had extensive control of many areas of everyday existence, including control of the product, some control of labour allocation, and of consumption patterns. As the case studies show, the historical significance of women's land ownership has been important in women's own consciousness of their situation, a consciousness expressed in and recreated through their own political actions to defend it, both in 1951 and in later, less overtly conflictual situations.

The future for women's land rights in this situation does not look all that promising. It has been argued that, in many respects, this is a peasantry on the way out, and the land over which women have dominant rights is located in poor, backward and unproductive sectors. Moreover, women's base in the matrilineal community has been undermined by the new conjunctures of the 1980s and 1990s. These have rapidly deprived land ownership of its central political, economic and ideological significance. In some ways, women's defence of these rights and of their base in the community is conservative; communitarian ideology and the ideological valuation of women are all linked to this reconstituted enclave. In other ways, the history of the area has been marked by what some would see as a 'progressive' peasant resistance to commoditization and capitalist encroachment, of which the defence of *adat perpatih* has been part. Yet the direction of change points to some dismantling of this famous *adat*; there is talk of grouping small uneconomic farms together into more rationalized production units, and continuing calls for dismantling the whole basis of customary land tenure to facilitate 'development'. Such calls have directly attacked women's land rights, and there is little cause for optimism that new rural development efforts will be more sensitive to women's interests and rights in the system. But we can also predict that women may well defend such encroachments energetically.

In this conclusion, we have already pointed to some of the consequences of female ownership of land to the importance of the gap between precepts and practices in inheritance. The implications from all three empirical chapters are strikingly similar. All highlight the significant differences between the *formal* prescriptions of both *adat* and Islam and *actual* practices. Both the Baling and Rembau

cases show the force of family arrangements about land made prior to death, which favour women in both places. In Baling, this is offset by the more male-centred Islamic formal inheritance rules followed on the death of a holder. Although Islamic inheritance of acquired property occurs in a number of instances in Rembau, matrilineal inheritance and other arrangements often formally secure female rights there, providing daughters, and sometimes sisters and wives, with land.

Some aspects of Malay ideology clearly stress the need to 'look after' female family members. It will be remembered that parents in Rembau were concerned that their daughters would be left without support on divorce. It is clear that the historically high rates of Malay divorce have been integrally linked to inheritance practices, although it is hard to say whether they are a cause or a result; women's greater independence derived from landowning could have led to higher divorce, or could equally have been a result of high divorce rates. The pooling of husbands' and wives' land resources represents an issue which could be further explored in studies of the Malay peasantry. The frequent divorces of the past led to constant grouping and regrouping of small family holdings as marriages were formed and dissolved. (The record number of spouses for an informant in Rembau, for example, was 13 wives!) It should also be remembered that divorce rates have been falling rapidly recently which could be attributed, in fact, to declining female independence, although explanations usually stress the decline of arranged marriage and the rise of more 'modern' companionate marriage.

All the empirical cases presented here suggest that rights in land provide some, if varying, degrees of female autonomy. Women's rights to land are played down in the account of the Pulau Tawar and Semanggol villages. Ng emphasizes the way that women's primary identification as wives and mothers undermines the limited degree of economic autonomy that their rights in the economy give to them. Stivens also emphasizes this in the chapter on Rembau, as well as sharing Ng's concern with the way increasing commoditization and dependence on wage labour are undermining women's economic autonomy. Rembau's matriliney is represented as under threat, which in turn affects women's central ideological situation within certain reaches of Rembau social structure.

Nonetheless, as we have emphasized, we cannot deduce other aspects of Malay peasant women's situation from the fact of some female landowning. It is clearly a necessary base for some degree of economic autonomy in peasant economies. But the Malay peasantry is very heterogeneous in terms of tenurial status, and there are important changes, particularly in the north of the Peninsula, with

moves towards larger-scale capitalist rice farming. Similarly, small commodity production has historically always been more dependent on renting and share-farming than subsistence production. Even in Rembau, where women owned over half the rubber land censused in the study villages, only a minority of women actually owned rubber land, because many villagers owned no rubber land, and many rubber producing households depend on sharetapping.

Not only, then, has female landowning to be placed firmly in context within Malay peasant production, but it has also to be placed in the context of women's subordinate situation overall in Malay society. While Malay culture in some respects protects female family members, this report has emphasized the other aspects of women's situation that can counter the economic benefits from property relations. It was seen, for example, that control of family income, which in any case had diverse sources, did not flow automatically from landowning. Equally, labour allocation depends on multiple economic, social and demographic variables. Moreover, aspects of religious and ritual as well as state ideology all work to disadvantage women. Above all, women's economic and ideological location within a unified household was seen to undermine their, in many cases, already limited autonomy.

Impact of government schemes

A further aim of this book has been to assess, if somewhat briefly, the impact of government land development policies on women and their contribution to agricultural production. Reference has already been made to some of the more important work done on this. None of the case studies has direct evidence about these issues, but an emerging body of material is beginning to give some indication of trends.

Since formal independence was granted to Malaya in 1957, the peasantry has been a central source of electoral support for the government. Various programmes have been implemented by the post-colonial state to improve the lot of rural Malays. These programmes appear to have significantly affected gender relations, especially the sexual division of labour, as in rice cultivation (Ng, 1984; De Koninck, 1981), although the effects still have to be studied systematically.

There are various indications that suggest a decline in rural women's situation as a result of government rural development programmes. We have already mentioned the state's ideological assumption of and commitment to male heads of household in its administration of such programmes, and some of the consequences. An important change, too, has been state support of the Green Revolution in rice cultivation,

which has ushered in a new era for the peasantry with its package of high-yielding varieties, infrastructure, mechanization and chemicals. These processes have invariably displaced more women than men (De Koninck, 1981), a phenomenon occurring in other countries as well (Agarwal, 1981). Recently, there has been a subtle, but nonetheless significant shift to further commoditize women's domestic labour, for example, through the Karyaneka handicraft development projects which not only exploit cheap female labour organized on a piecework basis but further undermine women's already limited control over peasant household production (Maznah, 1982).

With the prevalent notion that a women's household responsibilities accord her high, if not equal status, it is not surprising that there were attempts to formalize this role through home extension projects of various government agencies. Thus, Barbara Purvis (1974: 16), who was assigned in the early 1970s to assist in the home economics programme of the Ministry of National and Rural Development, by helping set up the Department of Home and Food Technology at the University of Agriculture, asserted that 'if the quality of life of the whole family is improved, the status of woman (her freedom to choose for herself) will automatically increase'. Accordingly, she recommended the establishment of health, family planning, child care, home management and consumer co-operative programmes to elevate rural women's position.

Rokiah *et al.* (1984: 36), however, point out that government extension programmes for rural women, typically planned from above, usually take the form of embroidery, knitting and cooking classes which are not even very practical, as most peasant women are needed in agriculture and have little time for such activities. A study of the Kemubu scheme in Kelantan similarly concluded that courses on home economics 'offer no solution to the needs of poor women to increase their agricultural productivity or their cash income'. Hence, the 'separate but equal' approach actually reinforces women's secondary status in society. Meanwhile, female control over agricultural production has been very much weakened. Undoubtedly, with the increasing emphasis on plantation-type agriculture, access to land will be further eroded. No real sense of reconstituting women's customary rights over land and production appears in such programmes. For example, FELDA's own selection procedure does not even give any points to prospective settler couples if the wife has a farming background, but does give such points to husbands from such backgrounds. In any case, official views about inheritance pose a formidable problem, providing little encouragement for those anxious to preserve the rights women have, let alone enhance them.

Proposals

As we have indicated, for various, sometimes different reasons, the prospects for women's land rights in the study areas are not particularly bright. While significant, the extent of women's land ownership outside the matrilineal areas is not extensive. We have already quoted Gibbons' (1981) study, which notes that in the Muda schemes area in North-western Peninsular Malaysia, the force of customary social practices over time has ensured that women still owned up to a third of rice land. But there seems little reason to assume that the situation will improve of its own accord, short of deliberate political and legal intervention.

Negeri Sembilan's social system has produced significantly different patterns, with less tenancy and higher numbers of owner operators, and probably less inequality. (But it is also the case that with the smallest rice plots, on average, in the country (Selvadurai, 1972b), its subsistence production has been the least viable.) Increasing out-migration has lessened pressure on land, but the same migration acts as a great disincentive to reviving village production. The relatively more egalitarian Negeri Sembilan social structure, both in terms of class and gender, may make an obvious target in the present-day trajectories of development in Malaysia. During a period of intense national political unrest in the early 1950s, as we noted, women and matriliney were blamed for Negeri Sembilan's 'backwardness'. These political, directly misogynistic attacks on women's land rights have continued through the years. But many members of this society are still very attached to their social system, and *adat* has been used as a vehicle for local Negeri Sembilan (male) political aspirants. If defence of *adat* ceased to be successful, the consequences for Negeri Sembilan women could be serious.

Attacks on present land tenure arrangements in all the study areas are not at all unlikely. There are, as noted, efforts at consolidating peasant holdings into mini-estates to introduce greater rationalities into production, although there has been little consideration of how such changes would affect ownership. It has to be pointed out that land reform *per se* does not figure as a central issue in present-day Malaysian political agendas, although a form of land reform has been operating with the land settlement schemes of the post-colonial state. In spite of intermittent protests about Malay rural poverty, land reform has not occupied the centre stage that it has in many other under-developed countries. Only for Rembau has the issue of women's land rights emerged at the national level. The fact that gender has surfaced only in relation to land in such a negative context is somewhat depressing.

We recognize the structural factors underlying Malay peasant society and the larger national order that disadvantages women. We also recognize that this peasant economy is not only wide open to the world economy and all its forces, but also to the direct and indirect forces of state intervention. To affect women's situation therefore requires a dramatic shift in a series of power structures. The most fundamental drawback is women's political weakness. We have emphasized how development planning in Malaysia has failed to incorporate the special concerns of women, although we recognize the complexities of the problems and the lack of an established conceptual framework to guide policy makers (see Jomo and Tan, 1985). Development planning has shifted the balance towards men in a society where forms of female disadvantage were perhaps not as developed as in some peripheral societies. As we have reiterated, we see women's autonomy and existing property rights as under considerable threat at the present time.

We recognize the problems of implementation at all levels. All of us have seen overt examples of the failure explicitly to incorporate women's needs at the level of development planning.¹ Specifically, we suggest the following measures, although these would require a formal structure of affirmative action set up at state and federal levels, and would thus require the political will to support them:

- There has to be a deliberate overturning of policies dealing with men only at all levels, from day-to-day implementation of development policies to the granting of land titles only to men on land settlement schemes. As we have stressed, the bureaucracy's public ideology of female domesticity does not match the realities of women's lives. There must be direct representation of women at all levels of development planning. This could be helped by setting up a permanent women's division within the political structure dealing with such issues.

As we have emphasized throughout, there are strong elements in Malay culture favouring women and women's economic rights. Moreover, with male migration and large-scale out-migration generally, there is a considerable amount of *de facto* female control of sectors of the peasant economy. These aspects could become important arenas for campaigns about women's land rights. Most importantly, already existing female rights to land should be protected. Women's own perceptions of their rights should be highlighted through programmes relating to women's issues and historical claims within the peasant economy.

There is a need to reassess legal procedures relating to land ownership. Of course, land cannot be treated in isolation from other economic processes in the national economy; but, as we have emphasized, women have had substantial property rights under the Malay *adats*, which Islamization particularly could threaten, by producing greater inequality between the sexes in landholding. We observe that almost none of the large corpus of legal writing on *adat* discusses the issues of gender divisions in property relations, in spite of the fact that having to deal with matriliney means that gender is no longer submerged in the received analytical categories. Thus, when legislative and policy formulations are made, authors are relating to a body of literature where a female perspective is totally lacking. It is obvious that Islamization is a highly explosive issue politically.

Given these problems, there is still some scope for measures to improve women's rights in relation to landowning. These could include action within the existing procedures for registering land transfers to ascertain whether women registering transfers, for example, gift transfers, were full and willing participants in all cases, and to ensure that women receive their full dues. But it should be remembered that many villagers do not and cannot afford to transfer land at the appropriate time, for example, on the holder's death, and continue to use it in informal family arrangements. This may advantage women, and any attempt to enforce timely formal registration could lead to greater male ownership. We consider the options here to be rather limited. Protective action is clearly necessary, nonetheless, and could highlight areas where the cultural practices are such that rural cultivators would be receptive to greater formal rights for females. The concern of parents for daughters and, at least in the matrilineal areas, of brothers for sisters suggests that such moves could find some degree of acceptance, which could be capitalized on.

With greater political will, a more assertive approach to women's land could be taken, with programmes to produce formal equality under the law. We also see a great need for some recognition of women's inheritance rights under Malay custom in the FELDA schemes, although we have been unable to deal with them here. We recognize the problems of participation and fragmentation inherent in any inheritance rules in such schemes, but would argue that however these difficulties are resolved, equal rights to daughters must be accorded. The problems of fragmentation in resettlement areas are no different from those to be encountered, and to be resolved, elsewhere in the Peninsula.

Intervention is necessary around domestic labour. Women's domestic duties in rural areas have too often been taken for granted; for example, it is often assumed rather romantically, even by some feminists, that female kin or neighbours will automatically take care of small children. In Rembau, however, it was found that women with young children just did not cultivate at all. Moreover, grandparents, who are often only in their forties, are being asked to take care of their grandchildren whose parents are away in the city; this also limits women's access to land that they might own, or at least places considerable burdens on them. If women are to be able to take advantage of what economic rights they do have, there must be action to restructure domestic duties between the sexes, however utopian this might seem. Efforts should also be made to provide childcare, at least at the nursery-school level in rural areas. There would be logistical and other problems in setting up such programmes, but the schemes would form an important plank in ensuring women are accorded something nearer their due.

Interventions to accord women their rights would not necessarily have to promote rights of women as individuals *per se*. The major problem here is the nature of the Malay peasant household and views of women's rights. We recognize the force of cultural practices which submerge women's agricultural and domestic labour in the supposed unity of the household, and the problems this poses for direct intervention to safeguard women's rights in the system. The *adat* laws of all districts do, however, recognize such individual rights to property, and there is no reason why new legal codes in new situations should not only acknowledge individual women's contributions to the family economy, but give them enhanced rights to land and its products in any new system, at least on a par with those given to men. (There could well be a very lively public debate about the rights of men in *adat perpatih* areas, but that is another issue beyond our scope.) Particularly needed are clear and unequivocal statements about women's rights to inheritance, use, division on divorce, and control of the product, and an avoidance of the ambiguity that appears to have dogged FELDA schemes, for example, over inheritance issues.

We are arguing, then, that gender should be placed at the forefront of Malaysian rural development issues in accordance with Malay women's historically important role. In particular, development planners will have to face issues of women's place within production much more squarely, rather than continuing to tinker with women's handicrafts, embroidery and so on. Of course, such calls are probably

familiar to many working in the development field, but all the questions raised here on land tenure, land allocation, labour allocation and control of the product have to be discussed and acted on in terms of an explicit awareness of women's rights and needs. The proposed mini-estates and the land settlement schemes represent just two examples of situations where the implementation of new inheritance rules must take account of gender differences. In our view, such acknowledgement will not come about without deliberate intervention to secure women's rights.

Note

1. Thus, one of us sat through a day-long village conference at which the district officer and agricultural hierarchy exhorted villagers to improve their rice production. As usual, the women, who make many of the decisions on whether to cultivate or not and, as we have stressed, provide a great deal of the labour, sat at the back and busied themselves for at least some of the time in making tea and cakes. No attempt was made to acknowledge their important role and explicitly include them; the men were quite scornful, saying the women would not be back after lunch. In fact, almost all of them did attend the afternoon session, but many men did not. Admittedly, the talks given were well presented and entertaining, although some of the villagers thought that they 'were being told a lot they already knew'.