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# Past and present I: Gender and the remaking of *adat perpatih*

This and the following chapter attempt to recapture some of the suppressed and fragmented history of gender relations in Rembau, reinterpreting histories produced by writers with different interests and perspectives from my own. Inevitably, this account will be somewhat speculative and, indeed, problematic: for the purposes of this discussion, it is necessary to roughly periodise this history within the problematic linear categories pre-colonial, colonial, post-colonial of which I have been so critical. As well, most of the original materials about pre-colonial Negeri Sembilan, including annual reports, other government documents, memoirs and travellers' tales and the published scholarly sources, date from the colonial period and are extrapolations backwards. They are also mostly totally uninformative about gender relations. These colonial silences about rural women take on an eloquent significance when we see from the colonial records the almost obsessive interest the authorities took in the 'Social Hygiene' question in the Straits Settlements over the same period (eg CO/273/659/13, Public Record Office, London).

## **The pre-colonial and early colonial periods**

It is probably redundant to point out Malaya's crucial location at the crossroads between East and South Asia. Successive migrations and settlements were followed by the rise and fall of pre-colonial kingdoms and the growing incorporation of the Malayan peninsula into the world system from the sixteenth century (Wallerstein, 1974). The peninsula was caught up in the

conflicting claims of Malacca, Johore and Bugis and of European expansion (de Josselin de Jong, 1951), with successive captures of Malacca by the Portuguese in 1511, the Dutch in 1641 and the British in 1795. The settlement of the Napoleonic War concentrated British influence on the Straits Settlements of Penang, Malacca and Singapore, which became the centres of large mercantile communities trading with the interior of the Malay states.<sup>1</sup>

Numerous myths, many still current in Rembau today, tell of the arrival of Minangkabau settlers from West Sumatra four or five centuries ago and their marriage to local aboriginal women (de Josselin de Jong, 1951, 1975). By the beginning of the seventeenth century, certainly, Minangkabau were settled in colonies in Rembau and Naning, which were constantly augmented by new waves of immigrants from Sumatra (de Josselin de Jong, 1951).<sup>2</sup> Over these centuries Negeri Sembilan, which means 'nine states',<sup>3</sup> emerged as a political unit, a loose confederacy of states first dependent on Malacca, then on the Johore Sultanate. The proximity of the area, especially Rembau, to the important maritime trading state of Malacca is especially significant (Khoo, 1972). It is generally agreed that we can date the foundation of Negeri Sembilan as a political unit from 1773, when Raja Melewar, a Minangkabau prince founded the present dynasty (Winstedt, 1966).

Most writers have represented the long and complex political history of the area from this time until the imposition of colonial rule as one of continual internal struggles and battles (Gullick, 1958; Khoo, 1972). Warfare was reportedly endemic in the nineteenth century, being generally attributed to chiefs fighting over tin revenues from a growing large-scale commodity sector. This needs to be put into perspective, however—Newbold estimates that Rembau had (only) about 9000 inhabitants in 1832 [1839] 1971: 117); the forts and palaces he reported would have been little more than wooden stockades.<sup>4</sup> It was this continuing strife in Negeri Sembilan and elsewhere in the peninsula that allegedly led the British to intercede with the Pangkor Engagement in 1874. After the British administration took over in Rembau in 1887, Rembau joined the constituent *adat* districts of Sri Menanti, Johol, Inas, Ulu Muar, Jempul, Gunung Pasir Terachi and Tampin in 1889 in a confederation of Negeri Sembilan under British 'protection', taking the ruler of Sri Menanti as their overall Ruler in 1895 (Winstedt, 1966: 72).

We have little material analysing the precise nature of state formation in pre-colonial Malaya. (But see Burns, 1982; Jomo,

1977; Sullivan, 1982.) In the nineteenth century, the peninsula outside Negeri Sembilan was composed of a number of petty states, each headed by a Sultan, whose person was sacred (Gullick, 1958). Government was largely in the hands of appointed district chiefs whose authority came from the Sultan. The chief's revenues, which were his own personal income, derived from tolls on trade goods and taxes on crops and mining. According to Khoo (1972), the growth of internal trade led to local hierarchies of despotic chiefs becoming fully enmeshed in the system extracting tin and other valuable commodities from the interior. These chiefs appear to have had considerable power to levy taxes on the internal trade, but it is difficult to be definitive about the basis of this monopoly or territorial control. Corvee labour, debt bondage and plunder as well as taxes all appear to have been forms of surplus extraction (Burns, 1982: 163; Gullick, 1987).

Negeri Sembilan differed from the other states in that its hierarchy of chiefs was structured by matrilineal kinship ideology. Moreover, as Winstedt notes, in many ways, this 'matriarchy' can be interpreted as somewhat more democratic (1966: 82-85): in theory, the clan chiefs and Rulers of constituent *adat* districts (*luak*), were to be unanimously elected by the populace, women and men, although succession disputes were an important source of conflict. While there were broad similarities with other states, several authors suggest that Negeri Sembilan appears to have been an exception to the patterns of slavery, debt-bondage and female servitude found elsewhere (Burns, 1982; Gullick, 1958; Sullivan, 1982). Male-female relations may also have been different from the rest of the peninsula; *prima facie*, women's land rights alone would distinguish them (see Reid, 1988). We do not really have enough material, however, to pursue a speculative discussion of the possibly more egalitarian nature of such 'matrilineal' pre-colonial states. Nor can we know how far women had any real political power.

#### *The development of adat discourse and practice in the pre-colonial period*

Any account of nineteenth century *adat perpatih* runs some risk of accepting the (over) systematised model developed in the colonial period and used for the practical purposes of day-to-day administration. Nonetheless, all the records suggest that *adat* has been one of the most important concepts in Negeri Sembilan ideology. Although it has usually been translated loosely as

'custom', especially in the early British writings, this term does not convey its essential ambiguity. Swift cites Wilkinson's dictionary listing of eleven ways of translating the term and he himself lists four distinct ways *adat* is used in Malay sources stemming from the Minangkabau tradition (1965: 6). The most common usage has been to refer to the 'traditional' matrilineal organisation in all its various aspects: kinship, political, economic, legal regulation of property relations and rules for behaviour. As Kahn has pointed out for the parent Minangkabau, *adat* in this sense is close to many anthropologists' usage of both culture and tradition (1980: 25).

I suggested in my introduction that we need to deconstruct *adat perpatih* both analytically and historically. Local discourse and some scholarship have tended to treat *adat* as a unitary phenomenon, presenting its social organisation as a version of Minangkabau social structure disrupted by the migration from Sumatra, but broadly unchanged until at least the nineteenth century, when economic changes undermine its essential character.<sup>3</sup> The *perbilangan*, the folk-sayings forming the core of the *adat* oral tradition past and present, have been central to this illusion of continuity: they embody a series of injunctions, backed by sanctions, including exile, about most aspects of the clan system, land tenure, marriage, clan exogamy, adoption and aspects of behaviour. For example, if a woman left her home village she was exiled (Parr and Mackray, 1910; de Josselin de Jong, 1951). These *perbilangan* are probably best understood as structures of meaning which have developed through time, with successive accretions of meaning continuously re-inventing 'tradition', building up new discursive formations.

The geographical area following *adat perpatih* was divided into a number of *luak*, or *adat* districts, which were territorial not kinship units (see Map 2). Rembau district has been part of a group of senior districts (with Sungai Ujong, Jelebu, and Johol) ruled by an *Undang* (presumably a contraction of *Penghulu Undang*—the chief who deals with the law). The inner circle rulers were known as *Penghulu Mengandong*, that is, *Penghulu* of the Motherland (de Josselin de Jong, 1951). Rulers were elected by the clan (*suku*) chiefs, known as *lembaga*; these in turn were elected by the *buapak*, the chiefs of the lineages or sub-clans (*perut*).

The Rembau folk model past and present has depicted the district's system as consisting at the top level of segmentation of twelve clans. While local discourse suggests a similar number of clans in the Negeri Sembilan system, different districts in fact

report different numbers of *suku*.<sup>6</sup> This folk model, often reproduced in scholarly accounts, takes a somewhat essentialist position, seeking a 'true' or 'correct' meaning of *suku* or clan; it does not allow for the term's encompassing several different levels of segmentation in practice, and for its historical variability. According to this model, *suku* members traced their membership through their mothers, but could also be adopted into the clan by a process called *kadim* (see Hooker, 1972 and Lewis, 1962). As far as we know, these clans did not form territorial units in Rembau. The founding legends suggest that each of the districts had one clan supposedly descended from the aboriginal women owners of the land. These clans, the *Biduanda* or *Waris* (*waris* means heirs), are considered to have owned all the land, with subsequent migrants purchasing their land from them (Parr and Mackray, 1910; de Moubray, 1931). The following chart supplied by the villagers is, significantly, identical with that in Parr and Mackray's colonial report (1910).

### The clans of Rembau

1	Biduanda—three branches	6	Sri Melenggang
	Lelamaharaja/Waris	7	Sri Lemak
	Sediaraja/ Waris	8	Batu Belang
	Biduanda Dagang/Client of Waris	9	Tanah Datar
2	Batu Hampar	10	Anak Aceh
3	Paya Kumbuh	11	Anak Melaka
4	Mungkal	12	Tiga Batu
5	Tiga Nenek		

According to the model of the system drawn up in the colonial period, *perut*, (sub-clans or lineages) formed the exogamous groups in the clan system. But in the contemporary period many villagers have operated with a conceptual model that no one from the same *suku* can marry. Parr and Mackray suggest that the *perut* (and not the clan) had already become the exogamous group by the end of the nineteenth century (1910).<sup>7</sup> The model of the pre-colonial village as a localised lineage core of women is also the one presented in the refined modern charts of clans and lineages in Rembau (as in Hooker, 1972). But we have no real evidence about the nature of residential units prior to the nineteenth century. It is, for example, entirely possible that the village itself has been constructed as both an ideological and concrete entity by the colonial process.<sup>8</sup>

Rembau discourse has used two further terms for kin segments below the level of the *perut*; the first, *rumpun*, is a term

for an extended family in which descendants are traced to the mother's mother; the second, *ruang*, according to those who use the term in Rembau, was a group of *rumpun* who could trace their descendants up to four generations (Norhalim, 1976). The elected head of the *ruang* was the *besar* or *tua ruang*, the eldest male (Norhalim, 1976: 81). His duties included the settling of petty quarrels and responsibility for any member who had an illegitimate child and duties in the court of the *lembaga*. I hardly ever heard people use these terms used during my fieldwork, although some of my older informants knew what they were when asked. When such groupings are mentioned in the colonial writings, they are depicted as the lowest levels of what is represented as a classically segmented system of localised clan segments within a complex political structure tied into the clan system, but not contained within it (de Josselin de Jong, 1951). The possibility that this image of a segmentary system based on the Roman model was projected onto societies in a number of British colonies by colonial officials is raised by Clammer (1973). Peletz makes a related point in underlining the considerable stress on lineality and descent in interpretations of Negeri Sembilan social structure (1988).

#### *Negeri Sembilan political structure*

The details of Negeri Sembilan political structure and its workings have been extensively reported.<sup>9</sup> Very briefly, only men could hold formal *adat* positions such as *Undang* (the district ruler), *lembaga* (clan chief) and *buapak* (lineage head). In spite of this clear gender inequality, women were still in many ways the keystones of *adat* ideology and practice, with descent and inheritance traced directly from woman to woman. Because residence was uxorilocal, men within their wives' villages were in-marrying males often separated geographically from their own kin; and women apparently had full rights to be consulted about clan and *adat* affairs. Indeed, they may have been important repositories of *adat* knowledge. Newbold reports that '[p]opular traditions are seldom committed to writing, but being treasured in the memory of some of the male elders, or of some old Malay lady of rank, give to the persons possessed of them, among the natives much of that sort of consideration which is paid to a casket, known to contain a valuable gem' ([1839], 1971: 134).

The *Undang*, the district ruler, could only be chosen from the two main branches of the original ruling *Biduanda* clan, *Biduanda Lelamaharaja* and *Biduanda Sediara*; the position of

*Undang* rotated from one branch to the other. In the pre-colonial period the *Undang*'s duties were to elect the *Yam Tuan Besar*, the state ruler, and to preside over cases of outright disregard for *adat* such as misappropriation of power by *adat* chiefs, arson, killing, clan incest and the confiscation of property.<sup>10</sup>

The *lembaga*, the clan head, was elected by the *buapak*, leaders of the constituent lineages. Such clan heads had to be of good character, from an established lineage and married to a woman from the same *luak*. Their judicial authority was limited to minor cases such as quarrels among clan members, minor injuries and small debts. More serious cases were referred to the *Undang*. Apparently not all clans had a leader at the time of the colonial conquest.

The term *buapak* refers to the lineage chief. Members of the *perut* were known as the *buapak's anak buah*. The *buapak*, as head of the lineage, was its guardian, elected to office by all adult members of the *perut*, female and male. He was responsible for the formal division of *pusaka* property—ancestral property inherited matrilineally from mother to daughter—among descendants. Present at all clan ceremonies, he represented the family of the prospective bride and groom in marriage ceremonials, acted as a mediator in disputes, and gave advice about the choice of marriage partners and education for his sister's children.

#### *Adat and land in the immediate pre-colonial period*

This account of the workings of pre-colonial land tenure again comes mainly from the codified accounts of the colonial period, with all their shortcomings. The dispute in Malayan historiography as to whether pre-colonial Malay society can be characterised as 'feudal' is important here. The idea that pre-colonial society was feudal surfaces regularly in such scholarship, with little exploration of the problems of importing such concepts. (See, for example, Shaharuddin Maaruf, 1988.) The colonial official Maxwell's original picture of usufruct rights to land held under the 'domain' of the ruler has been very influential (1884); but Wong (1975) and Lim Teck Ghee (1977) both argue that the individual peasant's rights to land were conditioned by and appropriate to prevailing agricultural techniques, rather than being governed by formal, juridical relationships (Wong 1975). The logic of rights to land depending on its continued use (Lim Teck Ghee, 1977) implies little accumulation. As Jomo points out, however, there is evidence of rulers having some legal claims to land, which provided the

juridical and ideological basis for surplus appropriation of rent or other forms of tribute (1977: 56; 1986).

The consensus about land tenure rules as they were codified suggests that *adat* differentiated two kinds of landed property, ancestral land (*tanah pusaka*: *tanah*—land, *pusaka*—ancestral), and acquired land (*tanah carian*). Rights to ancestral land, mainly rice land and orchards, were directly transmitted from mother to daughter.<sup>11</sup> Ancestral land as clan land was not alienable and was not a commodity. It is debatable how much commoditisation of land existed in the Negeri Sembilan economy in the nineteenth century. While there is evidence that increasing capitalist penetration brought some commoditisation of land elsewhere in Malaya during the nineteenth century (Wong, 1975: 12), *adat* in Negeri Sembilan seems to have precluded a land market in rice land and orchards.<sup>12</sup>

The rules about acquired land in the pre-colonial period were much more problematic. The rules governing the transmission of such land presumably served to provide a mechanism for bringing land newly cleared from the jungle into the system so that ultimately it could be transmitted matrilineally. Again, the consensus that arose among those trying to codify *adat* in the colonial period suggests a number of basic points: first, a holder of acquired land could freely dispose of it (for example as a gift to kin or by sale later in the colonial period), but had no power to 'make testamentary disposition' (Taylor, 1929, himself a colonial official in Rembau): it had to devolve according to *adat* on the death of its holder, male or female. There were several provisoies attached to this rule: if the holder was single, the land devolved in the same way as ancestral land, returning to the holder's matrilineal heirs. (This form of acquired land was known as *carian bujang*, *carian*—acquired property, *bujang*—unmarried person.) 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.<sup>13</sup> Land jointly acquired by a couple during the marriage constituted a separate category: joint property, *carian laki-bini*, (*laki-bini* is colloquial for husband and wife).

The legal consensus about this joint property has been that on the death of one spouse, if there were no children, the property went to the surviving spouse (Taylor, 1929). But others assert several contradictory outcomes in the case of a woman's dying: first, that the female children got it all; second, that the widower got it all; and third, that the widower and the children got it, in unspecified shares (see de Josselin de Jong, 1960). The latter

scenario has been the favoured legal opinion. Taylor suggests that sons and daughters were equally entitled to inherit rubber land and moveable property, but daughters had an exclusive right to irrigated rice land, village compound and orchard lands.

Taylor sums up the case of *carian laki-bini*, a couple's jointly acquired land thus:

- a) on divorce it is divided equally in most cases
- b) on the death of either spouse with no issue—the whole remains to the survivor
- c) on the death of the husband leaving issue—the whole remains to the widow and issue
- d) on the death of the wife leaving issue—it is divided, not necessarily equally.

In any event, the property became entailed on the transmission to the children or their trustees, and land should therefore be inscribed as customary (Taylor, 1929: 30).

Clearly, the considerable ambiguity surrounding these land tenure rules may have lent them some flexibility.<sup>14</sup> Nonetheless, the logical outcome was that much acquired land ultimately became ancestral, with that inherited by females then being treated as ancestral. Land would thus appear to have ended up moving into the clan, 'female' sector of ownership. Theoretically, new land could be kept out of this sector through gifts during the owner's lifetime under the Islamic *hebah* provisions, to sons for example, and through other family arrangements. Empirically, however, the available evidence from the immediate pre-colonial period at least suggests that acquired land generally became ancestral (entailed) and therefore in women's effective possession, however that possession is characterised.<sup>15</sup> As indicated, this continuing feminising process in Rembau during the colonial and post-colonial periods will be a central focus of the following chapters.

#### *Sexual divisions and adat perpatih*

This very brief account has highlighted women's central place in *adat* discourse and the importance of their land rights in the pre-colonial period. Although the evidence is admittedly fragmentary, we can discern some evidence for a degree of social power for some women within village society from amidst the exoticising and bureaucratic writings reconstructing *adat*. Some aspects of ritual representations of gender and the oral traditions also suggest that women were ideologically central to *adat*.

discourse. But these advantages appear to have been partly offset by other forces within *adat* itself and in Islamic practices. For example, according to my informants, unmarried women were often secluded, which suggests considerable ideological structuring of young womanhood. The partners to arranged marriages rarely met before marrying, and although the woman was supposed to be consulted about the choice, often she was not. Moreover, while anthropologists have interpreted the *adat* 'forced marriages' possible at this time as mock battles between competing kinship segments (eg de Josselin de Jong, 1951), I think we still have to consider what the ritual enactment of kidnapping a wife might say about young women's social powerlessness at that time.<sup>16</sup> My informants told me many stories of unhappy women forced to marry against their will both in the distant and recent past. Such stories appear in Malay cultural representations repeatedly. These practices would seem to have allowed a sometimes literally violent disregard for the woman's wishes. A feminist concern with individual rights in this case conflicts somewhat with the conventional anthropological concentration on marriage as a relationship between descent groups.

*Adat* discourse itself made a number of explicit statements about men and women in the *perbilangan* (folk sayings):

#### **Husband and wife**

Warder of the wife is the husband,

Warder of the husband his wife's elders,

Warder of the family its elders,

Warder of the shire [the *luak* or *adat* district] the chieftain,

Warder of the world the King. (Caldecott, 1918: 20-21, also quoted in Hooker, 1972: 36).

This and other *adat* sayings underline the ambiguities, and from a male point of view, difficulties of the in-marrying male's situation in relation to his wife's kin (depending of course exactly how one translates *kunchi* (*kunci*)—literally key, here translated as warder). Another *perbilangan* has the son-in-law likened to a cucumber among spiky durians, bound to get hurt whatever he did. Nonetheless, it is clearly significant that the wife is pictured here as ultimately subordinate to the husband in a hierarchy of male authority.

The possibility of greater female autonomy was certainly present in early European representations of Rembau. Newbold again:

In the evening, Rajah Ali introduced two antique ladies, dressed with not less than spartan simplicity. The one, his mother, the

Princess Dowager Tuanku Putih, and the other, his venerated kinswoman his aunt. These ogresses of high degree would have rivalled in flow of language and exuberance of gesticulation the most vivacious dowagers, date 1770, Madame du Deffand always excepted. Tuanku Putih is represented to be a woman of strong masculine [sic] mind, and to have considerable influence over her son Rajah Ali ([1839] 1971: 129-30).

This paragraph alone might yield much to the deconstructionist. For the intrepid British explorer, the Rembau 'ogresses' surpass all but the most vivacious *salonnière*.<sup>17</sup> But the passage clearly suggests some female standing and power, and points to the integral role women may have played in court politics.

We can speculate, then, that *adat* conferred some degree of economic and ideological independence on women; they had extensive land rights and occupied a central place in *adat* discourse. At the same time, however, women appear to have been subject to a range of material and ideological practices that can easily be interpreted as subordinating them, including some aspects of marriage, and ritual and religious deferences. It is difficult to know how Islamic discourse and *adat* interacted at this time in mutually constituting the discursive formations of masculinity and femininity. Islamic practices apparently required a range of ideological deferences from women, but *adat* also celebrated the ideological qualities of femaleness in some rituals.

## The colonial period

### *Reconstituting adat perpatih*

The first consequence of British rule in Negeri Sembilan was the assumption of real political power by the colonial administration. A three level bureaucracy was introduced: the state, the district (*daerah*) and the parish (*mukim*). All civil and criminal jurisdiction was transferred to the colonial administration, with the District Officer, a member of the Malayan Civil Service, overseeing district administration. The clan system was politically subsumed as part of the apparatus of colonial government, whereby those holding clan positions became functionaries in receipt of a pension and other allowances. The administration of land was placed in the Land Office located in the District Office itself.

This process greatly undermined the political power of the *adat* officials; in theory, their role became advisory only, enshrined in the state constitution, (although the district ruler's approval is needed for legislation, for example). But the colonial

imposition also appears to have re-created new *adat* political structures at village level:

Before the white man came, there were no perut [sub-clans 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 who 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 (Lewis, 1962: 80, quoting a *lembaga* in another Negeri Sembilan district, Inas).

It is possible that while this colonial reconstitution undermined the power of *adat* leaders it consolidated the male political power embedded in such positions.

A full discussion of the colonial policies that led to the reconstitution of *adat* rather than to, say, a wholesale assault on it is again beyond my scope here. At issue is the assertion by a number of radical Malaysian writers that the British wished to retain Malay peasantries on the land as an 'eastern' yeomanry to be administered through Indirect Rule.<sup>18</sup> Lim Teck Ghee suggests that because peasant agriculture was most developed in Negeri Sembilan, the authorities saw Negeri Sembilan rather romantically as the prototype for this yeomanry (Lim Teck Ghee, 1977). This form of administration meant considerable support for retaining what was seen as traditional society: 'In my time I did all I could to preserve *adat*, tiresome as it was, because with no Malay Reservations Enactment, it was the only way to keep the Malay from selling his [sic] land to foreigners, Indians and Chinese' (Winstedt, Memorandum, 23 Sept. 1929, quoted in Taylor, 1948: 68).

Other officials also expressed themselves positively about this artificially reconstituted matriliney and its aptness for Indirect Rule. For example, the 1892 Annual Report for Negeri Sembilan suggests that the 'tribal' system worked better for administrative purposes than the systems in the other states. Later, the colonial official Taylor, reflecting on *adat*, had no doubts about the value of the '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; the men and still more noticeably the women are of a tougher intellectual fibre than the typical Peninsula Malay and far less prone to that casual or fatalistic negligence which is expressed in the phrase

tid' apa,<sup>19</sup> so rare in Rembau but elsewhere so common (1929: 13).

Even while praising Rembau Malays, however, Taylor positioned himself within the 'lazy native/fatalistic' colonial discourse (Syed Hussein Alatas, 1977), from which, interestingly, the women are especially exempted. We see, too, the familiar depiction of the (male) colonial subject as lacking masculinity (cf Hall, 1992).

Such attention to the virtues of *adat perpatih* was not purely pragmatic. One-time District Officer of Rembau, de Moubray, ends his (1931) book on 'matriarchy' with a long eulogy to its virtues

While putting the finishing touches to this book it happened that I fell to discussing with Che Omar the desirability or otherwise of maintaining the custom, the same Che Omar who stated that on divorcing a rich woman under matriarchal custom a man relapsed into comparatively extreme poverty. He has a Trengganu wife here as well as a Negri Sembilan wife in his home kampung, [village] and I quite expected that the joys of being a patriarch would have encouraged him to look with disfavour on the old *adat*. It was with some surprise that I heard him say :

'Compare the women, look how poor they are here and how rich in Negri Sembilan', taking it for granted as not a matter of argument, that the rich condition of women ensured healthy conditions for the growth of a family, and that for that reason the *adat* should be maintained.

I felt I was giving expression to confused ideas at the back of his mind when I formulated the following theorems.

Men exert an effect only on the immediate future. Women through their children affect the distant future. Should we by analogy with those well-beloved of economic theorists, who discount present in favour of future gains and pleasures, discount progress in the immediate future as against progress in the distant future, we would concentrate our attention on women and girls rather than on boys and men.

Both these forms of discounting could be pushed to illogical extremes. The fair-haired boy of economics would forget how to amuse himself in concentrating on pleasures out of his immediate reach: the visionary would allow material civilization to crash in developing a race fit for a great civilization. On the other hand the absence of discounting, the short view, whether in a life of pleasure or in organizing for the future, leads nowhere. The surest balance of values lies in a slight emphasis of the future over the present. That emphasis implies that the future of the race is in the lap of women and girls rather than in the strong hand of men. 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: 218-19).

The fusion of thoroughly modernist ideas about progress and rationality with an appreciation of a form of female-centred social structure in these quotes is striking. The tenor of these colonial understandings and representations of Negeri Sembilan 'matriarchy' is a far cry from the uniform colonial misogyny towards Negeri Sembilan 'custom' alleged by some writers (eg Rogers, 1980). We might speculate that officers could have been exposed to some of the nineteenth century conjectural histories of mother-right. But is also noteworthy that gender discriminations are firmly tied to racial discriminations—Rembau and other Negeri Sembilan Malays are seen as exceptions to an otherwise fatalistically negligent and emasculated Malay race. These ambiguities suggest that colonial depictions of Negeri Sembilan were far more complex than the picture drawn in some post-colonial writings of a colonial world divided into a feminised 'pre-capitalist' sphere of tradition as against imperial masculinity (as in Said, 1978).

In spite of the gendered nature of some of these colonial pronouncements, almost no individual Negeri Sembilan women appear in the dialogue between the colonisers and male elites. But the 'princess' Amai who defies her family and public opinion in 1908 to pursue a love affair with one-time rubber planter, later eminent British diplomat (Sir Robert) Bruce Lockhart, plays a vivid bit part in his published memories (1932, 1936, 1973). Lockhart first tells us of the explosion of love in his heart when he beholds the 'frail beauty' of Amai, the Sultan's ward. 'I spent the rest of the evening in a fever.' After six weeks of stolen glimpses a meeting is arranged with the newly-divorced Amai:

For one fierce moment, I held her in my arms, her body trembling like the quivering of lalang [lallang] grass at the first touch of the morning sun. Then, taking her by the hand, I led her swiftly from the night down that murky jungle path, across the rickety bridge, back to the friendly shelter of my bungalow. She was never to leave it again until I myself was to be led, half-corpse, half man, [sick with malaria] on to the boat at Port Swettenham, which was to bear me for ever from the shores of Malaya.

The rest of the story is all tragedy or all comedy according to the romanticism of the reader. After that first night Amai remained in my bungalow. Her presence was not merely a visible proof of her love; it was also inspired by fear of her own

people. In short, the affair of Amai provoked a great scandal (1932: 22).

Lockhart came under enormous pressure to surrender Amai from Malays and British alike, especially because she was of royal blood, but his 'Scottish obstinacy' prevailed and he even contemplated 'embracing Mohammedanism' (1932: 23).

'For Amai herself I have nothing but praise. She was an incurable optimist. She was not afraid of any man and she ran my house with a rod of iron' (1932: 24).

Amai's cheerfulness in fact became a source of strain to Lockhart, taking the form of incessant playing of the gramophone:

[H]er taste in music was entirely primitive. Obviously, she would have liked negro spirituals . . . She had her full share of pride of race. She despised the women who worked in the fields. The irregularity of her own position worried her not at all. Marriage and my own Mohammedanism never entered her mind. As mistress of the only 'Tuan' in the district, she held her head proudly (1932: 24-24).

The news of Lockhart's 'moral delinquencies' had preceded him when he returned home (1932: 34) and there are scattered reprovals about the 'scarlet woman'—his 'Malay woman'—by relatives and friends reported in his published memoirs (1973).

In *Return to Malaya* (1936), Lockhart tells us about the quiet dignity and pride with which Amai comports herself when he seeks a meeting over twenty years after their ill-fated romance.

The representations of both Amai and the 'ogresses' point to the ambiguities surrounding the images of strong Negeri Sembilan women breaking through in these discourses. Amai was not hidden away like many planters' concubines and her fear of no one is highly valued in retrospect by the now prominent diplomat Lockhart, whereas Newbold's ogresses become near-grotesqueries, comparable only to the highly foreign French *salonnières* in their probably dangerous influence on the masculine polity.

However appreciative the colonial officials were on occasion about Negeri Sembilan social arrangements and gender relations, in practice they appeared to favour Negeri Sembilan men in encouraging them to register land in their own names in the first decade of the twentieth century (see Swift, 1965; Lim Teck Ghee, 1977; Peletz, 1983). These suggestions have led some feminist observers to allege at second hand that colonial policy robbed Negeri Sembilan women of their rights to land (Boserup, 1970;

Rogers, 1980). I examine this issue later, but we should note that the above appreciative comments about matriliney were made mostly by relatively junior officials some 40 years on from the beginning of colonial rule (a point made by Lim Teck Ghee, personal communication).

The colonial state can be accused of gross degrees of misogyny in dealing with Malay and Rembau women, as will be evident later; but women were identified with the *adat*, which was seen as by no means incompatible with the *modern* world the colonial state wished to produce.<sup>20</sup> De Moubray again: 'I conclude therefrom not only that the *adat* is not particularly unsuited to modern conditions but that in view of the fact that the population consists of agricultural smallholders, it is in essentials more suited than the other forms of custom found in the peninsula' (1931: 202).

#### *Adat ideology: Adat as ideology*

It will become clear that colonial political economy shaped part of Negeri Sembilan's own discourses about itself. Although, obviously, villagers themselves have been the main creators of matrilineal ideology, a range of observers, anthropologists and colonial administrators have also played sizeable and intricately related parts. The officials' efforts to record *adat* in government reports as administrative guidelines have been particularly significant in the development and recreation of *adat* ideology, (especially Parr and Mackray, 1910; Taylor, 1929, 1948). At the formal level these texts have become the 'holy books' of land administration in District Land Offices, at the informal level they have played a prominent role in reconstructing *adat* knowledge.

It is relevant here to digress on the nature of Malayan and Malaysian legal systems. The British law founded in the colonial period, the overlying judicial, legislative and executive system, operates in the areas of criminal law and property outside the scope of the Islamic or customary law. A second, smaller segment of the legal system, Islamic law, has governed familial relations within the Muslim family—marriage, adoption and divorce. The third element in what has been seen as a tripartite system<sup>21</sup> has been the customary law or *adat*—the matrilineal *adat perpatih* and the non-unilineal *adats* of the other states (Hooker, 1972: 1). The colonial authorities often viewed *adat* systems as if they were comparable to the formal framework of an English legal system (Hooker, 1972). This legalism has given rise to a large literature. From the colonial period up to the present the contin-

uing complexity of the relationship between the administration of land and 'custom' in particular has produced successive waves of formal legal writing dealing with legislative, judicial and administrative documents.<sup>22</sup> These legalistic tendencies are most obvious in the study of land tenure, where the colonial codifications have formed the basis for legal decisions in disputes about land: for example, copies of Parr and Mackray's (1910) and Taylor's (1929, 1948) articles are still prominently displayed and used in contemporary Land Offices.

This legalism also raises many questions about the status of the customary law, especially the gap between such legal precepts and actual social practices. While the formal incorporation of *adat* into the colonial law apparatus has had considerable legal and ideological force, how far has it shaped the participants' everyday social relations and their view of their own society? Perhaps one way to illustrate the continuing impact of this colonial legacy is to report some of my fieldwork experiences in the contemporary period. Early on, when I made enquiries about *adat* experts to consult, I was referred to several local experts, as well as more widely known *adat* scholars. They took me to bookshelves where among a dozen or so popular tracts on Islam and the like there were various well-thumbed 'very old *adat* books'. Naturally, I had been quite excited at the prospect of being shown some treasured historical work or even one of the famous *terombo* (or ancient family trees reputed to be held by lineage heads or others). But the books turned out to be Malay translations of the best-known British colonial reports.

Later, my enquiries about the workings of *adat* were constantly referred back to Parr and Mackray. My possession of both this report and Hooker's 1972 book was seen by villagers who cared about such things as a key to a large body of important knowledge. Villagers were especially interested in Hooker's chart of all the clans and lineages in Rembau. A number of my informants spent some time poring over it, especially when a dispute arose in one of the villages about two clan members who wanted to marry. An informal 'decision' was made from his chart of clans that they could marry as they were members of different lineages. (M.B. Hooker has told me that this chart actually contains a couple of 'mistakes', which are in danger of passing into the system.) According to Hooker, the height of this process of feeding back material was reached in another district, where after reading an account suggesting there were thirteen, not twelve clans, some people promptly invented a new clan, saying

that it must have been laid aside for some period and forgotten (personal communication).

These examples illustrate the power of formal, written authority emanating from colonial relationships and their legacy. These colonial reports appear to have been accepted as definitive models of the system by many villagers and administrators right down to the present, with both formal and informal disputes being referred constantly back to the outside 'experts'. This power should not be overdrawn, however. It is also often contested in both major and minor ways. For example, most importantly, Islamic discourse's continuing tense and shifting relationship of both accommodation and contest with *adat* turned into a complex three-way dialogue with 'modernisation' in the colonial and post-colonial periods; this acted to counteract such colonial power on occasion, for example by asserting the primacy of Islamic inheritance. A minor example would be the episode where one of my neighbours, who saw himself as quite an expert on *adat perpatih*, rightly became highly incensed when some Chinese schoolgirls visiting the *kampung* came to talk to me about *adat*, rather than to him.

Subsequent scholarly discourse about *adat* has been very influenced by the same colonial tracts. Even the most thorough accounts can in some sense represent a refinement of *adat* ideology, feeding into an essentialist position that there is a 'true' or 'correct' model of *adat*. The many structural inconsistencies and ambiguities in a necessarily flexible pre-colonial *adat* system have been subjected to constant legalistic attempts to produce a consistent (and atemporal) model of *adat perpatih*, especially as it relates to the inheritance of land.

#### *Land tenure: Changes produced by British rule*

The main effect of the colonial assumption of control over land tenure was the reconstitution of a non-capitalist sector within the colonial order. Taxation was introduced and holdings were treated as individually owned and registered under the Torrens leasehold in perpetuity system (see Wong, 1975; Hooker, 1972). Malays were suspicious of the proposed 'certificates of claim' with which they were to be issued, compared to plantations' outright titles, and demanded similar titles (Gullick, 1951: 42). This process posed obvious problems in Negeri Sembilan, where *adat* restrictions on ownership and disposal conflicted with the idea of individual ownership being applied to land tenure in the other Malayan states. The granting of individual titles in Negeri

Sembilan appeared to allow land holders to proceed as if they were free to alienate land as a commodity, when they were not.

In Negeri Sembilan in 1909 the Customary Tenure Enactment was passed, establishing procedures for registering all lands in the *mukim* under the Torrens system. This laid down the terms under which any dealings in land could take place validly: in Rembau all ancestral land could be transferred only to a member of one of the clans and such land could not be sold or mortgaged unless the holder and her clan chief satisfied the Collector that the clan option had been given. This meant that land subject to *adat* restrictions could not usually be transferred or charged to any person other than a member of the clans.<sup>23</sup> The purported aim of the legislation was to preserve 'customary' lands. But because only land actually under cultivation was registered and so-called vacant land was sold to capitalist interests or alienated by the colonial state, it is possible to argue that the peasantry as a whole and individual (mainly female) peasants lost access to areas previously open to them. Lim Teck Ghee, for example, alleges that prime locations on road frontages were often given to European plantations and other capitalist enterprises (Lim Teck Ghee, 1977; personal communication), although peasants were later granted land for rubber smallholdings. Moreover, all vacant (sic) land previously open to peasant cultivation and the collection of forest produce became state land and large areas were rented or bought by British and Chinese entrepreneurs for plantations to grow the new crop, rubber (Wong, 1975; Lim Teck Ghee, 1977).

There were probably few transfers to outsiders until Chinese and European expansion brought about large-scale economic change in the last years of the nineteenth century. When large numbers of Malay smallholders entered rubber production in the first decade of this century, official concern that Malays might be tempted to sell their holdings outright to plantation owners led to the introduction of the 1913 Malay Reservations legislation. This prohibited the transfer, charge, or lease to a non-Malay of any land held by a Malay within areas designated as Malay Reservations. No land within these areas could be alienated to non-Malays (Wong, 1975; Hooker, 1972). It was stated that this legislation was to protect Malays, who were seen as vulnerable to expropriation of their lands by outsiders—capitalist interests. But later interpretations have taken a less sanguine view of official motives, seeing the legislation and the creation of a 'yeoman' peasantry as creating an ethnic division of labour, with all its implications of divide and rule (Jomo Sundaram, 1977;

Lim Teck Ghee, 1977; Hua Wu Yin, 1983; but see also Kratoska, 1982).

Following this, there were a series of enactments modifying the original legislation. The 1926 redrafting of the Customary Tenure Enactment in Negeri Sembilan confined its application to land statutorily defined as customary land and endorsed as such in the land register. In practice a great deal of difficulty arose around the status of this endorsement, which was only resolved with the 1955 Small Estates (Distribution) Ordinance (Hooker, 1972: 58ff).<sup>24</sup> This confusion about endorsement as 'customary land' has applied to both ancestral land and acquired land. Under *adat*, as outlined above, not all holdings were subject to the restrictions on alienation, only *tanah pusaka*, ancestral land. *Tanah carian*, acquired land, could be freely disposed of by an owner during his or her lifetime, as noted. Some legal decisions, however, have suggested that acquired land cannot formally become customary land, although it is subject to customary restrictions on its transfer (Wong, 1975).

To add to the confusion, some cases (from 1934 on) dealt with land not endorsed as customary (that is, non ancestral land) as outside the province of *adat* and hence under the operation of Islamic law. A counter ruling held that land not endorsed was still subject to *adat* (Wong, 1975: 484-85). Such difficulties have persisted to the present, with continuing claims that Islamic law is gaining at the expense of *adat* (de Josselin de Jong, 1960), claims denied by other writers like Hooker (1972). It is no wonder that many villagers in the contemporary period could give no very clear account of what happens to acquired land.

The implementation of the rules for acquired land has met many difficulties. The clan chiefs have found themselves in conflict with the land authorities over the status of acquired land, particularly when it is difficult to show that the land has been held under *adat* rules, as often happens. There have been other problems, such as two clans claiming the land; local religious authorities have also wanted to apply Islamic law. The most serious problem, though, has been the status of acquired land and whether it should be inscribed as customary or not.

These difficulties have probably been most acute at the formal judicial level. In everyday practice, informal family arrangements have often circumvented some of the formal difficulties. For example, much rice land in the 1970s and 1980s in the study villages was still in the name of a long-dead grandmother (although the title should have been transferred formally); her descendants used it in an informal arrangement. Moreover,

Hooker notes that the device of simple transfer by formal document (in the Land Office) after a family *pakat* (agreement) is being used to get *carian* land to become subject to *adat* by providing for female holders. 'This has been going on ever since 1955 when the Small Estates Enactment allowed greater access to *adat* for *carian*' (personal communication). The following chapters will show how family arrangements for disposing of acquired land have not only got around some of these difficulties, but also created a set of structures and practices outside formal 'matriliney'. That tension between formal and informal practices will be seen as intimately connected to gender relations.

Thus, while there have been enormous complications and difficulties in the formal administration of land, especially in cases involving litigation, certain central points emerge: first, it is easy to see the colonial legal measures described as reconstituting matrilineal land tenure. But there was an important difference from pre-colonial practices: the colonial attempts to introduce western concepts of property by registering land and issuing grants meant that individual women obtained their own grants. Today some women proudly display these yellowing pieces of paper tied up with ribbon and extracted from a dusty drawer to the visiting researcher. We can argue therefore that land legislation significantly strengthened women's individual rights to ancestral land by giving them individual titles, titles to semi-commoditised land nonetheless. Yet at the same time, many holdings were subject to *adat* restrictions on ownership and transfer, such as the clan option. This has formed a central contradiction: the *adat* concepts of land rights enshrined in a reconstituted form in colonial land tenure conflict with the idea of land as a commodity implied by granting individual titles. Land thus took on an ambiguous status as a commodity that could be sold, but only under certain quite restricting conditions. This ambiguity was not acute in the case of rice land, mainly owned by women; I found few cases of attempted sale among my informants, for example. But legal and social problems have centred much more on the status of rubber land and other acquired property.

An important related effect of the legislative restructuring of land tenure was the reconstitution of the relations of production in the pre-colonial subsistence and petty commodity sectors. British codification of land tenure served to partly preserve these relations, which had been embodied in pre-colonial kin relations. The subsequent customary and Malay Reservations Legislation acted to hinder the 'freeing' of these relations, by preventing the

unrestricted sale of land. This uneven penetration of capitalism into a reconstituted matrilineal peasantry was to be profoundly significant for its economic development.

In the long term, we can see women as emerging in a stronger position in relation to non-commoditised land; this intensified their ideological association with a subsistence base. Although they suffered some setbacks, the outcome of the reconstitution of land tenure can be seen as providing women with some degree of relative economic independence. The next chapters show that women's ownership of land remained central to the village economy. But the political and economic processes of the early period of colonial imposition meant that the peasantry as a whole suffered a crucial alienation of some of their previous land resources.

### *Remaking a modern matriliney*

This account of the remaking of *adat perpatih* has stressed the economic and political forces engaged in the continuing re-creation of 'tradition' in Negeri Sembilan and the clear connections between the colonial subsumption of *adat perpatih*, the reconstitution of a non-capitalist enclave and emerging gender relations. The colonial codification of *adat* did not so much preserve and fossilise a 'traditional' 'matriliney', as reconstitute it and partly reproduce it through state juridical processes, especially land administration. It was clear that the codified, legalistic texts on *adat* and enactments governing its administration became central to the development of matrilineal discourses, both as models of the system and as sources of ultimate authority for government, village and scholar alike: in many ways people came to understand their society through internalised colonial models of the clan system. The developed ideology of 'matriliney' reported by anthropologists in the last years of the colonial period has to be seen as the product of this historical process, as formed within 'modern' capitalist culture, not as a 'traditional' relic of former times.

These discourses should not be seen merely as colonial impositions, however. The construction of *adat* as the basis for an imagined community (Anderson, 1983) or commonality was not some inevitable outcome of political, economic and ideological forces set in motion by British rule: the process has also been very much a dialectical one, shaped by local responses to that rule. Local discourse, colonial administration itself and, later, social science, have all created successive discourses about what

it means to follow *adat perpatih*. Of especial concern here is the development of a political consciousness of *adat* as a system apart from others, and one worth defending; equally important is the development at specific points in time at least of a consciousness on the part of women about how *adat* protected their situation, a consciousness mobilised politically on occasion.