

LAND TENURE AND KINSHIP IN SRI LANKA

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The subject of this paper

This paper attempts to present a descriptive model of Sinhalese land tenure and its changing process on the basis set forth by anthropologists working in the area of Ceylon (description to follow), borrowing some ideas and terms from them and examining relevant ethnographic facts drawn from two village studies; of Pul Eliya⁽¹⁾ and Tertenne.⁽²⁾

The model presented in this paper is my own reconstruction of the traditional Kandyan feudal system and is primarily based on the early British works on Sinhalese (Kandyan) law, such as Knox,⁽³⁾ Sawers,⁽⁴⁾ Hayley,⁽⁵⁾ D'Oyly,⁽⁶⁾ *Niti Nighanduva*⁽⁷⁾ and others. Cognitive plans of contemporary inhabitants presented in monographs by Obeyesekere, Leach *et al.* were also used in constructing the model of land tenure. Kandyan feudal society appears to continue operating in the minds of the Sinhalese despite tremendous empirical changes so that the ideal order of the society claimed by informants today in their books may still be close to that observed and described by these writers nearly a century ago.

In the process of model construction, my emphasis will be placed on the co-existence of alternative and contradictory norms in the traditional land tenure system and on the fact that a cognitive plan of land tenure is largely derived from this inconsistency which is regarded as innate characteristics of the system in the mind of present inhabitants. Although Tambiah and Obeyesekere have respectively conceptualized one ideal model at the level of thought (which is nothing but a fiction in the reality), and analyzed the causes of discrepancy between model and reality, I prefer to remark on the inconsistency at the level of Sinhalese

thought itself; *i.e.* coexistence of polarized and alternative sets of principles in their minds: I believe that an individual can hold contradictory and inconsistent ideas at the same time and choose the best one in consideration of actual circumstances just like the Kachin do in the *gumsa/gumlao* moving equilibrium system.⁽⁸⁾ This kind of flexibility seems necessary for the proper functioning of the system.

Relating to the variation and changing process of the model, my effort is to distinguish the two different kinds of variables and changes *i.e.* 'organizational' and 'structural', in the light of two village studies.

The paper is arranged in four parts.

- I. A review of anthropological literature on Sinhalese society in the introduction.
- II. Ideal model of land tenure and kinship, the normative reference of which more or less isomorphic with traditional customary laws.
- III. A discussion of variation of land tenure in different societies and the process of change in time.
- IV. An outline of ethnographic facts relating to the two Kandyan villages compared in this paper.
- V. Conclusion and summary based on the study of theory and ethnography relating to land tenure.

I Review of Anthropological Works on the Sinhalese

Many brilliant anthropologists such as Leach, Yalman, Tambiah and Obeyesekere have worked in Ceylon and left us excellent literature on kinship and land tenure. All of these men were interested in the close relationship of Sinhalese kinship and land tenure systems. They recognized that the kinship structure could not be fully understood without sufficient knowledge of the land tenure system. However, the points on which they posed and their conclusions varied slightly from each other. Their studies ranged from formal semantic analysis of Dravidan terminology by Dumont,⁽⁹⁾ and Yalman,⁽¹⁰⁾ to Obeyesekere's analysis⁽¹¹⁾ of the cognitive plan of land tenure and its changing process, which called for certain conditions and adaptations in the kinship system and the inheritance law of the society, while Tambiah⁽¹²⁾ examined the rela-

tionship of kinship ideology and kinship patterns and their systematic application to land tenure. Leach⁽¹³⁾ concentrated his efforts on the analysis of the land tenure system with emphasis on the relevance of kinship and marriage and how these practices were related to land use and land holding.

Although the broad area coverage deals with kinship and land tenure, the basic difference in approach to the topic area by these scholars appears to have been rooted in more fundamental differences, that is,

- (1) Relationship of kinship and other phenomena in village social life, especially land tenure,
- (2) Relationship of systems of symbols and corresponding sociological reality, especially concerning the evaluation of the effect of kinship terms (cognitive categories, that is a model 'at the level of thought') on structuring the behaviour of kinsmen (action 'on the ground.')

Regarding the first point, Yalman thinks of kinship as a 'thing in itself,' which can be explained only by reference to other kinship phenomena, while Tambiah, Leach and Obeyesekere seem to think of kinship as a kind of epiphenomenon of the hard practical facts of land use and property allocation.

A similar attitude is found concerning the second point, which is closely related to the first. All four scholars are well aware of the distinction and have attempted precise analyses of interaction between 'categories of thought' (Yalman), 'jural norms' (Leach), or 'fiction' (Tambiah) on the one hand, and 'patterns of behaviour' (Yalman), 'statistical structure' (Leach), or 'fact' (Tambiah) on the other. Let us briefly follow their thinking on these questions in the Sinhalese case.

1 Yalman

In his writings concerning Ceylon, he shows a strong inclination towards formal semantic analysis of kinship categories. Long before Yalman's analysis, Dumont has argued that there are underlying similarities in South Indian kinship systems and that these terminologies should be regarded as Dravidan system. He clearly pointed out the 'bifurcate-

merging' form of Dravidan terminologies which makes a binary distinction of those in every generation who may or may not have sexual relations, and which, in the next generation, are 'merged' by cross-cousin marriage. In this sense "the terminology contains built-in rules regarding sex and marriage" and "implies cross-cousin marriages."⁴⁴

There is general agreement on these points among the foregoing anthropologists, but the question is whether and in what way actual marriage patterns relate to this terminology. Yalman argues that the main function of the Dravidan kinship categories is to regulate marriage and sexual relations inside bilateral and largely endogamous 'kindred' groups (the Sinhalese *pavula*). According to him, *pavula* is not simply an amorphous ego-centered kin group as kindred ordinarily is, but has distinct boundaries and identities exhibiting considerable solidarity in diverse contexts. In the process of the *pavula* group formation and its continuity over generations, the systematic kinship categories have considerable effects on organization of marriage and sex relations within the groups.

Thus Yalman strongly emphasizes the 'channelling effect of cognitive categories' to 'structure' kinship behaviours in the *pavula*, thus explaining 'kinship as a thing in itself' by reference to other kinship phenomena; *i. e.* 'kindred', as well as claiming in a rather ill-defined frame of reference that "the cognitive categories are primary and shape the behaviour of men",⁴⁵ and is thereby criticized by Tambiah as follows:

"Yalman's theoretical predilection of wanting to explain the function of the terminology in terms of the kindred Yet he does not keep ideology and fact separate and examine their dialectic."⁴⁶

This criticism appears to be accepted to a certain degree by Yalman himself when he recollected that he did "attempt to relate the terminology to the nature of the Sinhalese group in which it is found without giving sufficient emphasis to the systematic nature of the terminological scheme *per se*"⁴⁷ because "after consideration of the symmetry and order in cognitive categories, I am all the more impressed by their channelling effect on kinship behaviour."⁴⁸ Here he expresses his firm belief that the consistent analysis of the relationship between cognitive cate-

gories and behaviour becomes possible only through sufficient examination of the systematic nature of the terminological scheme. From the above viewpoint, it is seen that he regrets some part of Tambiah's analysis because of "the relative unimportance given to the rules *per se*." ¹¹⁹

2 Tambiah

Unlike Yalman, Tambiah always tried to explain the system of cognitive categories and jural norms by systematically relating them to actual patterns of behaviour. His essay (Tambiah 1965) is an attempt to synthesize kinship ideology and fact in terms of the socio-economic background, especially land tenure.

According to him, the kinship ideology of the Kandyan Sinhalese contains two fictions: First, that of *gedara* implying a group of agnates who have common surnames and rights in ancestral property, and second, that of *pavula* endogamy implying cross-cousin marriages within this type of 'kindred' aiming at strengthening group solidarity over generations. Neither *gedara* nor *pavula* can ever be realized in ideal terms because some elements relating to land ownership and economic differentiation within the village prevent full realization of these norms.

The following conclusion clearly shows his viewpoint on the relationship between kinship and other phenomena, as well as relationship between thought and reality.

"The clue to the flexibility of kinship fictions, the manner in which they are manipulated, lies not in the sphere of kinship *per se* but in other institutional facts, primarily economic." ¹²⁰

Thus economic circumstances rather than kinship on the one hand, and reality rather than thought on the other are more important variables for him in the understanding of Sinhalese social structure.

3 Leach

He seems to have taken almost the same standpoint as Tambiah in describing and analyzing ethnographic data of Pul Eliya, a Sinhalese village in the 1950's. Recognizing that the ideal model of society and

empirical facts are distinct, Leach insists that the extent to which this ideal system constrains actual behaviour is not as great as that of economic constraints. He emphasizes the powerlessness of jural norms to regulate individual behaviour, because "for an individual, the constraints of economics are prior to the constraints of morality and law."²⁰

Although he has noted that the fact that in the case of Pul Eliya, the statistical pattern of the sum of many individual human actions happen to be congruent with the ideal model, he paid little attention to the meaning of this congruence when reaching the following conclusion.

"Every anthropologist needs to start out by considering just how much of the culture with which he is faced can most readily be understood as a direct adaptation to the environmental context, including that part of the context which is man-made. Only when he has exhausted the possibility of explanation by way of normality should it be necessary to resort to metaphysical solutions whereby the peculiarities of the custom are explained in terms of normative morality."²²

4 Obeyesekere

Although both Tambiah and Leach pointed out the discrepancy between norms and facts in the kinship sphere, neither of them referred to the discrepancy between the cognitive plan and the actual facts of land tenure, whose importance was emphasized by both to understand kinship. In this respect, Obeyesekere's effort to construct an ideal model of land tenure, together with the empirical analysis of its actual changing process in a lowland Sinhalese hamlet called 'Madagana', from its founding to 1961²³ must be highly evaluated.

Naturally he stands midway between Yalman and the two anthropologists mentioned above regarding the relationship between kinship and other phenomena and between thought and reality. As his analysis of the Sinhalese land tenure system is developed both in its own terms and in a larger frame of reference such as feudalism, colonialism and capitalism, although inconsistent and inconclusive, it is all the more interesting and stimulating.

II Ideal Model of Land Tenure & Kinship

1 Social structure of the Kandyan Kingdom

The political, social and economic structure of the Kandyan Kingdom rested on an elaborate system of land tenure, which was called 'service-tenure system.' According to *Niti-Nighanduva* and others, ultimately all the land was considered to belong to the king (*bhūpati*).²⁰ On this principle, the king granted large estates (*nindagam*) under control of aristocrats of the *Radala* subcaste, who thus became the lords (*gamaladda*) on the condition that they supplied feudal services (*rajākāriya* or royal duties) and grant fees as tokens of their vassalage. The estates of the aristocrats were, in turn, held under fief by persons of other castes, again in return for hereditary feudal services and payments. The tenants, in turn, could have subtenants of their own. In this fashion, the pattern of feudal services, which were attached especially to the tenure of paddy lands,²¹ formed both the basis for the organization of the kingdom and the mainstay of the caste hierarchy.

Caste services and land tenures were directly tied. All paddy lands had services and payments attached to them and persons who held the land were obliged to provide these immutable services that were ranked in the hierarchy in terms of ritual purity and pollution. Lower castes had to perform more or less polluted duties such as tom-tom beating, laundering or pot-making as part of their obligations while the higher castes (aristocrats and *Goyigama*, cultivators or free peasants) performed purer services as tokens of their allegiance to the particular lord whose land they occupied.²² Thus the identity between birth status, land holding and service obligations was an important characteristic of the Kandyan Kingdom.

2 Land categories

In *nindagam* people of higher castes tried to get *pravēni* title (hereditary right or *de facto* private ownership) for the land they occupied and the land given title as such by the lord became *pravēni iḍam* (ancestral paddy land or entailed land). In a similar manner, *pravēni pangu* meant 'shares' (rights or plots) in an ancestral estate. The characteristic of

pangu was like that of stock market shares. They were not 'fixed', that is, attached to any single area of property or land, but floated. Thus a peasant who worked a share did not work a fixed partitioned area of the estate but worked on a rotation basis such as *tattumaruru* or had some other arrangement such as *bethma* (Description to follow).

More precisely land was classified into paddy land (*maḍa iḍam*), high ground (*goḍa iḍam* or garden land), on which the houses of village citizens (*gama minissu*) were built, and finally, common highland (*chēna* or forests and waste land for shifting cultivation). Besides these lands, there was *aswedduma* (reclaimed land by an individual with irrigation channels). The first three types of land were treated as one set in relation to village citizenship so that shares in *pravēni* conferred citizenship rights in a village community. These rights pertained to cultivation of high and low land and involved rights to *chēnas* and, as mentioned earlier, also entailed *rajākāriya* duties and payment of taxes. Typical *rajākāriya* for *goyigama* was the maintenance of irrigation facilities.

The following quotation from Obeyesekere explains these land categories from the point of the foundations of a new village community.

"In theory a hamlet comes into existence when a man, a founding ancestor, leaves his hamlet of origin, and with the permission of some traditional authority demarcates a space of forest or waste as his *gama* (hamlet or village). A part of this space is cleared and converted into paddy lands (*maḍa iḍam*, mudlands), the other part into *goḍa iḍam* or highlands (gardens). It is in the *goḍa* that the houses of the founder and his descendants are built. This area is simply called *goḍa*. The rest of the *goḍa* is converted into fruit and vegetable gardens and grazing grounds for cattle."²⁷

3 Rules affecting cultivation scheme and labor arrangements

The scheme of rotation of plots described in the preceding was known in the Sinhalese as *tattumaruru*. For purpose of *tattumaruru*, the total stretch of paddy land was divided into equal sections in accordance with the number of heirs to a founder. In turn, in the next generation, each section was subdivided into several subsections, and held by co-heirs to the second generation. The division was not based on area or acreage, but on yield, each section having individual fields containing, *in toto*, a

paddy yield that equaled the total yield in the other section. A descendant worked on a rotation basis, so that every year he moved to a new area, until the whole length of the field was worked. This scheme was based on the equalitarian ideology governing the concept of shares or *pangu* . . . one had shares in the *gama* as a whole, hence one must have access through a period of years to the total area of the land, ensuring an equitable distribution to be worked, of both fertile and infertile land by the respective shareholders.

The same equalitarian ideology was found in another arrangement called *bethma*, operating in a tank village of the Pul Eliya type in the northern plains. This was a special arrangement whereby the shareholders in a field, which was short of water, agreed to cultivate only a portion of that field and then share the yield among them.

Close cooperation between shareholders under communal restraints was an essential prerequisite to the successful operation of both *tattumaru* and *bethma*. With this secured however, these schemes functioned fairly well in all possible situations depending on the amount of water, number of shareholders of a property *etc.*, because of the use of many adaptable devices and due to sufficient flexibility despite the complicated nature of the schemes.

Regarding the relationship between land owner and tenant, some mention should be made about the traditional sharecropping arrangement (*ande*) of paddy lands, which was usually based on the condition of giving one-half of the crop to the landlord.

4 Traditional customary law of inheritance

Judging from literature on Sinhalese customary law, property seems to devolve in a very complicated pattern. One's property was transmitted *inter vivos* or succeeded intestate based on a multiplicity of principles often contradictory in nature.

* *Inter vivos* transmission

One of the characteristics of land ownership in Ceylon is the nature of individual rather than corporate ownership of property, regardless of the type of property. Individual ownership was absolute and disposal of land

inter vivos was left to each owner's discretion as Sawers stated in the following quotation.

"It is stated unanimously by the chiefs, who have been consulted, that a person having the absolute possession of real or personal property, has the power to dispose of that property unlimitedly, that is to say, he or she may dispose of it, either by gift or bequest, away from the heirs at large."²⁸

As result, as Obeyesekere pointed out, the alienation of *praveni* land to outsiders had occurred sporadically although the ideology that property should ultimately revert to the source whence it came was well established in the Sinhalese custom.²⁹

* Intestate inheritance

Traditional Sinhalese rules of intestate inheritance were, in theory, bilateral and equal division among all children was a cardinal point of the system. Every child had an equal right both to his paternal and to maternal properties, irrespective of sex, age, birth order, and number of other children in the family.³⁰

However, an important distinction between temporary and permanent rights in *praveni* was made for female heirs as Sawers explained:

"Daughters, while they remain in their father's house, have a temporary joint interest with their brothers in the landed property of their parents, but this they lose when given out in what is called a *deega* marriage, either by their parents, or brothers after the death of the parents."³¹

This distinction has a close connection with types of marriage and rules of residence. In traditional Sinhalese law and in contemporary Kandyan law, there are two types of marriage – *diga* (*deega* in Sawers) and *binna*. *Diga* marriages are those in which the woman leaves her parental home and resides virilocally with her husband. *Binna* is one in which a man lives uxorilocally in the village of the wife's father.

As far as the rules of inheritance go, the issue of a *binna* marriage has inheritance to the maternal grandfather's estate, whereas the issue of a *diga* marriage does not. Conversely, the issue of a *binna* marriage has no inheritance rights to the paternal grandfather's estate, whereas the issue of a *diga* marriage is so entitled. In some cases the *diga* married daughter

gets a dowry in the form of cash, jewelry, and other movable and non-*pravēni* property.⁶²

All authorities agree that *diga* was, and still is, the preferred and ideal marriage. *Binna* has low prestige and is a disfavoured type of marriage because the *binna* husband, usually poor and landless, "has no privileges in his wife's house. He has no power over her property; he may be expelled or divorced by the wife or her parents at any moment."⁶³

Obeyesekere summarized the foregoing succinctly. (Although I have not so much faith in his expression of 'a major trend' or 'patrilineal.')

"We noted that traditional Sinhalese rules of inheritance were in theory bilateral, but the distinction between temporary and permanent rights in *pravēni* combined with marriage preferences produced a major trend towards unilineality and a patrilineal residential aggregation of males. This in turn facilitated the operation of the *tattumaru* system of land tenure."⁶⁴

As mentioned earlier in the introduction and explained in the foregoing, contradictory norms governing Sinhalese inheritance patterns are so conspicuous that Yalman perplexedly says, "There were no categorical rules of inheritance. People gave contradictory accounts of how property descended from generation to generation."⁶⁵ This is not a recent trend but is of long historical standing illustrated above. The following binary pairs are then extracted from these sources to constitute two possible alternative sets of principles in the Sinhalese rules for inheritance.

A. bilateral ideology	B. patrilineal ideology
individual ownership	collective ownership under communal restraint
temporary right of (<i>diga</i> -married) women	permanent right of (<i>diga</i> -married) men
intestate inheritance	transmission <i>inter vivos</i>

The Sinhalese has been able to choose what they like, and according to Tambiah and Obeyesekere, the principles in Set B are the ideal model in preference, especially for the privileged people. Contrary to this, however, I would prefer the fundamental nature of the principles in Set A rather than Set B, which would be better understood as nothing but a structural transformation (Levi-Strauss's terminology) of Set A.

5 Rules governing group formation

As mentioned earlier, two types of kin group — *gedara* and *pavula* are found in the Kandyan highlands. *Gedara* implies a group of persons who are associated with the residential locality and who have common descent, usually agnatically traced. Essentially then, the characteristics of *gedara* are descent and locality. Therefore, the *gedara* has a logical consistency with the principles of type B and becomes the ideal kin grouping for the privileged.

As Tambiah pointed out, the *gedara* is never formed like this in actuality. But let us leave the question aside and examine rather the principles relating to *pavula* formation.

The *pavula* consists of cognatic kins and affines and, while male siblings are the core of the *gedara*, the *pavula* stresses the link between *massina* (classificatory cross cousins) especially between brothers-in-law, for cooperation in economic and political activities. "Ideally the reinforcement of these ties through time is through the perpetuation of marriage alliance as expressed in the idealized cross-cousin marriage. But ultimately, the preservation and perpetuation of *pavula* groupings rest on property interests and status equality."⁶⁸

III Changes of Land Tenure in Time & Space

In the preceding part, this paper mainly concerns the model construction of land tenure and kinship at the 'level of thought.' Now, the focus is being shifted to the question of application in the actual world. This really is the aspect that all anthropological studies in Ceylon deal with and is one of the main subject area when attempting to establish a dialectic between thought and behaviour, and in analyzing the causes of discrepancy existing between them.

In some cases, however, like in the Sinhalese, where a traditional system with innate flexibility once prevailed all over the region and where the same model still remains as an ideal in the minds of contemporary inhabitants, the problem of application and adaptation of the model in actual situations can be analyzed from a slightly different angle. Such analysis can include variation in space as well as the process of

social changes in time.

Examining the problem with reference to Sinhalese land tenure system, a distinction must be made of the two types of variables. In the first category, the variables bring 'internally produced organizational changes' while other kinds of variables exist which may bring about 'massive, externally produced structural changes' (Firth's distinction)³⁷ that renders the model an anachronism. The former pertains in most cases to variations of the model; *i. e.* alterations of the basic principles in different socio-cultural contexts, or structural transformation (Levi-Strauss's term). The latter refers to social changes in time.

We may get useful suggestions on the problem, comparing land tenure systems of two Sinhalese societies. There is no room for doubt that this traditional system and therefore the same model once prevailed in both societies. With this in mind, contemporary differences between the two villages appear to stem partly from different tendencies for alternative principles inherent in the traditional system, especially in the inheritance rules, and partly from different changing processes which have occurred in the traditional system since the annexation by the British. In comparison, the examination of such factors as the nature of land rights, patterns of land holding, rules of land usage and inheritance rules are necessary for each society, which will be covered later in the paper. However, before making the comparison, specific factors of change and variations pertaining to the Sinhalese land tenure system needs to be isolated.

In view of the foregoing, two kinds of variables are identified.

1 Variables relating to organizational changes

a) ecological conditions

It is natural that the actual layout of paddy fields and practical land usage under the control of the community, as a whole, may differ from village to village, reflecting different ecological conditions of topography, the amount and availability of water, size of arable land, level of productivity, *etc.* Some village accordingly practice *bethma* and others, *tattumaru*. Each village has specific operational devices of its own. However, equalitarian ideology of *pangu* (*i. e.* ideology that every shareholder

should enjoy in the long run the same yield in proportion to his shares, through the operation of these schemes) prevails.

b) demographic variables

As mentioned earlier, both *bethma* and *tattumaruru* may provide a wide range of applicable devices for various kinds of situations caused by demographic variables such as scarcity or abundance of land in proportion to the number of shareholders without destroying the general form. For example, for the optimum functioning of *tattumaruru*, a demographic balance between land and people is necessary. Nevertheless, when the balance is upset, either i) the *tattumaruru* system is frozen at the point where no further fraction of land will be worked, or ii) there will be a fissioning of the group and the founding of a new hamlet, or iii) in the reverse, when there are not enough cultivators for the paddy, a recruitment of a new people into the group through *binna* marriage or land is cultivated in *andē*.³⁸

In the case of i) or iii), the arrangements persist for cooperation between shareholders and are supported by communal restraint which is indispensable to their smooth operation. In other cases, such as case ii), when the *gama* or estate cannot take in more people and they must found a new *gama*, the availability of land for expansion is necessary. In this sense, cooperation under communal restraint on the one hand, or the availability of land for expansion on the other hand, would be structural prerequisites for the proper functioning of the system. If these conditions are lost, the system is doomed and it is a matter of time when eventual disintegration occurs. This is described in the following pages in relation to variables in the second category.

c) economic differentiation

Owing to the juxtaposition of the two alternative sets of inheritance rules, the Sinhalese are able to freely choose either one. The preference depends, in most cases, on one's wealth. If the individual is rich enough to give a dowry to a *diga*-married daughter (or sister), he will choose Set B but if not wealthy, the choice will be Set A. An example of this kind is found in Tertenne, as described in the following.

2 Variables relating to social changes

The interesting fact regarding variations caused by the preceding factors is that these variations are confined to changes in either actual practices of land use or inheritance. Nevertheless, if changes occur in the more essential domains of land category changes, or in the nature of land rights or in patterns of land holding, disintegration of the system is the result. In this respect, historical analysis concerning land sales and a series of land ordinances issued by the British Colonial Government will be helpful for isolating major factors in changes of the traditional land tenure system.

a) disintegration of land rights and restriction of *chēna* cultivation

As a result of consecutive Land Ordinances enacted under colonial rule, free cultivation in *chēna* was prohibited and the new type of land such as *sinakkara* (freehold Crown land) or *baḍu iḍam* (a kind of permanent Crown lease) was introduced. After 1840, under the Crown Land Encroachment Ordinances, the communal village field (*chēna*) was regarded as Crown land and sold outright in relatively large plots so that the poor peasant was excluded from the market. Land purchased freehold from the Crown by the wealthy peasants in this way was called *sinakkara*. This continued until 1935 when, under the Land Development Ordinance, no Crown land could be sold outright and rather was granted in two-acre plots on permanent lease. This type of land was called *baḍu iḍam*. *Baḍu* plots could only be transmitted to a single heir specified in the lease.

The notions of both *sinakkara* and *baḍu iḍam* conflict with the traditional theory of land holding because they transferred the right to cultivate *chēna* from communal control to government control and consequently separated it from right in *praveni* as well as the right of village citizenship. This meant that any outsider without kinship and affinal ties with villagers could cultivate *chēna* if he received the government permission. It also meant permanent unavailability of land for expansion into a new village if not authorized.

If these ordinances are implemented *in toto*, the traditional system would finally disintegrate. However, the actual implementation of these

laws differed in several ways from region to region. In some areas, the government sold vast tracts of Crown lands to European capitalists so that the villagers were gradually surrounded by large tea estates (e.g. Tertenne), or by rubber plantations. In some other areas, villagers were permitted to cultivate *chēnas* and to found new hamlets under the authority of a Sinhalese Revenue Officer or village headmen of several villages (e.g. Madagama). Still in other areas, the ordinances were not implemented such as in Nuwarakalaviya District where (Pul Eliya is located here), owing to some indigenous devices, villagers could fully enjoy their rights as before in accordance with traditional rules.

b) land sales

It is true that the loss of structural prerequisites caused by the Land Ordinances could entail the collapse of the system, however, important changes in the land tenure system had occurred prior to and in parallel with the ordinances. It is land sales to total outsiders, caused by extreme poverty as a result of taxes imposed on paddy and grain by the Colonial Government that brought about drastic land sales and concentration of wealth during the Grain Tax period (1840-92) in this region. For example in the Walapane Division, wherein Tertenne is situated, the effects of the Grain Tax were acutely felt though there is no explanation in Tertenne on this point in Yalman's monograph.⁶⁹

Land sales to total outsiders without kinship and communal obligations impeded the proper operation of the traditional land tenure system because the cooperation of the shareholders with different interests (e.g. different kinship allegiance or different economic interests) was difficult to obtain. It can be said that with land sales to outsiders, with the background of Grain Tax, the above-mentioned policies of Land Ordinances might give the *coup de grâce* to the traditional land tenure system.

Now let us examine ethnographic materials pertaining to these points in the next part.

IV Outline of Two Villages in Comparison

The ethnographic description in this paper is drawn from two village studies. The villages are Pul Eliya and Tertenne. They are located in the

Central and North-Central Provinces of Ceylon, which until the annexation by the British in 1815, comprised the Kandyan Kingdom. The population in these provinces are generally referred to as the Kandyan Sinhalese in comparison to the low country Sinhalese. The distinction is based primarily on past political and geographical distribution.

1 Pul Eliya

The source for Pul Eliya is Leach (1961). Pul Eliya is situated in the Nuvarakalaviya District of the North-Central Province, the locale of ancient Sinhalese civilization. Its inhabitants are of the high *goyigama* caste. It is a small isolated village containing thirty-nine families with a population of 146. The economy is based on paddy and *chēna* cultivation.

Pul Eliya is a typical 'tank village' of the northern plains, which has a water reservoir tank. The amount of water necessary for irrigation can be controlled by sluices and spills. The basic valuable is water which limits the area of land that can be put under paddy cultivation and therefore the village 'tank' is the crucial factor in determining the limits of the local economy (cf. *bethma*, p. 87). The villagers in accordance to certain obligations inherent in their landholdings work together to keep the reservoir, the bund and the sluices in good repair.

The ancestral paddy land (Old Field in Leach's terminology) is divided into 2 tracts (*pota*), Upper Field and Lower Field. Each field is divided into three sections (*baga*) and an equal number of *pangu* (shares). Houses are clustered around the *watte* (gardens) on either side of the paddy field. Beyond the house gardens, were the *chēna* highlands. Only those with shares in the Old Field are entitled to live in the *watte* and can cultivate *chēna*. These people are regarded as full citizens. *Praveni* shares are still under control of in-residents with full citizenship though their transfer to kins and affines in neighbouring villages temporarily occurs.

The arable land in all amounts to 135 acres, of which the Upper Field comprises $47\frac{3}{8}$ acres, and the Lower Field 16 acres. (Old Field in all is 64 acres). Though the average of 0.4 acre per person in the Old Field is inadequate for subsistence, there is plenty of land for *chēna* for the

cultivation of subsistence crops and hence 39 families can subsist in Pul Eliya. (The land laws are not implemented so severely so that people can cultivate *chēna* freely).

A traditional ideal model for the citizenship rights based on shares in the Old Field, the topographical layout of fields, gardens and houses, and the distribution of holdings in an egalitarian land tenure system linked with various forms of co-operation between the shareholders are still relevant for the Old Field in Pul Eliya. It constrains the behaviour of contemporary villagers who order their relations by its terms.

There are two types of kin group in Pul Eliya — the compound groups and the *pavula*. The compound (*vattu*) means a section of the ancestral house-site (*watte*), with coconut trees, areca palms, *etc.*, surrounded by a continuous fence. A compound group based on co-residence in a compound is basic kin group in Pul Eliya. The significant point is that in this village, compounds are continuing units and membership in a compound is proof of membership in the village and its water rights are derived through descent and ancestral rights.

As for *pavula*, Leach treats them essentially as a political faction, which were formed on the basis of *mama-bana* (MB-ZS, FinL-SinL) and *massina-massina* (male cross cousins, WB-ZH) relationships at its core. The *pavula* in Pul Eliya is, in many cases, represented in terms of compound alliances. Leach says:

“*Pavula*, thus described, are the effective kin groups of the society and it is groupings of this kind which act together corporately to achieve political ends. — We therefore meet with *pavula* as corporate factions engaged in rivalry concerning rights to land and to the produce of land. Since the membership of compound groups is closely bound up with the possession of hereditary rights in land, we find that *pavula* rivalries can also be regarded as rivalries between competing compound groups, (but the membership of a man’s *pavula* and of his compound do not coincide).”⁴⁰

2 Tertenne

The source for Tertenne is Yalman (1967, 1962). Tertenne is situated in the Walapane District of the Central Province, and falls into the Dry Zone climatically. This is a very hilly region; in the upper reaches of

mountain ranges tea plantations are situated. In the deep precipitous valleys lie villages which depend primarily on the crops of paddy and on *chēna* cultivation, and which participate marginally in the plantation economy.

Although an isolated village, Tertenne is large and internally differentiated in a complex manner. There are 214 dwellings distributed in eleven hamlets which range from four to sixty-one dwellings in size (with four hamlets over twenty dwellings). Nine of the hamlets are dominated by high caste *goyigama* who comprise 969 of a total population of 1,202 persons. Altogether, five castes lived in Tertenne. Economic differentiation within the village is a significant factor that must be taken into account in understanding its social structure.

The paddy fields lie in the bottom of the valleys, and the land that can be used is limited by terrain and water resources, which come from streams and monsoon rains. Dams (*amumu*) are constructed across these streams and the water is channeled by irrigation lines (*ela*) to the terraced paddy (section). Each section contains 4 pale (2 pale roughly corresponds to 1 acre but the unit is based on yield). The layout therefore suggests some connection with the traditional model.

Anyone can live anywhere in the *watte* and cultivate *chēna* but those who have rights to fruits produced in the ancestral garden are definitely confined to descendants of a (fictitious) founder. Excessive fractioning of shares results in low productivity and has brought about the loss of some ancestral land to outsiders. Concentration of land ownership is more conspicuous than in Pul Eliya.

The remarkable fact, with reference to actual inheritance patterns in Tertenne is the distinctive contrast existing between the wealthy and the poor. Among the wealthy, the men control the women. Their women are invested with dowries when they marry out in *diga*. Preferred marriages are those of the alliance type with influential men. The result is that the father and sons remain on the land and among them the ideology of descent is patrilineal. A *diga*-married daughter loses her inheritance right by virtue of receiving dowry, while the sons and *binna*-married daughters (who are scarce in the wealthy) are the principal

heirs by intestate succession. On the other hand, among the poor, the strategy of marriage cannot take this form. Here, women have equal rights on property with men and the marriages of daughters do not modify their claims, but in the case of *diga* marriage, which takes women out of the village, effective control over property remains among shareholders living on the spot. Dowry is rare among them.

No kin group of agnates based on locality (i.e. the *gedara* type) exists in Tertenne despite patrilineal transmission of *gedara* names over generations. The *pavula* here in their cognitive plans stress the link between *massina*, especially between brothers-in-law and repeat cross-cousin marriages within the group. Tertenne *pavula* 'on the ground' is the most effective kin grouping with corporate aspects conspicuously manifested in the form of faction, whose core persons are leaders with their allies and their affines, plus persons linked by patron-client ties (including *andē* relationship) dressed in kinship clothing.

The following table shows a summarization of the foregoing.

Table 1

	Pul Eliya			Tertenne		
ecological background	a jungle village with a tank Dry Zone			a village on the sides of a steep valley margin of Dry Zone		
population size	146			1200		
caste	goyigama			goyigama + 4 service castes		
village economy in general	entirely based on rice cultivation in paddy & in <i>chēna</i> tank irrigation system no opportunity of accumulating wealth do not sell rice, produce for their own use only			mainly based on rice cultivation, with <i>chēna</i> getting water from mountain streams some opportunities of getting money through running shops, salaries from governments, raising cash crops working in tea plantation, etc. selling some of rice products to the outside		
land holding (of ancestral paddy)	no large land owner			no large land owner		
	pale	owner/ all adults	land/ all the paddy	pale	owner/ all adults	land/ all the paddy
	-2	21.7%	12.1%	-2	22.4%	24.0%
	-	23.3	70.7	-	10.8	35.2
	7-	16.7	17.2	7-	3.2	40.8

layout of paddy field	<p>based on traditional system of 'strip' type</p>	<p>6 section system 1 section = 4 pale</p>
land rights	right in compound, Old Field and <i>chēna</i> as one set	no connection between rights pertaining to land tenure
rules for co-operation among shareholders	<i>bethma</i>	
labour arrangement	land cultivated by owner, tenant (<i>ande</i>), no coolie labourer	land cultivated by owner, tenant (<i>ande</i>), and coolie labourer
inheritance pattern	bilateral patrimony evenly distributed among all descendants	bilateral but with contrast between the wealthy (patrilineal tendency) and the poor (bilateral)
residence after marriage	<i>diga</i> (70%) > <i>binna</i>	<i>diga</i> > <i>binna</i>
kin group	compound group and <i>pavula</i>	<i>pavula</i>
<i>gedara</i>	compound group based on co-residence in a compound	
<i>pavula</i>	a faction in terms of compound alliance	a faction or status group in terms of economic differentiation
general impression	fits well to the traditional model	does not fit well to the traditional model

V Conclusion

In spite of the evidence showing that the traditional system once prevailed in the two Sinhalese villages in addition to the fact that the similar, overall cognitive plans (*i.e.*, the traditional ideology of kinship, caste and land tenure) condition and influence, to a large extent, the thoughts of contemporary inhabitants, productive conditions, the different degree of maintenance of the traditional elements pertaining to land tenure, and the process of kin group formation, *etc.*, clearly

indicate table differences between the two villages.

These differences as mentioned earlier, stem partly from different inheritance tendencies which in turn influence group formation, and partly from different effects of major factors of social change in the society.

1) Pul Eliya

Judging from the layout of paddy fields, evenly distributed land holdings, existence of *bethma*, kin grouping based on co-residence in the ancestral land and the traditional ideology survived in the land holding patterns in *sinakkara* or *baḍu iḍam*, etc., Pul Eliya is still a typical 'traditional' tank village of 'backward' northern plains. The following factors point to its fit to the traditional model.

- (1) unreliable supply of water and cumbersome traditional obligations for repair of the tank and the cooperation between shareholders

Few outsiders are attracted to buying land of low productivity with troubles, thus alienation of land to outsiders is not in progress.

- (2) non-implementation of government policies

In Pul Eliya, tax collection imposed by the Grain Tax was not so severe and Land Ordinances have little influences on the village structure. For example, although the new types of land tenure *baḍu iḍam* and *sinakkara* have been introduced, the land-holding and inheritance patterns conform to the traditional ideology.

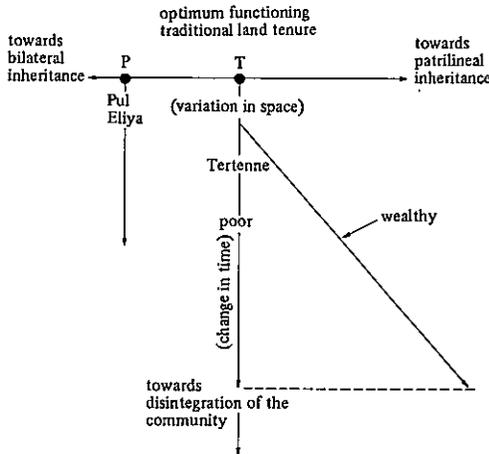
2) Tertenne

Judging from the layout of paddy, Tertenne appears to have once been under the influence of the traditional land tenure system. But the effect of the Grain Tax was so acute, it produced drastic changes in the village structure, and even before the enactment of Land Ordinance, the system had been doomed.

Large proportions of the village lands were put to public sale and alienated to outsiders or influential men within or nearby the village not because of economic reasons but for the prestige and authority

inherent in ancestral land. Kin group based on locality and descent, *gedara*, gradually disappeared in this process and in its stead, was replaced by *pavula* as a kinship-based faction group which consisted of those having equal socio-economic statuses. The wealthy formed a *pavula* of their own centered around the influential while the others left behind gather to constitute their own *pavula* of the poor. The former tries to consolidate the wealth and power within a clearly defined group and, for that purpose, consolidate their property within patrilineal kinsmen by means of *diga* marriage and marriage alliances repeated within the group. The poor who cannot afford dowry maintain the practice of bilateral inheritance.

The following diagram summarizes the relationship between changes in space and time. The position and the directional process of each village are illustrated arrows.



P arrow points direction (towards disintegration of the community) of Pul Eliya, always with bilateral inheritance tendency.

T is divided into the two arrows (poor and wealthy) which lead different paths towards present in accordance with different inheritance tendencies.

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- (15) Yalman, N. (1969), *op. cit.*, p. 625.
- (16) Tambiah, S. J., *op. cit.*, p. 135.
- (17) Yalman, N. (1969), *op. cit.*, p. 618.
- (18) *Ibid.*, p. 619.
- (19) *Ibid.*, p. 617.
- (20) Tambiah, S. J., *op. cit.*, p. 168.
- (21) Leach, E. R. (1961), *op. cit.*, p. 9.
- (22) *Ibid.*, p. 306.
- (23) Obeyesekere, G., *op. cit.*
- (24) Ex. Knox, R., *op. cit.*, p. 168.

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- (28) Sawers, S., *op. cit.*, p. 4.
- (29) Obeyesekere, G., *op., cit.*, p. 39.
- (30) Hayley, F. A., *op. cit.*, pp. 330-1.
- (31) Sawers, S., *op. cit.*, p. 5.
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スリランカの土地所有制度

——親族構造との関連において——

〈要 約〉

谷 口 佳 子

セイロン島全人口一千万人の約七割を占めるシンハリ人は、西南沿岸部に住む低地シンハリ人と中央および北部高地に住む高地シンハリ人又はキャンディシンハリ人とに分れ、両者はきわだった文化的差異を示す。これは主として両者の歴史的差異に由来するもので、前者は早くから西洋文明の影響下にあったのに対し、後者はセイロン島に英国植民統治が開始される1815年迄、セイロン土着のキャンディ封建王朝の支配下にあった。従って、後者キャンディシンハリ人の社会には今なお伝統的社会制度（職田制と呼ばれる制度）の残存が色濃くみられ、それ故、人類学者の社会調査の対象となる事が多かった。なかでも、伝統的土地所有制度を構成する諸規範の持つ規制力、および他制度（特にカスト制や親族構造）との複雑な絡み合いのあり方等には、我々の目をみはらせるものがある。

そこでこの論文では、キャンディ高地社会の人々の行動を決定する最も重要な要因として土地所有制度の持つ意義を強調し、特に、観念・思考のレベルで意識化された社会規範、即ち、理想型としての土地所有制度が、現代の人々の実際の行動をどの程度までどの様な方法で規制しているかに注目しつつ、1950年代の現実の村落の社会構造の比較の下に、職田制と呼ばれる特異な制度を全体的に把握しようと試みた。その結果、

上記キャンディ高地地帯二村落の社会構造の差異は、下記の二点の差異に由来するとの結論を得た。その二点とは、

- (1) 伝統的土地所有制度に内在する相対立する相続原理に関する異った選択の仕方
- (2) 伝統的土地所有制度の崩壊過程における段階的差異，である。

なおこの論文の構成は下記のとおりである。

- I 序—人類学者によるキャンディ村落構造研究の回顧
- II 土地所有制度の理想型
- III 土地所有制の変化要因と変化過程
- IV キャンディ高地二村落の社会構造の比較
- V 結論