



## BATAK SOCIAL AND POLITICAL ORGANIZATION

### Part II.

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#### SOCIAL STRATA

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#### SOCIAL STRATA

The genealogical groups formed by vertical splitting of the whole Batak society mentioned in the first part were moreover divided by horizontal splitting into several social strata or ranks. The social strata had different standing in public life, in economics and in the administration of public affairs. They had a different juridical position and the higher ranks were distinguished by different tokens. To belong to a certain strata was hereditary.

In the Batak society there were people in relation to the state (i.e. administrative and political unit) 1. regarded as persons, 2. regarded as chattels. Chiefs, members of hereditary aristocracy and commoners belonged to the first group; women, slaves and conditional slaves (i.e. debtors working for their creditor until the debt was paid) to the second group (Willer p. 149). According to this statement there were two main groups:



1. personally free
2. personally not free.

#### 1. Personally free

Free persons formed the greatest part of the Batak people. They had full rights in all spheres of life. Even in this group, however, its different ranks were not equal to each other; in a rough classification we can distinguish the following strata:

- a) Chiefs: founders of villages or of higher units and their direct patrilineal descendants — the actual holders of the office. The name for chief's office varied in different regions or administrative and political units. The chief exerted full authority, managed the common goods, was the highest judge and represented his group to other groups.
- b) Namora: members of the chief's family, his nearest relatives. Each of them was potential heir to the office. For this stratum we use the term "princely" or "hereditary" aristocracy. Actual chiefs and all their nearest relatives fall under this group.
- c) Anggi ni radja, kahanggi ni radja (anggi — the youngest brother, kahanggi — from anggi and kaha — the eldest brother). This term applied to members of a chief's extended family, his brother's sons and their children. A member of anggi ni radja might succeed to chief's office only when all namora were extinct. For this stratum we use the term "lower" hereditary aristocracy.
- d) Halak mata, halak nadjadji, halak na bahat, ripe (according to different dialects) — commoners, personally free inhabitants of a village. Having a common ancestor and belonging to the same social group they were of course bound by kinship ties to the hereditary aristocracy, nevertheless their relationship was weakened by gradual genealogical degradation to such an extent that it ceased to have any practical meaning. The common ancestor, founder of a village or a higher unit, entered in the office of the first chief and was usually succeeded by his eldest son. The younger sons belonged to the namora; but their sons, not having any direct chance of inheriting the title, fell to the anggi ni radja stratum. This gradual degradation was continual and ended only by the shifting of the collateral lines to the commoners stratum.



A commoner could never succeed to the chief's office. Naturally enough, commoners formed the larger part of the Batak people.

## 2. Personally not free

- a) Hatoban — slaves. Slaves were the not-free stratum of people, regarded as property or chattels. Only the members of the hereditary aristocracy might own slaves; they were used chiefly in the household, the higher hereditary aristocracy might employ slaves in agriculture. A person could become a slave when captured in war, when he was not able to pay his debts, as a punishment, or be born a slave. Any slave could redeem his freedom with the consent of his master.
- b) persing-iran, pangkungdangie etc. — conditional slaves. In this stratum we include groups which are distinguished further by some other authors (Willer p. 151). They differed chiefly in that conditional slaves were temporary property of their creditor by way of a security, and pangkungdangie were slaves who had been given a limited freedom in order that they could earn their ransom. Both types were in fact free, usually did not live in the house of their master and their slavery was only temporary.
- c) Ompong dalam, orang rajat etc. — the stratum of freed slaves was formed by slaves already freed who had almost all the rights of a commoner. Ompong dalam took part for his past master in public works; he could even be sometimes sold anew as a slave, but only in the case of his master involving himself in debts in connection with his office and not having any other possibility of getting rid of them.

(For the dividing of the Batak society into the social strata see: Neumann 1887, p. 9—11; Soangkupon p. 80—3; 89—91; Willer p. 149—153; Ypes II, 358, 458—460; Hart p. 188.)

The number of people belonging to the different strata varied greatly in different regions. Willer (p. 151, note 1.) gives following data for Kota Siantar:

|  |              |
|--|--------------|
| Hereditary aristocracy (without further specification) | 30 families  |
| Commoners . . . . .                                    | 250 families |
| Ompong dalam . . . . .                                 | 90 families  |
| Pangkungdangie . . . . .                               | 30 families  |



As can be seen, the number of different strata obtaining in Batak society was relatively high. For the estimation of the degree of stratification, i.e. the different standing of strata, it is necessary to ascertain the rights and duties of each stratum — especially those of higher hereditary aristocracy — in the fields of economy, administrative and political organization.

We presume that the differentiation of hereditary aristocracy in two strata — the higher and the lower — proves in itself the much advanced degree of social stratification. It was practically impossible to distinguish the lower hereditary aristocracy in their everyday-life from commoners. The aristocrats could keep slaves, but their position in land-laws etc. was the same as that of commoners. Yet this stratum preserved its genealogical tradition and maintained its status. The stratum of lower hereditary aristocracy in fact formed certain intermediate stratum which by the mere fact of its existence accentuated and deepened the difference between higher (princely) aristocracy and commoners.

#### **The rise of hereditary aristocracy, inheritance of and eligibility into office**

The degree of social stratification among the Bataks being so advanced it is today practically impossible to ascertain the beginnings of its evolution. Genealogical myths mostly preserved by oral tradition connected the origin of the people of a certain area, founding of a village or a higher unit with a certain ancestor (in the oldest period mythic or semimythic beings appear). From this ancestor the direct genealogical line of successive chiefs goes down to the actual holder of the office. Collateral lines would branch forth from time to time: the younger son of a chief who could not succeed to the office in his native village would leave it with his followers and found a new village; thereby he became its first chief and at the same time commenced a new genealogical line of chiefs. With regard to the fact that during the last two millenia Bataks largely extended their original territory, this factor of village-founding and rising of direct descendants of the founder to the stratum of higher hereditary aristocracy was of considerable importance, especially as to the forming and continuation of this stratum.

Summarily: the rise to the office of a chief was possible either



by succeeding to it or by raising oneself to this rank by founding a new village (in the latter case it was necessary, however, to belong to the hereditary aristocracy).

One of the most important questions is the right of succession to the office. On the one hand we have the statement that the office was always inherited (Adatrechtbundels XXVII, p. 116; Ypes II, p. 358; Boer p. 356—7; Henny p. 46; Soangkupon 88; Willer p. 164—5; Neumann 1887, p. 19); on the other hand Keuning (p. 505) states the opposite, i.e. the Bataks recognized the bravest, the wealthiest or the most successful man among them as their chief. He deduced therefore that no permanent stratum of hereditary aristocracy among the Bataks existed. These two contradictory statements can be easily explained: a chief and his nearest relatives (i.e. sons and brothers) actually formed permanent and coherent stratum of higher (princely) aristocracy. Generally it was supposed that the chief's eldest son succeeded to the office; if he however for any reason (mostly physical or psychical unfitness) was unable to succeed, or the chief died without an heir, the inhabitants of the village elected a new chief. Only the members of the higher hereditary aristocracy are eligible. The inhabitants could elect either one of the younger sons or brothers of the deceased. If one of the brothers became successor a breaking of the direct genealogical line automatically followed: from this time chief's office was directly inherited in the line of this brother.

Only when all members of the higher hereditary aristocracy had died a member of the lower hereditary aristocracy could succeed to the office; most often it was brother's son. It can be said that succeeding to the offices or dignities depended on the same rules as inheritance of goods and it was exactly stipulated by customary law (see Vergouwen p. 349 sq.; Adatrechtbundels XXVII p. 116; Willer p. 164—5).

#### **Personal qualities of chiefs, attributes of their rank**

“Only a son of parents who belonged to the higher hereditary aristocracy and were married according to the rules of customary law might hold the chief's office” (Soangkupon p. 88). This rule probably refers only to succession to the office and not to the forming of a new chief's line by founding a new village.



As to personal qualities of the chief: he was expected to be brave, wealthy, succesful, eloquent, and above all hospitable (Keuning p. 505; Soangkupon p. 75—7; Ypes II, p. 358). Hospitality had a very important place in the desired qualities. All inhabitants took part in erecting the chief's house which served at the same time also as an abode for visitors. The chief was obliged to upkeep all visitors — this duty was one of the components of a reciprocal process of the raising of the chief's claims for gifts and taxes from the inhabitants. On the other hand the chief might bring the visitor to the house of any inhabitant and there he stayed for two days at the cost of the host (Ypes I, p. 105).

We can rephrase it: in peace-time the village was obliged to give to the guests food and lodging; the chief who represented the village as a whole was also an institutionalized host. The costs for the accomodation of guests were covered partly by gifts and taxes of the inhabitants, partly by the produce of the fields owned by the chief on the strength of his office. Naturally his expenses were only temporary, but his profits — especially the produce of the soil — were permanent. This discrepancy was among the more decisive factors of the gradual deepening of the wealth-differentiation between the hereditary aristocracy and the commoners.

It was practically impossible to distinguish the members of the lower hereditary aristocracy from the commoners in everyday-life. Even the differencies between the higher hereditary aristocracy and the commoners were not very pronounced. In some regions the right to wear a yellow headcloth or slendang was a privilege of members of the higher hereditary aristocracy (Neumann 1887, 11). If a commoner or a member of the lower aristocracy was seen wearing such clothing he could be punished in accordance with customary law. During the festivities a member of the higher aristocracy used to wear very costly official clothes and two knives (Neumann 1887, 12).

Some differencies could be observed even in the houses. The chief's house had to be bigger, as to accomodate guests and could be decorated (e.g. among the Dairibataks the roof of the chief's house was decorated by a carved miniature of a house or by an animal's skull with horns); the corner-pillars of a chief's house were longer than those of a commoner's house (Ypes I. 104—5; Adatrechtbundels XXXV, 87). If it was a chief of a higher unit



or whole region, his house might be decorated outside by carvings (Neumann 1887, 11).

All members of the higher hereditary aristocracy could further expect ceremonious and respectful behavior from the commoners. It would have been insulting from a commoner to behave towards them without due respect, not to obey their orders etc. (see e.g. Soangkupon 94; Willer 168).

From the references cited it can be seen that the kinship ties were still very important in the Batak society. The differences between the free people were not very great, the chief was not only an official dignitary but at the same time also head of a kin group. This ambivalence of his position was especially significant for the institution of the homage-gifts of the commoners and for the maintaining of his authority (see later). Theoretically speaking the chief was only an executor of the collective authority of his genealogical group. Besides some slight exceptions (see later, Ulubalang) he had no formal possibility of forcing his will — it was stressed only by the weight of his position as a chief and at the same time as a head of the oldest direct genealogical line of the inhabitants.

#### **The status differences between hereditary aristocracy and commoners**

Even if in everyday-life both strata were practically equal, this equality disappeared entirely or almost entirely when we are comparing their standing in the question of law. To the members of the hereditary aristocracy many privileges were granted which are denied to the commoner. One of the most important privileges was the right to own slaves, granted to both strata of the aristocracy (Neumann 1887, 12; Willer 187, Neumann, Schets, 478). The commoners could under no circumstances own slaves; when for instance somebody was punished for debt by a commoner, he had to be bought as a slave by some member of the hereditary aristocracy (Willer 187). Such cases were naturally rare as practically only the chief had financial reserves great enough to be able to lend to the people.

The right to own slaves had far reaching economic consequences for the hereditary aristocracy. It enabled the occupation and cultivation of a greater acreage of fields than would be pos-



sible by the members of one family only. Further the slaves were obliged, even the freed ones, to substitute for their past masters in public works (Willer 151) and sometimes even in war (Soangkupon 94).

Further differences in the standing of hereditary aristocracy and commoners could be seen in the punishments for breaking the customary law. Insulting a person or damaging his property was punished according to the rank of the damaged party; the higher the rank, the more severely was the culprit punished (Neumann 1887, 12). E.g. opposing the chief or his murder always meant capital punishment without the possibility of paying ransom instead (Neumann, Adat, 293—6), but for the murder of a commoner the death penalty was usually compensated by paying a ransom (*ibid.*). Raping of a chief's wife was punished by death without ransom, raping of the wife of a member of the lower hereditary aristocracy or a commoner by a penalty gradually diminishing according to rank (Neumann, Adat 300—1). It is possible that besides the rank in the case of the rape of a chief's wife the conception of keeping the noble descent-line of the successors to the office came into consideration.

On the other hand, a member of the hereditary aristocracy was more severely punished for breaking the customary law than a commoner (Soangkupon 86; Neumann, Adat 294—6). From this rule it is quite simple to deduce the conception in which it originated. Firstly — all members of the hereditary aristocracy and especially the chiefs were experts of the customary law, that means they could not break it out of ignorance, secondly — and what is more important, by the breaking of adat (customary law) a member of the aristocracy opposes the legal structure which institutionalizes the privileged standing of this strata; it is consequently in the interest of all members of these strata to punish such a member more heavily than a ordinary commoner.

It was forbidden to attack a chief in battle if he wore his badge of office or was otherwise recognised. When attacking a village it was forbidden to shoot at the chief's house (Adatrechtbundels XXXV, 100). When the war was over the leader of the defeated village or higher unit paid the ransom for each killed of the victorious party; even the ransom was different according to the rank of the dead (Adatrechtbundels XXXV, 146).



It would seem that the privileges of hereditary aristocracy were limited to a relatively narrow field; likewise it is true in civil lawsuits (questions of property, inheritance etc.) where the members of the aristocracy and commoners figure only as members of a certain group, all free strata are equal. On the other hand, the simple fact that in several cases the rank differences are granted directly by the rules of adat is in itself proof of a considerable corruption of the egalitarian conception of the equal standing of all members in the societies based on kinship ties. In a society based on kinship ties only a membership in a certain social group meant automatically also the claim to all rights and duties of this group. Here we have already the two different levels of the claims: first, still common for all free members, and second, granting certain privileges to the people who are not only members of a group but also members of the oldest and most direct genealogical lines.

The privileged position of the hereditary aristocracy is limited to a given social group however, i.e. it is based above all on genealogical claims. A member of the hereditary aristocracy choosing to live on the territory of another group would be granted only the normal rights of a free stranger; on leaving his group all his privileges also disappear. The only exception concerns the position of actual chiefs. Even should they lose their territory (village or higher unit) by war, disease etc., they maintain their privileged standing (Neumann 1887, 11, note 2.).

### **Slaves and their standing**

As compared with the relatively constant strata of free inhabitants the stratum of slaves could quickly change its size. This means that the number of slaves could increase by the enslaving of free people or decrease by the buying off of the slaves. As stated above, the slaves are looked upon as chattels, property. Slavery could be the consequence of:

(Neumann IV, 27—30)

1. birth — the children of slaves parents remain slaves. Unlike the partilineal descendance of the free inhabitants in the slaves stratum the descendance was matrilineal — child of a free man and a slave woman remains slave.
2. pawning — one who gives himself as a pledge for debt and



is not able to pay the debt, becomes a slave. More often a man pawns his wife or child.

3. Indebtedness — is a debt not paid in the time agreed upon the debtor can either give himself as a pledge or — if the debt is too great or the delay in paying too long — he can be according to the decision of the chief-sold as a slave.
4. Punishment — who is fined by the chief for breaking of the customary law and can not pay the fine, is sold as a slave. Enslaving could sometimes substitute even the death penalty in grave crimes such as murder, incest etc.
5. Captivity — in older times captives were returned after the war of in case of a blood-feud eaten up. Only from the 19th century on (after the padri wars) Bataks began to sell the war captives as slaves.
6. Kidnapping — in some regions the chiefs organized sudden attacks, especially on travellers — and the kidnapped persons were sold as slaves.

(Ypes II, 497) — besides birth —

1. debts inherited from father
2. one's own debts
3. gambling-debts
4. punishment
5. war-captivity.

(Willer 187—8)

1. war-captivity — all not exchanged or bought off captives are enslaved
2. debt — when the debtor did not pay in time he lost the possibility of paying and was enslaved
3. punishment — slavery is either direct punishment or the consequence of not-paying a fine
4. Kidnapping
5. birth — the child of a slave woman remains a slave; if his father was a free man he could buy off his child.

Differences shown in these three tables can be mostly explained on the ground that Neumann speaks about the Pane and Bila-river basins south-east of Lake Toba, Willer about the Mandailing-region south of Lake Toba and Ypes about Dairi-Bataks west of Lake Toba. The conforming points are slavery by birth [not stated but taken for granted by Ypes], slavery for debts, sla-



very as a punishment for crime, and slavery as a consequence of the war-captivity.

It is impossible today to ascertain the historical beginnings of this institution among the Bataks; in economics slave-work definitely had no decisive place. Even if the standing of the slaves was very exactly and strictly stated in the customary law, their everyday-life was really not very different from the life of the free inhabitants. The greatest difference was their duty about obeying the orders of their masters (see Neumann 1887, p. 11). Even the rights of masters were restricted by the articles of the customary law. A master could for instance punish a slave by beating, but only so as not to hurt him; the graver crimes of even slaves have had to be judged and punished by chiefs (*ibid.*; Willer p. 189). The master must give the slave food and clothing (or to leave him some free time so that he could provide food and clothing for himself) (Neumann 1887, p. 32; Willer p. 189); the master was also responsible for the debts of his slave or for the fines and punishments passed on to his slave by the chief (Neumann 1887, 31).

Slaves worked mostly in the household, preparing food, chopping wood, bringing water, taking care of children etc (Ypes II, p. 498; Neumann 1887, p. 32). They were called *hatoban mangoloi* (Neumann 1887, p. 32). So-called *hatoban marsora* — slaves working in the fields — had somewhat better conditions; they usually lived in shelters on the field, worked on the fields of their masters and were relatively free. They had to take care of themselves, often they had time enough for cultivating their own field or garden (Neumann 1887, p. 32).

All or most of the slaves worked on the fields during the busiest agricultural seasons (Ypes II, p. 498); on the other hand during some festivities even the *hatoban marsora* were called to work in the household (Neumann 1887, p. 33).

Besides *hatoban* — i.e. slaves — we can include some other groups in the slave-stratum, summarily called half-slaves: *panhundangi* (*pangkungdangie*), *hampung dalam* (*ompong dalam*) and *parsingiran*.

*Panhundangi*: former slave given partial freedom by his master.

He lives in his own house, cultivates for himself the field lent to him by his master and can save the sum for paying his



“ransom”. He is obliged only to pay homage to his master and to give him a certain quantity of rice (Willer p. 152; Neumann 1887, p. 34).

Hampung dalam: conditionally freed slaves — mostly after long-time service. Hampung dalam has practically almost all of the rights of free inhabitants, only he is not allowed to leave the territory of his past master. Hampung dalam substitute for their master in public works, sometimes even in war. They have their representative in the village-council and the differences between them and the commoners gradually disappear. The greatest difference which remains is that the chief has the right to sell his hampung dalam for paying debts which he cannot pay in any other way. (Neumann 1887, p. 34; Willer p. 152.)

Parsing-iran: debtors who work out their debts with the creditor. When the price of their work equals their debt they return to the stratum of free commoners. (Willer p. 152; Vergouwen p. 420; — here called parutang ginomgom.)

As can be seen, the bettering of the slave's standing could come either by the decision of his master or from his own efforts by saving the necessary sum for “ransom” (which could be paid also by his relatives). The master is obliged to receive the ransom; should he not do so the ransom is received by his chief who then declares the freedom of the slave (Neumann 1887, p. 39; Ypes II, p. 498. The freed slave had approximately the same standing as hampung dalam: he was personally free, had his own property, but could not leave the village (with the exception of war-captives who could return to their own village); the difference was that they could not be sold anew as slaves. (Neumann 1887, p. 41; Willer p. 191 — here called halak nadjadji.)

Summarily: the right to own the slaves granted to the chiefs and members of the hereditary aristocracy gives them the possibility of increasing their wealth and cultivating larger fields. The presence of half-slaves and freed slaves means that in every village there is a group of people personally dependent on the chief or some member of the hereditary aristocracy, using parts of his fields and giving him part of the harvest, but also substituting him in public and military duties. It is possible to include in this group even the strangers who can live in the village only with



the consent of the chief who also lends them the fields. In this way there slowly comes into existence the stratum of direct subjects of the chief as different from the stratum of normal free commoners.

#### THE STANDING OF SOCIAL GROUPS AND SOCIAL STRATA IN ADMINISTRATIVE AND POLITICAL ORGANIZATION

The administrative and political organization is based on genealogical groups. It is probable that formerly even the highest genealogical groups — margas — were living together in a coherent territory and each inhabitant of this territory was consequently a member of the marga (besides affinal relatives living on the territory). The beginning of the separation of small groups and the foundation of new villages practically meant also partial disturbing of the marga-organization ties. Nevertheless even the character of these small groups was the same — they formed genealogical groups. The somewhat more complicated pattern of population began to emerge when the Bataks extended to the uninhabited areas. Populating proceeded in genealogical groups too, but not according to margas. The small groups of different margas occupied neighbouring territories — a fact which consequently led to the forming of a very broken pattern of population. Even so we can see that the smaller groups — the hordja, saompu and sasuhu — usually live in a coherent territory and form independent administrative and political units.

In the newly populated territories even the territorial factor often became significant, the factor of living together, not only the genealogical one. This change is proved even by the fact that in Batak customary law there are fixed rules for strangers living on the territory of a genealogical group. The juridical standing of a stranger, it is true, was not entirely equal to that of a member of the genealogical group, but belonging to this group was no more a necessary condition for living on its territory. A stranger living in a village for a certain time was considered as an inhabitant (Neumann IV, p. 13; Willer p. 154; Ypes I, passim — the rules for cultivation of the fields by strangers).

The forming of the administrative and political units is partly conserved in the genealogical legends (in connection with the territorial expanding of genealogical groups), partly in oral his-



torical tradition. These are collected in detail by Vergouwen, Ypes (I and II) and Neumann (1887 and Schets), therefore it would be of no value to repeat them. Here we shall confine ourselves only to the defining of the basic types of administrative and political units, their organization and ways of ruling public affairs.

### **I. Village — lineage**

(kuta, huta, kotta)

The basic type of administrative and political unit is a village. From the genealogical view it is formed by lineage — sasuhu (in its more extended form — saompu). Sasuhu and saompu are exogamous patrilocal groups — the women live after the marriage in the villages of their husbands, on the other hand the women from other villages come to live here as wives of male members. As we can see, in the village are thus mixed the ties of kinship and affinity.

Loeb (p. 19) considers the village to be the most important administrative and political unit of the Bataks. All the everyday-life affairs, all the quarrels and disputes of the inhabitants are decided internally. Be it land-disputes, breaking of the customary law, marriage and birth festivities, the dividing up of public works or any other affair, it is decided on the grounds of juridical and social competence of the village.

Theoretically speaking, the village is administered by an assembly of adult free male inhabitants (slaves and half-slaves not being generally represented) who have equal rights (Neumann IV, p. 6). A chief (or chiefs) having in theory executive power only is the executor of the assembly's decisions (ibid). In reality runs the organization of ruling the village affairs quite differently. For deciding quarrels and small affairs there is a special village council where all strata are represented only by one representative. The most important person remains the chief-founder of the village or his direct descendant. Some of the smaller affairs he can even decide himself, independently, or, at the most, after consulting the other dignitaries of the council. More important affairs are decided by a council led by him and formed by a body of dignitaries (see later). Every grown-up free man has the right to take part in this council, but the things to be decided are brought up by the chief and the final decision is also given by



him (se Soangkupon, p. 80—1; Keuning 498—500; Neumann 1887, p. 17—20; Ypes I, pp. 99—100, 144—5, 311, 394; Vergouwen p. 130—141; Adatrechtbundels XX, p. 39 etc.). As can be seen, the participating of commoners in administration of the village was on the whole very limited. The chief was in almost all regions the only judge (Adatrechtbundels XXVII, p. 86—7; Neumann, Labuan Batu p. 475—477). In some districts there were court assemblies already on the village-level, so-called rapat, consisting usually of all dignitaries of village (e.g. in Angola and Sapirook, cf. Adatrechtbundels XXVII, p. 65—81).

#### T o b a - B a t a k s :

It is quite probable that the part of a peoples' assembly in the administration of a village was indirectly connected with the number and differentiation of the village dignitaries. We can see that where the supposedly most backward conditions prevailed — in the central regions, the oldest territory of Bataks — the scale of dignitaries was relatively small. At the head of a village was so-called radja huta (huta — village. Keuning p. 498—9) or siboan (sihatohon) bunti (Ypes I, p. 443—7; Vergouwen p. 134). The second important dignitary was the radja ni boru — representative of the affinal relatives and strangers living in the village (Ypes I, p. 443—7). Certain importance is ascribed to the persinabul (Ypes I, p. 394) or paduana (Ypes I, p. 311) — representing the descendants of the people who took part in the founding of the village with the first chief. In this sense persinabul could be considered too as the representative of the lower hereditary aristocracy and the commoners (cf. Soangkupon p. 80—1).

#### D a i r i - B a t a k s :

The situation is basically the same among the Dairi-Bataks and in Barus. The chief here was called pertaki or perisangisang. The second important dignitary was anak boru or perbeteken (called also namora) and the third in order of importance was anggi ni pertaki, representative of the commoners. The office of anggi ni pertaki could be divided between two persons, in which case they were called persinabul or perekorekor and pertulan tengah. According to Ypes they represented the marga-branches "in descending order after their arrival", i.e. in the order of their distance from the genealogical line of the chief; that was naturally



also the decisive factor for belonging to the stratum of hereditary aristocracy or commoners. In that sense we can speak about them as representing these two strata (cf. Ypes I, 90—100, 144—5).

#### K a r o - B a t a k s :

The Karo-Batak village was usually divided into quarters or wards, called kesain, which had an independent government formed by the chief — pengulu kesain, his anak boru (representative of affinal relatives) and sanina (probably representative of commoners). The dignitaries of kesains together formed the village government led by the most important pengulu-kesain (Adatrechtbundels XX, p. 44; XXXV, p. 216).

#### T i m o r - B a t a k s :

In Simelungun, northwest of Lake Toba, the proces of disintegration of a kinship-based society went probably the farthest. The higher hereditary aristocracy, from the chiefs of the villages to the radjas of urung (highest political unit), were interrelated and separated from the commoners-stratum. Detailed information concerning the village administration are unfortunately not available; it seems however that the village chief — the karadjaan — was practically the one and only important dignitary governing the village quite independently (i.e. quite independently on other village dignitaries, not on the chief of the higher unit. Kroesen, Reis, p. 279 sq.).

#### A n g o l a — a n d M a n d a i l i n g - B a t a k s :

The most complicated seems to be the village administration in the region of the rivers Pane and Bila and farther on in Mandailing — south and southwest of Lake Toba. The beginning of Batak migration to this area does not date very far back — to the first centuries of the 2nd. millenium A. D. Even in those times the new immigrants practically lost contact with the people in the old territory; consequently there originated some specific forms, even if the basic similarity was conserved.

The highest dignitary remained the chief of a village, called radja huta or pamusuk. He was helped by the bajobajo, representative of affinal relatives (he must be related through affinity directly with the chief). The third dignitary in Mandailing (not known in the Pane and Bila area) was paduana, usually a younger brother of the chief or son of a chief's brother. In a large village



divided into several quarters or wards, called ripé, even the chiefs of these ripé formed part of the village government; they were called siobar (induk) ripé. Natora anggi ni radja was the representative of the hereditary aristocracy, suhusuhu represented the commoners. A very important member was induk bodil or ulubalang (bodil — gun), in war-time a leader of the war party, he represented in peace-time the executive power of administration. To the council of the village even the representatives of freed and conditional slaves could be invited.

In this territory we can actually see a representative council (or government) of a village formed by representatives of all social strata. The institution of ulubalang who "lends the strong arm to the administration" (Willer, p. 155) is known even in other Batak territories; his function is limited however to war-time only when he is a sort of mercenary (leader, "voorvechter"), or as a chief's deputy the leader of a war-party (Soangkupon, p. 94). His action is directed against the strangers outside his own (or paying) group. Here in Mandailing he apparently represented the chief's power even in his own group; that means that the chief could impose his will even by force if necessary.

## II. Group of villages — lineage

(the group of villages has no term as a territorial unit. As a social group it is called saompu).

SAOMPU: A genealogical group of a higher order than sa-suhu; usually groups together people whose common ancestor lived from four to eight generations ago (Vergouwen p. 35—6). That is not precisely stated, in some cases there can be saompu with a common ancestor even twelve generations ago (ibid.). In the territorial sense saompu is formed either by a large village or a group of vilages centered around the oldest, so-called mother-village.

When the inhabitants of a village surpass a certain number and when all lands around the village are already occupied or for different reasons part of the inhabitants could separate themselves under the leadership of the chief's son or his nearest relative and found somewhere in the neighbourhood a small hamlet which is considered as a part of the old village (Vergouwen 147). This act could be repeated several times so that around the vil-



lage there began to exist a circle of the new small villages or hamlets which all together form a group of villages administered centrally, each of the new villages having only the chief directly subordinated to the chief of mother village. When in due time the number of inhabitants of such a new village satisfactorily increased or when the ties with the mother-village gradually weakened and more or less ceased to exist the dependent village can rise to the status of an independent village. After the rising the new village forms proper administration for itself, conforming to the usual pattern (Adatrechtbundels XX, 38; XXXV, 217; Neumann IV, 6; Henny 43—4; Soangkup on 91—2).

The process of separating the part of the inhabitants is later repeated in this new village — former dependency of an old mother-village. This continuance is very important for the forming of higher administrative and political units. The significance of founding of villages by such separating becomes especially prominent with regard to the oral traditions concerning the populating of the whole Batak territory.

For each genealogical group which peopled certain territory there is given in the oral tradition the name of its representative only — the chief who founded the first village in this territory (the whole group is usually named after this chief). By the process of separating, described above, led again by the direct descendants or nearest relatives of this chief the original genealogical group extended its territory without losing its basic unity (cf. Vergouwen 147). In such a way were gradually formed higher administrative and political units bound together by the kinship ties. On the other hand in the same way proceeded also the differentiation of the hereditary aristocracy in this genealogical group. According to the customary law only a member of the higher hereditary aristocracy can found a new village. It meant that the sons and brothers of a chief of an already existing village who could not hope to obtain the office may in this way rise to a chief's dignity and set up a new genealogical line of chiefs. The existence of many rules in the customary law regulating the foundation of new villages shows the significance of this act in social and political life (se Adatrechtbundels XX, 35, 38, 75; Soangkupon 91—2; Keuning 500; Kroesen, Reis 274; Neumann IV, 3—5; Ypes I, passim).



### III. Hordja — clan

(tahi, sapartahian, urung, aur, sembarur)

The term hordja in itself means festivity, feast. Originally it meant a group of people coming together to make an offering to their common ancestor.

Hordja, i.e. marga-branch or submarga living on coherent territory is usually the highest genealogical group which also forms the administrative and political unit (with the exception of some areas where a bus also has this character). Hordja is genealogically a kin group with a common ancestor who lived 8—12 generations ago. The administrative and political nature of a hordja is conditioned by the fact of its forming a haradjaon (radja — chief) i.e. a group with its own government in which all authority is in the hands of either one person, the highest chief, or an assembly of chiefs of smaller component-units. (Cf. Ypes I, 159). The government of a village or village-complex was subordinate to the government of a hordja.

The hordja had different names in different parts of the Batak territory; its basic structure however remained the same. Only the relations of the component-parts of a hordja sometimes varied slightly.

With a common ancestor of a hordja a genealogical and migrational legend is usually connected. This legend on one hand explains the historical origins of hordja, on the other hand helps to institutionalize the authority of the chief as a direct descendant of the first comer to this territory.

#### T o b a - B a t a k s :

Terms used: hordja, haradjaon, sapartahian, bus. Titles for the highest chief: radja partahi, radja djungdjungan, radja pardjolo, ompu (or bona) ni saksi. The bearer of any of these titles was the highest chief of all the hordja, he administered not only the internal but also external affairs and determined the relations to the neighbours.

The unity of the whole hordja was based on the following factors:

a) hordja had its own territory, the integrity of which was defended by all members.

b) Hordja had a common market with given rules; the most



important of these was the rule of market-peace and the rule of uniform weights and measures.

c) The members of a hordja were protected by the authority of all the hordja outside its territory.

d) The highest chief held complete authority in his hand, administered the affairs of all the hordja and was also the highest judge.

e) The hierarchy of the chiefs.

(Hordja among the Toba-Bataks, see: Adatrechtbundels XX, 30—2; Keuning 501; Ypes I, 159—62, 226—232, 293—4, 368—71, 391—2, 427—39, 497—503.)

#### D a i r i - B a t a k s :

Terms used: aur, sembarur. Titles for the highest chief: takalaur, bena ni saksi, perisangisang. Lower dignitaries: perekorekor, or anggi ni saksi, pertulan tengah, beru ni ladang or perbeteken. The first three dignities were in the hands of a ruling marga (i.e. a marga living on this territory) the bearer of the last dignity was a member of a strange marga, (i.e. related through affinity). The administration of an aur corresponded with the administration of a village, only on a higher level. (Hordja among the Dairi-Bataks, see Ypes I, 88—98, 137—42.)

#### K a r o - B a t a k s :

Terms used: urung, perbapaan. Titles for the highest chief: radja (or bapa) urung. He administered the affairs of urung with the help of his anak boru and senina (i.e. the representatives of affinal relatives and the members of his own genealogical group). The subordinate dignitaries were the chiefs of villages and kesains.

(See Adatrechtbundels XXXV, 217.)

#### T i m o r - B a t a k s :

The urung in Simelungun actually developed as a rudimentary type of state. The radjas of urungs are interrelated and are expected to marry exclusively inside their stratum. The following important dignitaries are pertuwanans — the chiefs of villages and village-complexes.

All chiefs form a closely connected stratum. The influence of islam and the neighbouring state of Atjeh made itself felt to



a remarkable degree especially here in Simelungun. According to one of the historical legends, the radjas of Simelungun let themselves (in former times) be confirmed into office by the sultan of Atjeh. It must be said that in some respects, namely in the question of higher administrative and political units and their administration, Simelungun surpasses to a certain extent the structural frame of other Batak territories.

(See Nota 551—4; Kroesen, Reis 279—97.)

#### Angkola and Mandailing-Bataks:

Terms used: tahi, djandji, kuria. Title for the highest chief: radja panusunan. The structure of a tahi is exactly determined. The affairs were directed by the great council of a tahi. The smaller component parts of a tahi had correspondingly gradually descending councils, down to the village-level.

(See Willer 157—8; Neumann 1887, 6—7.)

From the referencies cited above it can be deduced, that the administrative body of a hordja is formed according to the same pattern as the administrative body of a village. The main difference is that the assembly of all people in a village is replaced by the assembly of the representatives of villages or village-complexes on the level of hordja. The hierarchy of chiefs is usually based on the length and purity of their respective genealogical lines. There where all villages of hordja belong to the same marga (which is usual with the exception of Karo-Bataks) the chief's stratum is interrelated. Theoretically speaking, all the members of a hordja are interrelated, nevertheless several chief's genealogical lines separated themselves in the historical development supplying chiefs to all of the already existing villages and village-complexes. The founding of a new village is consequently followed by the founding of a new chief's line the first link of which is a brother or younger son of an actual holder of a chief's office.

Other sons and brothers of a chief (with the exception of the successor) not venturing the founding of a new village remain in the higher hereditary aristocracy stratum in the first generation only, the second generation falling into the lower hereditary aristocracy stratum, as distinguished from the higher. The more distant the descendants are from their aristocratic ancestor, the lower their rank, the process of this gradual genea-



logical degradation ending only with their falling into the stratum of commoners.

Thus it is possible to say that the lower hereditary aristocracy is a transient stratum typical for this degree of evolution of the social structure. This stratum has practically the same position in the administration of public affairs as commoners — i.e. they take part in the government only through their representatives in the council of hordja.

Of the even lower strata only the freed or conditional slaves may sometimes take part in the government, also through their representatives in the chief's council. The strangers, mostly the affinal relatives of inhabitants, are theoretically represented in this council by bajo or anak boru, this dignitary however is in fact but a supporter of the highest chief's authority. It is easily understandable that strangers do not form such coherent groups as different strata of old inhabitants and could belong to the different genealogical groups. Bajobajo who keeps his office on the ground that he is anak boru or hulahula (son-in-law or father-in-law) of the chief, is not necessarily related to all of the members of the stranger's group, so that his representative dignity is sometimes merely of a formal character.

The standing of strangers in a village or higher unit indicates to a certain degree the further progress of the social differentiation. This standing varies greatly in the five territories mentioned above. In the first three, i.e. among the Toba-, Dairi- and Karo-Bataks the strangers have limited rights in land-tenure and participating in public administrative, but their position in everyday-life and in relation to the chief is practically the same as that of the commoners — they are members of the domestic genealogical group. In the last two territories, i.e. in Simelungun, Pane and Bila river-basin and in the Mandailing area, the strangers are already more dependent on the chiefs, are expected to perform different services and their status begin to change slowly into the status of personal subjects. The constantly growing movement of people, i.e. the increasing number of strangers coming to live in the villages, led to a higher percentage of these personal subjects among the villagers. The chiefs themselves supported this process — their authority grew proportionally with the number of their personal subjects.



Every stranger on coming to a village had to apply to the chief for land. The chief's position as the only person legally entitled to give (or lend) the field for use was the main reason of his authority over strangers. If a stranger leaves the village the fields (i.e. the fields lent to him) fell to the chief. Later there appeared the tendency to put the commoners partly on the same level as strangers, especially regarding the question of land-disposal on leaving the village. In some regions even the commoner's field falls in such a case to the chief (Adatrechtsbundels XXXV, 172). The actual purpose of this rule, quite recently embodied in the system of customary law, apparently is to bind even commoners to the village and thereby to its chief. The process of the gradual growing of the personal dependence of commoners to the chief's stratum naturally is very slow and complicated; for the exact analysis detailed reports covering a long period would be needed.

#### **IV. Marga, bius**

The marga is the highest genealogical group among the Bataks. The number of generations dividing the living members from the common ancestor is practically unlimited. The marga was also in the past the common owner of the territory (in some regions where the marga-territory is not yet divided among smaller groups this situation still exists) limited by exact boundaries. This is in fact one of the most important marks of an administrative and political unit; it must be said, however, that marga never appeared as such. We cannot speak about the centralised administration of affairs in marga, about the centralised authority (neither in the hands of one chief nor in the hands of a group of chiefs) — (Loeb 19; Vergouwen 128). Ypes writes that according to tradition "there were in the past three states on the Tjindang-river: one state of marga Angkat, the second of marga Tendang, the third of marga Buluara" (Ypes II, 359); it is correct, but the term state apparently can be applied here only to the common land-ownership.

The position of a bius is somewhat different. This group, originally based only on religion and uniting one great marga or several closely related margas (see Stuchlík 107) began in some regions already to show some of the marks of an administrative



and political unit. Especially among the Toba-Bataks *bius* had its territory with exact boundaries, defended, if necessary even with arms, against the strangers. It had also a common market and centralised power in the hands of one chief or a group of chiefs (e.g. on Samosir, in Lumban Djulu, Simbaton, Tuka Dolok, Tuka Holbung, Muara and on the Toba-plateau — see Ypes I, *passim*). In such case *bius* was composed of different *hordjas* which had a similar structure of organization. It is necessary, however, to stress that *bius* — either as a religious unit only or as an administrative and political one as well — was limited only on Toba- and Dairi-Bataks territory.

Briefly: the highest genealogical groups on the level of *marga* very seldom developed the features of an administrative and political unit; and even in these few cases this character was not the most important component among the functions of a *bius*. The administrative features appears more significantly in smaller groups which are from the point of view of administrative and political organization independent, but from the genealogical point of view are components (or detached parts) of different *margas*.

#### THE STANDING OF SOCIAL GROUPS AND SOCIAL STRATA IN LAND-TENURE

Batak economy is based on agriculture. Consequently one of the decisive factors of forming of the relations between individuals, social groups and social strata are the different forms of land-tenure. In the land-laws, as in all other spheres of Batak legal and social life, there can be distinguished two different strata of ideas: first based on still pure tribal-society (egalitarian) ideology and secondly on the ideology of the society with a marked degree of social stratification.

These two strata are qualitatively different and antagonistic in their tendencies. The fact of their existence shows that the Batak society found itself in a phase of evolution when the new social relations were formed. What is very important is that the new social relations do not appear at once, suddenly, overnight; they developed slowly, in the milieu of ancient society. In fact, they arose beside the old social relations and slowly strengthened, mixing with the old social relations and eventually getting rid of them.



In the Batak society there is, as mentioned above, an antagonism: the social relations based on tribal conception in a society divided into social strata.

This antagonism is not a constant quality — it keeps on changing. The main task of this article is to show the actual forms of this antagonism between the social relations in the most important spheres of social and legal rights — in fact there where the new forms of social relations arose and the old ones were most quickly disposed of. In this chapter there will be described the respective standing of genealogical groups and social strata regarding questions of land-tenure and their relation to the land-tenure before the period of Dutch influence which in many cases artificially disintegrated the existing Batak organization.

### **Different sorts of lands according to the way and degree of their cultivation**

The part concerning land-laws is one of the most elaborate, detailed and fixed in the whole system of Batak customary law-adat. It is based on the division of lands into different categories, according to their use. The names of these categories are sometimes the same, sometimes however they varied greatly according to different dialects.

Generally there are four main categories of lands: waste (not-cultivated) lands, cultivated lands, grazing lands and lands for special use.

#### a) Waste (not-cultivated) lands

This category is called tano tarulang (Toba, Ypes I, 381), tano na halong (Lumban Djulu, Ypes I, 340). It can be divided into two sections: not-cultivable lands and cultivable but not yet cultivated lands (or abandoned for such a long time that they are practically waste).

##### 1. Lands not suitable for cultivation:

— forests and mountains which cannot be cultivated and are suitable only for hunting, and firewood collecting and fruit-picking. They are called rubuton, rubaton, kerangan longo, tombak, tombak na godang (see Hart 189; Willer 162; Ypes I, 81, 496; Neumann IV, 47). Into this section belong also the swamps called tano rawang, paja or ombiek (Neumann IV, 48).



2. Lands not yet cultivated (or abandoned for a long time): — mostly forests, sometimes also grass-lands. They are called tano na halong, tombak (also for not-cultivable lands), tembak, harangan, arangan, tano terulang, tano kosong, tano longang, tano na limuton, taling tua (see Adatrechtbundels XXXV, 54; Willer 163; Ypes I, 81, 135, 153, 292, 340, 381, 419).

Harangan is sometimes used for denoting the already cultivated but for a long time abandoned lands, which are almost or entirely waste (Adatrechtbundels XXXV, 55; Hart 189; Neumann IV, 47).

In Laguboti are not yet cultivated lands called tano radja. This term shows the rising importance of the radja in disposing of waste land, which will be discussed later.

#### b) Cultivated lands

i.e. actually cultivated lands and lands which lie fallow. These grounds usually are grouped around the village and may form a complex. Mostly have not a general name; in the Mandailing areas they are called tana ni uta (Willer 163), in Lumban Djulu and among Toba talun (Ypes I, 340, 381).

##### 1. actually cultivated fields:

— general term auma or ladang (Neumann IV, 47).

*Irrigated rice-fields* — saba (Ypes I, passim), which may further be divided into rice fields irrigated by the rains — saba udan — and rice-fields with artificial irrigation — saba aek (Neumann IV, 47).

*Dry rice-fields* — hauma tur, tahuma, djuma or ladang (Ypes I, passim; Neumann IV, 47). In some regions (Silindung) there is a special sub-category hauma darat, rice-fields founded on grass-land (Ypes I, 419).

*Ubi-fields* — pargadongan. Fields which have been exhausted for rice-cultivating may be used for ubi-cultivating. Called pargadongan, ombak or pergadungen (Ypes I, 81, 135, 381).

*Gardens* — kobun (Ypes I, 381). Coffee plantations — parhopian, benzoe-gardens — parhamindjonan or perkemindjenen (see e.g. Ypes I, 381, 419).

##### 2. Fallow-lying lands:

— these lands are usually divided into groups according to the time they are not cultivated or according to which sort of wild



vegetation is able to grow on them. Mostly without a special term; they are called tano rimba in Laguboti (Ypes I, 292), in Silingung talun (ibid. 419).

*Irrigated rice-fields* — are very seldom left to lie fallow. In that case are known as tane (or saba) na niulang (Ypes I, 419).

*Fields lying fallow for a short time* — abandoned two years previously or less — galunggung or tano dipaombal (Ypes I, 135). Abandoned 2—3 years ago — galunggung alang or idem (ibid. 135, 153)

abandoned 2—6 years ago — rambah hedep (ibid. 153)

abandoned more than 6 years and where young trees are already beginning to grow — rambah belen (ibid. 135)

abandoned 10 years ago — balik batang (ibid. 81)

once cultivated lands with traces of human labour (however little) — gasgas (Neumann IV, 48; Adatrechtbundels XXXV, 55)

abandoned lands without any trace of human labour — galunggung (Ypes I, 496).

The lands which passed without new cultivation the galunggung phase are considered anew as haragan (cf. sub. a.1.). Lands abandoned for some other reason than normal fallow-lying form a special group in this case (e.g. sickness, absence etc.). On Samosir these lands are called tallik (Ypes I, 153).

### 3. Grazing lands:

Either waste land, not yet cultivated, or the fields which lie fallow are generally used as grazing lands without distinction by all inhabitants of a village.

Alangalang: also dadjangan — natural meadows without boundaries on waste or fallow-lying land;

djalangan: large grazing-land near the village with natural boundaries. The cattle feed here without being guarded;

djampalan: small grazing-land with fences, usually between cultivated lands where the cattle must be guarded or attached to a stake.

### 4. Land for special use:

It is not possible to enumerate all the different sorts of land which belongs to this category. Briefly: all land used for building and connected somehow either with administrative and political organization; commerce or religion is included here. The few examples cited below are taken at hazard:



*land on which a huta is built:* called tanah-uta (Hart 189), tano ni huta (Neumann IV, 48), uta (Willer 163), huta or par-hutaan (Ypes I, passim);

*toru ni bulu or linggam ni bulu:* a strip of land, about 8 m wide, around the village-enclosure, used as a road (Ypes I, 346);

*upa parik:* a strip of land about 25 m wide around toru ni bulu, reserved for further enlarging of a village. Until needed is used as gardens (Ypes I, 346);

*onan:* common market-place. Usually located in some village, may be situated even in an uninhabited place (Vergouwen 145—6; Adatrechtbundels XX, 40);

*homban:* a spring, source (Vergouwen 146);

*tano na beguon:* welling-place of spirits (Neumann IV, 48);

*burial-ground:* even when already abandoned (Ypes I, passim) not to be used for any other purpose;

*tano na miles:* place where quarrels were decided, either by dispute or war (Neumann IV, 48);

*tano manggal or t. na sindak:* quarters of the chief during the war (Neumann IV, 48).

As mentioned above there are many other sorts of land for special use. Their detailed description, however, is not relevant to this article.

It is necessary to stress that not all groups of Batak people actually distinguish the land in this manner. The division is based on accessible data from different territories; some of them know only very rough division, in others names of different categories of lands are often mixed or confused. The list given above represents theoretical and complete division, of all possible categories of lands.

#### STANDING OF SOCIAL GROUPS IN LAND-TENURE

The standing of social groups in land-tenure, or better, in the complex of land-laws, is to a great extent connected with their importance as local units. It is generally supposed that members of the highest social group — the marga — formed originally a local unit: village or a group of villages (Loeb 19; Boer 356). With the increasing number of the population small groups of people separated themselves and founded new villages or village-complexes. These units were in fact only marga-compo-



nents but they took over the right of disposition of the lands in their immediate neighbourhood. Some marga-components went even outside the original marga-territory and occupied hitherto waste land — by this act securing for themselves the rights of disposition of this land.

In the following part the actual standing of social groups in land-laws and in the right of disposition of the land will be discussed.

### **Marga —**

Theoretically speaking the marga is the collective owner of all not-cultivated land inside its territory (Boer 355—6; Adatrechtbundels XX, 48. a. o.). Any member of the marga is entitled to cultivate a part of the land. By the fact of being the first to cultivate it he becomes hereditary tenant of this land. A stranger, member of some other marga, is obliged to ask permission to cultivate the land; even when that is granted he has only the right of use terminated by his departure or death (Vergouwen 137; Ypes I, 201; Boer 367). In fact, even this right of use is practically hereditary, but a son of the deceased must formally request permission anew.

The marga-territory was in some regions already divided among the smaller component-parts of the marga, so that the marga ceased to be even the theoretical owner of lands (Ypes I, 382 for Toba-plateau and passim for other regions).

On the same or higher level appears as a collective owner also a *bius* (cf. Stuchlík 107), originally only offering community. The territory of the *bius* is divided among its smaller parts. The rights of the *bius*-members are the same as the rights of the marga-members. The difference lies in the fact that everybody who lives inside its boundaries is considered a *bius*-member (Ypes I, 159—162; 368—9; Vergouwen 86—9; Adatrechtbundels XXVII 214).

### **Hordja —**

Marga or *bius* were usually large groups; their right over the land was of a theoretical nature only. The marga (or *bius*) — territory was therefore divided in almost all Batak-regions among smaller social groups, the *hordjas*. (With the exception of small



margas or independently living parts of the marga.) Where the marga maintained its right the hordja disposed of at least the land which it actually occupied. The hordja (i.e. smaller part of a marga) is the highest genealogical group which really forms a local unit. In this sense (as a local unit) it means a larger group of villages with a unified territory. The hordja is a term used in Toba-Batak territory only; in other territories the same group appears under different names — in Dairi: sapartahian, see Ypes I, 88; in Barus: sembarur, *ibid.* 137; in Mandailing kuria, Willer 158, Neumann IV, 6; in Karo-Batak territory: urung, *Adatrechtbundels* XXXV, 217; etc. The territory of the hordja may have exact boundaries (Keuning 485—6; Ypes 294), but not necessarily. The extent of hordja territory is fixed by tradition and known to everyone. Waste land inside these boundaries is owned collectively by all the hordja which has full rights of disposition (*Vergouwen* 144; *Adatrechtbundels* XXXV, 217; Ypes I, *passim*).

The hordja's right of disposition of land is expressed most clearly in these two cases: the difference between the rights of hordja members and strangers to occupy the land by first cultivation and the difference between the rights of hordja-members and strangers in use of waste land (esp. forests) for hunting, firewood collecting and fruit picking.

Members of the hordja can occupy a new field simply by choosing a piece of waste land (which was not desired for public use), and announcing the fact to the chief and cultivating it. Strangers are obliged to request the chief's permission for cultivating and are expected to pay for it. Even so their right of use is limited to the time they actually live in hordja-territory (Keuning 500). A member of the hordja can hunt and use the right of usufruct on its land freely or after acquainting the chief with his intention. A stranger is likewise obliged to request the chief's permission and must hand over part of his gain (see Ypes I, *passim*).

#### **Saompu, sasuhu —**

the smallest genealogical group (except the family) is lineage — sasuhu or saompu. Saompu is a somewhat larger group than sasuhu, but the exact difference is difficult to state. In the territorial sense sasuhu is usually formed by one village, saompu



by one large village or a village-complex (see Keuning 495; Vergouwen 41).

From the theoretical point of view neither saompu nor sasuhu has the rights over the land; territory of a village is formed by a complex of individually owned or tenanted lands of the inhabitants of a village. Non-cultivated land is the collective property of a higher genealogical group — hordja or marga.

The actual conditions naturally differ from the theory. The chief of a village (saompu or sasuhu) tends to dispose of even non-cultivated land in the neighbourhood of his village. Strangers usually are given permission for cultivating not by the hordja- or marga-chief, but by the chief of the village (Vergouwen 132; Keuning 498; Adatrechtbundels XX, 38—9; 47—9; 50—1; Boer 366—7). A village had not its own territory, but in this way was gradually forming it.

As we can see, the right of disposition of the land, originally reserved only for the highest genealogical group — the marga, passed even in theory over to the smaller groups — the hordjas, and via facti descends on lineages — saompu or sasuhu.

#### STANDING OF SOCIAL STRATA IN LAND-TENURE

It is a matter of dispute if we should speak about the individual property of land or the hereditary right of use only in Batak land-laws. This difference is more of a legal nature and will be discussed later (in connection with different forms and possibilities of disposition of land). In this part, we discuss specifically the rights of individuals to cultivate the land and hold it, the rights of chiefs over the land of their groups and the rights of different social strata in land-laws. It is in this sense only that we use the term property; here it means nothing more than a hereditary land-tenure with more or less limited rights of disposition. The term right of use is used only when speaking about stranger's right or about temporary use with the intention of abandoning the land at a given time. A special case of right of use is connected with the common founding of rice fields where every member of the working group is given a share. In the latter case it is only a member of the marga or hordja who may take part in the collective work and thus obtain an irrigated field.



### **A. Fields of different social strata**

Cultivated land of a village can be either dispersed in the neighbourhood or form associated blocks. Usually the block-like division of fields is preferred which is more easily defended against animals and weeds. Naturally, any man has a theoretical right to found a field wherever he likes.

In the Mandailing area were, according to Willer (163—4) three divided groups of land around a village: *tana ni bogas na godang* — fields of a chief inherited with the office, the produce of which partly covered the expenses of the chief's office; *tana ni namora* — fields of the hereditary aristocracy and of *ompong dalam* — lent to them by members of the hereditary aristocracy; *tana ni suhu* — fields of commoners.

Indications of a similar division can be seen even in the works of other authors (see Neumann IV. 36 — the fields of *hampung dalam* were separated from the fields of commoners, cf. Hart 190), but only in those related to the regions south and east of Lake Toba. In other Batak-territories there seems to be the right of free choice of land in operating for any member of the *marga* or *hordja*, supposing that the chosen land is not occupied.

### **B. Fields of slaves and half-slaves**

On principle, slaves or half-slaves cannot own the land (with the exception of a man enslaved for debt who works until his debt is paid). The master of a slave — a member of the hereditary aristocracy — may give part of his land for use to his slave as a substitute for food. This method is used only for *hatoban masora*-slaves working in the fields (Neumann IV, 33). Outside the proper-slaves stratum this system is more often used, esp. for s.c. half-slaves. *Panhundangi* and *ompong dalam*, i.e. slaves who are set free, are usually given part of their master's land for their own use.

It has already been remarked that in Mandailing area there are *ompong dalam*-fields in the field-blocks of the hereditary aristocracy (Willer 163). *Panhundangi* and *ompong dalam* are obliged to pay for this right of use with a part of the produce, sometimes a very considerable amount (Kroesen-Reis; 275). Members of *panhundangi* and *ompong dalam* stratum, not having any pos-



sibility of owning any land, are entirely dependent on the hereditary aristocracy, especially on the chiefs. Naturally, the chiefs try to acquire as many of these dependent half-slaves as possible, as they represent on one hand labour- and military reserves and on the other hand a source of continual income (in the form of taxes for the right of use).

[For standing of slaves and half-slaves in land-laws see esp. Willer 163—4; Neumann IV, 33; 36; Kroesen-Reis 275; Hart 191.]

### C. Fields of commoners

#### a) Acquisition of land:

All free inhabitants, members of a genealogical group appearing as a collective owner of a given territory, had the right to cultivate a piece of land — either non-cultivated or obviously abandoned — and by this cultivation to appropriate it as hereditary property. Before beginning cultivation they were obliged either to announce their intention to the chief of the group or to request his permission, both being mere formalities as the chief could only refuse the request on grounds of public interest (if the land had already been allocated to some public use etc.), which was very exceptional. (Ypes I, passim; Hart 188; Adatrechtbundels XX, 47; Neumann IV, 283; Kroesen-Reis 273; Ypes II, 621—3).

A member of a land-owning group who thus cultivated some waste land acquired it as his *golat*-field, i.e. his individual property which is inherited by his family (Boer 363).

Two other ways of acquiring land as individual property are to buy it or to receive it as a gift (cf. here 106). The institution of land-gifts is of a very old origin among the Bataks and is connected above all with the ceremonies-cycle: birth, marriage and death. There are different kinds of land-gifts which are known in all Batak territory in the same form with the exception of the Pane- and Bila-basin, where according to Neumann (IV, 47.) the institution of land-gifts was entirely unknown.

*Pandjaéan (Dairi-perdjane)*: for a certain time after the marriage a son with his wife lives in his father's house and works on his fields. Afterwards (usually, but not necessarily, after the first child is born) the son founds his own household. On this



occasion his father gives him a field called pandjaén (Ypes I, 171, 208, 275, 378; Vergouwen 279).

*Pauséang*: a gift (very often, but not always, a field) given to man by his wife's father at the time of the marriage (Ypes I, 225, 275, 334, 361, 378, 489; Boer 369; Vergouwen 258).

*Tano banganan*: there may be different reasons for this gift; it is always given by the girl's father. On Samosir, when a wife's father has no son, his marriage-gift to the man is called t.b. (otherwise pauséang — Ypes I, 208). In Baligé a father gives to his unmarried child a field as t.b. which changes its name after the marriage to pauséang or pandjaén (Ypes I, 275; Vergouwen 70). In Laguboti — simply a father's gift to his favourite daughter (Ypes I, 336). The wife's father can give t.b. to her husband also when he has no son and wants to adopt him, or when a husband had no money to pay for the bride and had to live (for some time) in the house of his wife's father (Boer 370).

*Ulosulos* (Dairi — olisolis): a gift (not necessarily land) given by parboru (i.e. wife's father or anybody who gives a girl away in marriage (to the husband's father, s.c. paranak (Ypes I, 152, 208, 361, 378; Vergouwen 69). This gift is called also ragiragi or hundulan ni boru (Boer 369; Ypes I, 275).

*Pisopišo*: counter-gift for ulosulos, given by paranak to parboru.

It is not usual to give land as pisopiso (Ypes I, 209; 378; Vergouwen 72).

*Sinamot*: a sum paid for the bride, which can (e.g. in Baligé) be in the form of a field (Ypes I, 275).

*Tano na niupahon*: land-gift given by wife's father for different reasons (Ypes I, 209) to the impoverished husband (Vergouwen 103), to the married daughter if she is sick or childless — in this case the land is returned after the birth of a child or when the sickness ends (Vergouwen 269, 334, 365).

*Daon sihol* (Dairi-tambar tedoh): s.c. souvenir in remembrance of the dead, a gift (may be also land) given by dying father to his son or grandson, sometimes even to a daughter or son-in-law (Ypes I, 132, 208, 275, 361; Vergouwen 77, 370).

*Parmanomanoan*: sometimes the name for daon sihol if it is not a field (Vergouwen 369—70).

*Indahan arian*: land-gift to a son who supports his parents



who are not able to work for themselves (Ypes I, 209). Also the gift which a son receives from his father or father-in-law after the birth of the child (Ypes I, 275; Vergouwen 289).

The character of land-gifts *parsomba* and *parsaéan* are somewhat different.

*Parsomba*: (Dairi - saba sembah): land offered by debtor to his creditor. The price of this land is smaller than the actual debt and by this offer the debtor begs to be exempted from the remaining part of the debt. *Parsomba* is offered when there is no possibility of paying the debt in full (Ypes I, 152, 209, 275, 361; Vergouwen 401).

*Parsaéan*: land of about the same value as the debt, which is offered by a debtor to his creditor in full payment of the debt (Ypes I, 209, 275, 361; Vergouwen 359, 431).

The different categories of land-gifts mentioned above are known especially in the territory of Toba-Bataks, Dairi-Bataks and Pakpak-Bataks. For other territories there is no detailed information available; nevertheless, the institution of landgifts is known even there (see e.g. Ypes II, P. 623).

#### b) Disposition of land

The character of ownership of land is given above all by the right of disposition. It is especially in this right that we find great dissimilarities in different Batak territories. The basic rule fixed in customary law is that the extent of ownership-rights is in proportion to the amount of labour needed for its first cultivation and upkeep; i.e. the more difficult the founding of a new field the lesser are the limitations of the right of disposition. Thus the most permanent property is known as *saba* — irrigated rice-fields with artificial irrigation (Adatrechtbundels XX, 47).

##### 1. Sale of land

It seems that the original form of sale (in the regions where the sale of land was at all possible) was a temporary one, i.e. the sale with the limited right of selling it back to a specified group of people. The unrestricted sale is considered to be a younger institution (Vergouwen 426; Adatrechtbundels XX, 63, 78, 81). That might show a slow growing of the more permanent proprietary rights over the lands.

**T o b a - B a t a k s**: It can generally be said that any man



could sell such land which he himself owned as a *gotat*, but only to a member of the same *marga* or smaller land-owning unit (Boer 365; *Adatrechtbundels* XX, 49). In the areas where *bius* appeared as an administrative and political unit it was possible to sell the land even to a member of the same *bius*, regardless of his genealogical standing (e.g. on Toba-plateau, see Ypes I, 409). Even in the individual ownership of land the principles of collective owning by a genealogical unit are visible to some extent. These principles consist above all in the fact that the owner is not free to sell his land to whomsoever he likes. He is obliged to offer it successively to his nearest relatives (sons and brothers), then, if they do not want it, to other *waris* or to *dongan sabalok* (owners of the neighbouring fields), to *radja huta* (chief of the village), to *dongan sahuta* (people in the village), to *radja pardjolo* (chief of the higher unit — this office may have other names) and to *dongan sahordja* (members of the higher unit). The preference of a chief over the commoners in the village was not always observed (cf. Ypes I, 210; 257—9, 326, 409).

This scale of preferential rights varied regionally (e.g. in *Silindung* it was *waris* in the village, *waris* in the *marga*, *waris* in the *bius*, *waris* outside the *bius*, *radja huta*, *dongan sahuta*, *dongan sabalok*, *dongan sabius*; see Ypes I, 476—7). The nearest relatives were entitled to a reduction in price (Boes 366).

The scale of preference was somewhat different for the land-gifts *pauséang pandjaéan*, *daon sihol* and *indahan arian*, where customary law gave preference to the donor or his heir (cf. here sub a).

**Dairi- and Pakpak-Bataks:** The data for these regions are somewhat incomplete and contradictory, but generally speaking the sale of land was either forbidden or very restricted. E.g. in *Simsim* it was possible to sell the land only to one's own chief (*Adatrechtbundels* XX, 47; Ypes II, 620), in *Kepas* only to a member of the same village (Ypes II, 620), among *Dairi-Bataks* in upper *Barus* and in the *Dairi*-district the sale of land was entirely forbidden as the owner had only the hereditary right of use (Ypes I, 125, 151—2).

**Timor-Bataks:** Among the *Timor-Bataks* the sale of land was forbidden (Nota 560). Exceptionally there could appear a sale of *sawah* (Kroesen-Reis, 273).



K a r o - B a t a k s : The data for Karo-Bataks are somewhat contradictory. In the transcription of customary law of the Karo-Bataks, is stated that sale of land was impossible (Adatrechtbundels XXXV, p. 220). On the other hand, in Adatrechtbundels XX (86) Schröder writes that according to his knowledge based on field-work it was possible to sell the land with the permission of the penghulu (chief of the village). It is possible that the strict rule of customary law was to some extent abolished. The second possible explanation is that Schröder's information is concerned only with the sale of land when the owner moved to some other village, that being a special case with specific rules.

A n g k o l a - a n d M a n d a i l i n g - B a t a k s : Information by all accessible authors agree that in the regions south of Lake Toba the sale of land was forbidden or more precisely impossible (Hart 188; Neumann IV, 45; Neumann, Adat, 283; Willer 162).

It is necessary, however, to emphasize that impossibility or difficulty of sale of land especially among the Dairi-, Timor-, Angkola- and Mandailing-Bataks was not so much caused by the weakness of the right of property of individual users as by the strong position of the hereditary aristocracy. The highest members of the hereditary aristocracy began to consider even the waste land of their genealogical groups as their individual land with all rights of disposition and allowed to commoners only the hereditary right of use. Among the Timor-Bataks in Simelungun the sale of land by a commoner would be a disgrace for his radja which he had to prevent, because he disposed of all the land of urung (higher genealogical and administrative-political unit) on the ground of his office (Kroesen-Reis 273).

## 2. Mortgage of land

It was usual to use the land as a security for financial or material loan or for temporary covering of a gambling-debt (only by Neumann IV, 47, and Neumann Adat 283 it is mentioned that formerly it was not possible to mortgage the land). The land held as golat was the only one which could be mortgaged (i.e. the same land which could also be sold). If the owner mortgaged any sort of land-gift, pauséang, pandjaéan, indahan arian etc., he was obliged to inform the donor (Ypes I, 328—330).



There were two ways of mortgaging the land: 1. the field was given for temporary use to the creditor (in this case the produce of the land formed the interest in the debt, see Ypes I, 127); 2. the debtor retained the ownership of the field (in this case the usual interest was added to the debt, see Ypes I, 213). If the debt was not paid in time the mortgaged field was forfeited to the creditor in both cases.

Even the mortgaging of land was restricted by some rules of customary law. Only in a few regions it was possible to mortgage the land to anybody, even to a stranger (e.g. Dairi-Bataks in Sim-pang Kanan, see Ypes II, 620). Almost everywhere the owner could mortgage his field only to a member of the same village or higher unit (Ypes I, *passim*; Hart 188; Adatrechtbundels XXXV, 220). In some areas it was possible to mortgage a field only to a member of the same village (Ypes II, 620; Willer 162).

Theoretically speaking the same degree of proprietary right was required for the mortgaging of land as for the sale of land. Mortgaging nevertheless was not a definitive disposal of land because the debtor had the possibility of redeeming it himself or of asking for help from his chief or nearest relatives. Thus in fact the mortgaging of land was usual even in the regions where sale was forbidden (e.g. among the Timor-Bataks in Simelungun, see Kroesen-Reis, 273).

### 3. Land-gift

Contrary to mortgaging, the land-gift was a definitive disposal of land. Therefore it was possible to give only the land owned as *golat* or *paté* (the difference between *golat* and *paté* was that the *paté* right of ownership was acquired by buying and not by first occupation). Different sorts of land-gifts see sub 1.

### 4. Lease of land

Lease of land for a certain amount of money was formerly unknown in most Batak regions (Hart 188; Willer 162); it is considered as a new institution with unestablished rules (Vergouwen 427). It is interesting to note that e.g. in Tapanuli the authors of the last century (Hart, 1887) state that the lease of land was not known, while Ypes (I, 137, — 1932) informs us that in the southern part of Tapanuli the lease of land began to come into use under the Malayan influence. Another reason showing that



lease of land was not an old institution with the Bataks is that the Toba-Batak term mangongkos is considered to be only a distortion of the Dutch term *enkost* (costs — Ypes I, 247).

It is possible that the institution of land-lease developed among the Bataks even without foreign influence from the institution of partnership or participation (Ypes I, 378), at least in some regions (on the Toba-plateau, see *Adatrechtbundels* XX, 64, and in Saribu Dolok, see *ibid.* 81, where participation and land-lease are called by the same term — *bola pinang*). It seems that in such a case the coming into use of land-lease was connected with the beginning of monetary economy originating with colonialism.

#### 5. Participation, partnership

The owner of a field could have contract partnership or participation with somebody, usually for one harvest-period. The owner was obliged to give the seed, the partner was responsible for all the labour from sowing to harvest. Usually the shares of both partners were equal.

Not only *golat* or *paté* but also land over which the holder had only the right of use could be cultivated in partnership. Only the land which was lent or which a man had already in partnership could not be the base of participation (Ypes I, *passim*; *Adatrechtbundels* XX, 86; *Vergouwen* 418; *Boer* 366).

Participation appeared often when the owner of a field was pressed for money and thought about selling; in such a case a near relative or *waris* proposed to cultivate this field in participation and thus prevent sale (*Willer* 366; *Boer* 366). It can be deduced from the common occurrence of partnership in all Batak territories that it is a very old institution. The owner's share was always formed by part of the harvest, he was never paid in money.

It has already been mentioned above that for giving a land in participation it was enough to have only the right of use. Also the choice of partner was not limited — even a genealogical stranger might be accepted.

#### 6. Lending of land

Any newcomer intending to stay in a village for a longer time could expect to be lent a field, or more exactly, the right of use over a field. A chief of a village who owned (or at least dis-



posed of) more land than other inhabitants usually was a lender; naturally any member of the village, even a commoner, could lend his land.

The user who was lent a field had practically no right over it. Theoretically speaking the lender could claim it back at any time. In fact the lending of land terminated only when the new inhabitant left the village (Ypes I, *passim*; Hart 188; Adatrechtbundels XX, 64; Ypes II, 620; Vergouwen 419).

The result of the relationship between a chief as lender and a newcomer as tenant was a certain personal dependence of the latter. This personal dependence is discussed in detail sub E. and in the chapter dealing with administrative and political organization.

#### 7. Exchange of land

Exchange of land also can be included to some extent in the right of disposition over it. It often came into consideration in the land-gifts; e.g. *pauséang* given to a man by his wife's father was usually situated some distance from his own village (rule of exogamy), and it was therefore much to his advantage to exchange it for a nearer field (Boer 370).

#### 8. Disposition of land by leaving the village

The rules for disposal of land when leaving the village form a special part of the land-laws. Anybody who left his village with the intention of living in some other place was considered an emigrant. Persons obliged to leave the village through the claims of their work or office were not considered emigrants, however long their absence might have been (Adatrechtbundels XXXV, 168).

When leaving it was necessary to keep certain formalities established in customary law — e.g. to inform the chief of the village about the intention (a man not observing these formalities was not considered an emigrant but a fugitive and lost all rights).

Detailed information concerning the rules of disposal of land by leaving a village is available only for the territories of Dairi-, Toba- and Mandailing-Bataks.

**T o b a - B a t a k s :** among the Toba-Bataks where the sale of land was usual, the owner could keep his fields if he moved within the boundaries of his higher genealogical unit. When moving outside this territory he was obliged either to sell his land



or give it up (usually for a small amount) to his relatives or to the chief (Ypes I, 206, 225, 253, 324, 356, 375, 404, 467; Adatrechtbundels XX, 49).

*Dairi-Bataks*: in the territory of Dairi-Bataks it was not possible to sell land. When moving only within his sembarur (hordja) the owner could keep his fields or give them to his waris. If he left the sembarur his fields went to the pertaki (chief) for a small amount of money (Ypes I, 150).

*Mandailing-Bataks*: the owner lost his fields if he left the village. The only exception were the saba aek (rice-fields with artificial irrigation) which could not be sold either, but the owner had the possibility of mortgaging or lending them to any member of the village (Adatrechtbundels XXXV, 167).

In the rules of customary law concerning the disposal of land by leaving the village there can be observed the growing importance of the chiefs in land-laws. E.g. the rule that any emigrant lost his rights was fixed in adat in Tapanuli only in the second half of the last century. It seems to have been the result of the chief's efforts to bind the commoners to the land and thus prevent the diminishing of his group (cf. Adatrechtbundels XXXV, 172—3).

9. Differences of the rights of disposal between irrigated rice-fields (saba, sawah) and dry rice-fields (umatur, hauma tur, tahuma, ladang)

It has already been remarked that the extent of proprietary rights was determined above all by the amount of work connected with the founding and cultivating of a field (Adatrechtbundels XX, 47). We shall not consider small gardens, coffee- and benzoe-plantations and land with fruit-trees which had special rules; we will confine ourselves to the ricefields — the most important means of subsistence to the Bataks. There were two main kinds of ricefields — irrigated and dry. Irrigated ricefields needed much more labour — construction of the irrigatory system or adaptation of the fields for rain-irrigation. Consequently the proprietary right over irrigated ricefields was usually more established than over dry ricefields.

*Irrigated ricefields* (saba, sawah)

Sawahs were founded by the collective labour of a group of inhabitants led by a chief or member of the hereditary aristo-



cracy (Neumann IV, 50). Managing by a chief was not absolutely necessary but his presence usually was a better guarantee for the final success of the venture than if it was carried out under the initiative of mere commoners (Keuning 500). Every participant (only members of a land-owning genealogical unit) was given a share of established ricefields as hereditary property; the share of the managing chief was the greatest (Adatrechtbundels XX, 68).

Sawahs could be cultivated without interruption, without the necessity of lying fallow. It was therefore definitely removed from the category of "waste land" and acquired with all rights by an individual.

Sawahs could be sold even in territories where the normal sale of land was not known (e.g. according to Kroesen-Reis 273, in Simelungun a case of a sale of land was never heard of, but at the same time he also says that the sale of sawahs were relatively rare). In the transcription of Batak customary law "Patik dohot uhun ni halak Batak" it is stated that sawah can change ownership by sale, lending, exchange or gift (see Adatrechtbundels XXXV, 45).

Naturally, the sale of sawahs was strictly ruled over by customary law. Above all it was established to whom it could be sold. In most regions it was only a chief or member of a village, or member of the land-owning genealogical group who could buy a sawah (Ypes I, passim; Adatrechtbundels XX, 69; Boer 366 etc.). In some regions a sawah could be sold even to strangers, but only with the consent of the chief of the village and the heirs of the owner.

Dry ricefields (hauma tur, tahuma, ladang)

Ladangs were founded by the first occupation of a piece of waste land, cultivated for 2—3 years and then let lie fallow. Ladang could be founded anywhere and did not need any special care. With regard to these two factors and to the fact that it was for certain periods abandoned it is easily understandable that the proprietary rights over ladang were not so strict as in the case of sawah. In the mitigation of these rights there were also great regional differences.

There are two ways of founding a ladang: 1. a chief of a vil-



lage chose a tract of land and shared it out. The rough work of clearing was done collectively by all partners and afterwards each of them cultivated his own share; 2. an individual chose a piece of waste land, informed his chief and cultivated it (Ypes I, 147; Ypes II, 620).

As long as the owner cultivated his land or let it for the necessary time lie fallow his right over it was indisputable. If the land was abandoned longer than necessary or even so long that all traces of cultivation were lost it was considered as waste land again and anybody was entitled to occupy it. In some regions the owner was obliged to inform his chief even that he was letting his land lie fallow, otherwise it could have been occupied (Ypes I, 526). In Lumban Djulu a chief of a village could lend land which normally lay fallow, but the owner did not lose his proprietary rights by this lending (Ypes I, 355).

In customary law there were exact rules as to when the proprietary right was lost on the ground of abandon. In Simelungun and in the Pane and Bila basins ladang remained the property of the first owner for as long as traces of his work were recognisable (Kroesen-Reis, 268; Neumann IV, 49). On the Toba-plateau a field was free when it was abandoned for 4—5 years or more (Ypes I, 408). In Silindung there was a case when the assembly of chiefs declared the field to be free only after 27 years (ibid. 465).

However long the period for losing the proprietary rights may be, the very possibility of losing them shows that the ownership of the ladang differed principally from the ownership of the sawah. It might even be said that in some regions, e.g. among Dairi-Bataks (Ypes I, 121, 148) or in Simelungun (Kroesen-Reis 273) there was no proper ownership of the ladangs. The owner had only the hereditary right of use. That was also one of the reasons for the impossibility of sale of the ladangs in these areas or a possibility of selling them only to a member of the village (Ypes II, 620; Ypes I, 121; Kroesen-Reis 273; Hart 188; Neumann IV, 50). Nevertheless the owner could sell the produce of his ladang or even temporarily the right to use it (Ypes I, 125; Adat-rechtbundels XX, 70).

The strictness of the rules of the customary law concerning the impossibility of sale of ladangs, however, has been practically



abolished in some regions. Sale of a ladang was usual e.g. among the Toba-Bataks (subject to the consent of the heirs of owner and his chief; see Boer 365—6).

Summary: it might be said that the proprietary right of an individual manifested above all by the rights of disposal, was strongest in the central Batak territories and gradually weakened towards the border areas populated only by later migrations of Bataks. On the other hand — among the Toba-Bataks of the central territories, the privilege of relatives in buying a field was to a great extent preserved. Customary law established the line of preference from the nearest to quite distant relatives. In the border-areas this privilege was limited only to near relatives and then mostly to chiefs. Thus the right of disposal of an individual, seemingly stronger in the Toba-Batak territory, was in fact reduced by the strength of the genealogical ties, while in the border-areas where the right of disposal was relatively limited, it was considerably reduced by the strength of the social stratification. Consequently we deduce that the Toba-Batak form of individual proprietary right could not be considered as the most developed, however strong the formal base for such reasoning might have been.

#### **D. Standing of hereditary aristocracy and chiefs**

Any member of the lower or higher hereditary aristocracy naturally had the same right as a commoner to occupy waste land. Therefore it is not necessary to repeat here all the methods and ways used. We will simply confine ourselves to the special standing of the hereditary aristocracy, especially the chiefs in land-laws.

The genealogical group which appeared as a collective land-owner never disposed of land collectively, but only through its chief or chiefs.

The marga, theoretically speaking the largest land-owning genealogical group, did not form a "haradjaon", i.e. administrative and political unit with centralised power. This characteristic appeared only in a smaller group — the hordja — which usually took over even the land-owning function of the marga. Thus the necessity to have a chief and the real chief's office arose only in a group with the actual right of disposal of the land, i.e. in



a group which needed a central authority, a person who could and would maintain these rights.

The collective proprietary right of the *marga* or *hordja* was applied only to so-called waste land. Any member of this group could occupy a part of it; by the fact of first cultivation this part became his hereditary tenancy. He could bequeath it, give it, mortgage it, in some cases even sell it. The collective character of proprietary rights shows itself only in the fact that these transactions could be made within the same genealogical group only; the land could not be disposed of permanently (i.e. sold) outside the group. This rule was kept in varying degrees of strictness in different regions. In some places (Toba-Bataks) very strictly (Ypes I, 209; Boer 365—6), in other areas, especially where the chief exercised great authority, it could be broken with his consent (Simelungun, Kroesen-Reis, 274; Boer 366—7). Even in such a case, however, the strangers acquired not a proprietary right, but only the right of use.

Members of the lower hereditary aristocracy had the same standing in land-laws as commoners. The only difference was that they might inherit larger fields (from their distant ancestors — chiefs or members of the higher hereditary aristocracy) than commoners (Soangkupon 79—80). They could not dispose of any part of the waste land of their group.

It has already been said that the land-owning group maintained its proprietary rights through its chief. The chief of the group was a direct descendant of the founder of the village or higher unit. Therefore the direct line of his descent is proof of his membership of the original land-owning group (Neumann 1887, 283; Adatrechtbundels XX, 47—52; Nota, 559—60; Kroesen-Reis 266, 273).

In areas with greater migrations and mixing of people only the proprietary right of the chiefs remained indisputable; only they could prove their genealogical claims (see e.g. Neumann 1887, 144—8). Thus the originally collective proprietary right of a land-owning unit was more and more often confused with the proprietary right of chiefs — a confusion strongly supported by the chiefs themselves (Neumann 1887, 283; Nota 559—560; Kroesen-Reis, 273). Thus the standing of the chiefs in the land-laws before the beginning of the colonial influence varied greatly in different regions.



In the central territories the chiefs were in fact stewards of the land of their groups (this function of the chiefs, called stewardship by Sahlins, is quite common in Polynesia). In the border-areas they appeared as owners of practically all the waste land of their groups and disposed of it themselves. These differences are shown mainly in the rights and duties of commoners willing to occupy a piece of land. Three phases can be distinguished (i.e. of the preliminary duties of commoners):

1. Any member could freely, without the consent or knowledge of his chief, occupy a piece of land and through its cultivation appropriate it. This custom was known in: Siambaton (Adatrechtbundels XXVII, 218), Sidikalang (Adatrechtbundels XX, 282), Barus (where it was considered a slight not to inform the chief; Ypes I, 146), Samosir (Ypes I, 201), Lumban Djulu (Ypes I, 353) and formerly among the Toba-Bataks in the Dairi-territory (Ypes I, 224).

2. Any member could occupy a piece of land as long as he advised the chief of his intention. This custom existed in: Tuka and Toba-plateau (Adatrechtbundels XX, 50—1), Silindung (Adatrechtbundels XX, 86; Ypes I, 456—60) and was common also among the Toba-Bataks (Adatrechtbundels XX, 48), Padang Lawas (Neumann 1887, 45).

3. A member was obliged to ask the chief of the village or higher unit for permission. The chief expected a certain amount of money from him for this permission — a consideration for transferring the proprietary right which was vested in the authority of the chief. This was common to: Pangururan (Adatrechtbundels XX, 52 — normally the land on Samosir was free), the greater part of Tapanuli (Hart 188), among the Karo-Bataks (Adatrechtbundels XX, 84; XXXV, 221), Angkola (Adatrechtbundels XXVII, 183), Siantar (Adatrechtbundels XX, 78), lately among the Toba-Bataks in Dairi-territory (Ypes I, 224), Baligé (Ypes I, 246), Laguboti (Ypes I, 218).

The standing of a chief either as a steward or as an owner had further advantages — by leaving the village or on the death of a member of his group the fields became the property of the nearest relative (in the case of death the relatives could inherit only to a certain degree of relationship) or fell to the chief (Adatrechtbundels XX, 77; XXXV, 165—9; Ypes I, passim; Nota 559—560;



Neumann 1887, 270; Vergouwen 361—3). It is interesting to observe that even though the fields were originally taken from collectively owned land they did not return to the common stock but to the property of the chief. The chief used this land mostly for lending it to strangers coming to live in his village, but he could cultivate it himself if he wished.

The above mentioned rules referred to land actually cultivated. The collective property included, however, not yet cultivated and not cultivable land and water (lakes, rivers, etc.). This land served for hunting and food-gathering. The members of a land-owning unit could usually hunt and gather food (fruit etc.) for their own use without permission. Camphor- and wood-gathering for sale could be done only under the stipulation that the chief received a share of the gains. Strangers, however, always had to ask permission of the chief (cf. Kroesen-Reis, 278—9; Adatrechtbundels XX, 53—5; Keuning 500; Neumann-Adat 283; Ypes I, *passim*).

The special standing of the chiefs in the land-laws was further stressed by the existence of so-called *saba bolak*, *saba na bolak* or *tana ni bagas na godang* — the fields of a chief. These fields were either founded by the collective work of the members of a group or separated from the already existing fields of a chief; the produce of the fields of the chief covered the costs connected with the chief's office. The fields of the chief were not the individual property of a chief; after his death they were inherited by his successor, without regard to the laws of heredity concerning goods (Soangkupon 79—80; Adatrechtbundels XXVII, 121, 144; Hart 191; Willer 163).

Summary:

A chief was originally a steward of the land of his group. This function was of a formal character because any member of the group could occupy any piece of land which was still free and appropriate it. With the greater migrations of people there came more and more strangers into the territory of a group who were obliged to ask the chief's permission to cultivate some land; also with the growing of the original land-owning group the idea of coherence and thus also the idea of claims on a collectively owned territory slowly disappeared. Only the claim of a chief supported by his belonging to a direct, unbroken genealogical



line descending from the first occupants of the territory remained indisputable. In this way the conception of a chief not only as steward, but as owner of the whole territory whose permission was required before the occupation of a piece of land gradually formed. A further step was the institutionalization of a consideration in acknowledgement — being paid by strangers only at first and later on in some regions even by members of the land-owning group.

### **E. Standing of strangers**

A stranger was any inhabitant who was not a member of the land-owning genealogical group and permanently or at least for a long time lived within its boundaries. A stranger could not buy the land because it was forbidden to sell it to him; neither could he be given a field (only among the Timor-Bataks could the radja of an urung give some land even to a stranger, but that only with the consent of all the lower chiefs — Kroesen-Reis, 274). In fact the only thing for him to do was to ask for a loan of land, i.e. the right of using it during his stay in the village. Any commoner could lend his land (cf. here sub C. b/3), but it was usually to the chief that a stranger addressed his request. Firstly — a chief disposed of all the free land in his group, secondly — his own fields were larger than the fields of a normal commoner. The request was accompanied by the offering of a small gift to the chief. This gift was then repeated each year.

A stranger could acquire the hereditary right of use (if his heir stayed in the village), but this right was never equal to the proprietary right of a member of the group (golat). Strangers were called parripé (the most common toba-batak term) and their right of use accordingly parripéan. Parripéan did not carry with it any rights of disposal, only the right to cultivate the field and to dispose of the produce.

When a stranger accepted a land-loan from a chief he became personally dependent on him. A stranger was not dependent to such an extent as slaves and half-slaves, but nevertheless his position was much more subject than the position of the commoners — members of the chief's genealogical group. In some regions (especially among the Timor- and Mandailing-Bataks) this relation of personal dependence became nearly a servage



(For the standing of strangers in land-laws see: Ypes I, *passim*; Kroesen-Reis 274—5; Boer 366—7; Adatrechtbundels XX, 47—9; Ypes II, 620; Keuning 500; Nota 560; etc.).

## INCOMES OF HEREDITARY ARISTOCRACY AND DUTIES OF COMMONERS

In the older literature there is a certain dissension: on the one hand the authors say that among the Bataks the office of a chief is without income, that the Bataks did not give any taxes to their chiefs, but only occasional voluntary gifts. On the other hand it is also stated that the main sources of income of a Batak chief were the taxes and duties of the inhabitants. This is not in reality a disagreement; from the point of view of these authors the gifts and taxes were in fact voluntary, because the chiefs had neither the power nor the authority to enforce the paying of them. From the Batak point of view they were as good as obligatory because they were fixed in customary law and it was practically unthinkable for a commoner to oppose his chief regarding his duties towards him. The claims of the chief for gifts and taxes were considered his natural right.

The incomes of the hereditary aristocracy, especially of chiefs, can be divided into three main categories:

- A. the services of the commoners
- B. taxes and duties
- C. fines at legal proceedings

### **A. Obligatory services of commoners**

#### 1. Working on the chief's fields

With regard to his office a chief had larger fields than an ordinary commoner. He cultivated them with the help of his slaves and *ompong dalam* (see e.g. Kroesen-Reis 275) and also with the help of the commoners of his group. Even the number of days which a commoner was obliged to work on the fields of his chief was often established in customary law. Only married men were obliged to work (young men or widowers only if they were heads of a family). This *corvée* (system of exacting unpaid labour) is known in most of the Batak territories.

In the Pane and Bila basin three-days work every year was usual (Neumann 1887, 22). In the Mandailing region the *corvée*



was connected mainly with the founding of new fields (Willer 166) and with the cultivation of so-called saba bolak — a field connected with the chief's office (Adatrechtbundels XXVII, 122). In Simelungun commoners were obliged to work on the chief's fields 2—3 days a year (Kroesen-Reis 272—2; Nota 556). For the Toba-Bataks only the obligation to work on the fields of the chief without fixed duration is mentioned (Adatrechtbundels XXXV, 193).

Recently, the Toba chiefs have shown a dislike for such short-time work and prefer long-term work done alternately by a few at a time (*ibid.*). In the Pakpak and Simsim region commoners were obliged to keep the one-day corvée (Ypes II, 465). The duration of a corvée among the Dairi-Bataks is not stated precisely (Ypes II, 116; Adatrechtbundels XXXV, 194).

The duty of the commoners to work on the fields of the chief was the most important (even if not the most profitable) privilege connected with the chief's office. Commoners never avoided this duty even when the chief had no effective power to enforce it (usually it is said in customary law that "it is not proper to refuse when a chief orders work on his fields"; Adatrechtbundels XXXV, 124). The basic importance of this duty was that it made it possible for a chief to keep himself apart from the work — he no longer took part in it, but employed the working abilities of members of his village or higher unit. Even more striking is this factor seen in the founding of the irrigated ricefields: the actual work was done by commoners, but the chief had to be informed and had to give his consent and thus guarantee its success; he did not take part in manual labour, but after the founding of the fields he was given the largest share cultivated by the common work of all participants (Kroesen-Reis, 259).

The duty of the corvée was obligatory for all members of a village (i.e. married men) regardless of their membership in the genealogical group (members and strangers living in the village too); living in a local group governed by the chief was a decisive factor.

## 2. Constructing of house and farm-buildings

One of the attributes of a chief was a larger and more decorated house. The constructing of this house and of all necessary



farm-buildings was done by commoners. The chief usually publicly announced his intention to build a house, organised some festivities, invited his commoners and officially asked for their help. During the work he was obliged to give them food. (Nota 556; Neumann 1887, 22; Ypes II, 462, 464, 467; Henny 45; Adatrechtbundels XX, 38; XXXV, 193.)

### 3. Personal services

A chief could also demand different personal services from the commoners. One of the most important was the duty to accompany him on his travels. During the travels commoners acted as the chief's servants but were obliged to care for themselves (Neumann 1887, 22; Ypes II, 465).

## **B. Taxes and duties**

### 1. Taxes connected with owning (or stewardship) of land

a) CHARGE FOR PERMISSIN TO CULTIVATE — a stranger coming to a village was obliged to ask the chief's permission to occupy temporarily a piece of land. The asking was done through the offering of an acknowledged gift (a hen, a goat etc., see Ypes I, 211; Keuning 500; Kroesen-Reis 274). In some regions even members of the land-owning group were obliged to give this tax (Adatrechtbundels XX, 52; Hart 188). Thus the acknowledged gift, originally a form of compensation to the land-owning group for the temporary appropriating of a part of its land, changed into a fee paid to the chief personally. It can be deduced from this fact that the land was considered almost as the property of the chief.

b) SHARE OF THE HARVEST — commoners gave a share of each harvest (especially rice) to their chief. It was considered: first — as a compensation for his protection, second — as a homage-gift, third — as a contribution to the festivities usually organized by the chief after gathering the harvest (Willer 156; Ypes I, 462 sq., 468; Adatrechtbundels XXXV, 209; Kroesen-Reis 270—1).

c) CHARGE FOR PERMISSION TO HUNT OR GATHER ON THE TERRITORY OF A VILLAGE OR HIGHER UNIT — these charges were divided into many categories in customary law and described in detail.



Summary: A member of the land-owning group was entitled to hunt or gather for his own use free of charge. If he intended to sell his gains he was obliged to give the chief a share of the profit. A stranger had to pay a charge even when hunting for his own use — it was not necessary to ask for permission, but the chief had to be given a share of the game (Willer 166; Ypes I, 109—10, 112, 145—6, 200—1; Ypes II, 462—8; Nota 556; Keuning 500; Neumann Adat, 283; Kroesen-Reis, 276—7; Kroesen-Nota, 261; Henny 45).

In the category of charges connected with land-owning it can clearly be seen how a conception of collective land-owning by a genealogical group and individual stewarding by a chief slowly changed into the conception of an individual owning of land by a chief. The acknowledging fee, which was actually compensation for the right to cultivate the land or to hunt on the territory of a group, was paid to the chief and formed a part of his income. This conception was mostly developed in regions where the acknowledged fee was desired even from members of the land-owning group.

## 2. Taxes and duties connected with the administrative and political functions of a chief in a village or higher unit

a) TAXES AND DUTIES CONNECTED WITH EMIGRATION — when a person intended to leave his village he was obliged to inform the chief. The usual and official form was to organize a festival for the chief. The inhabitant could either leave his land to his nearest relative or sell it to the chief or some member of his genealogical group — at a reduced price (Ypes I, 124, 150; Adatrechtbundels XX, 77). If anybody left the village without this formality all his goods were confiscated by the chief (Nota 560; Ypes I, 207).

If somebody died without leaving a proper heir (the degree of relationship which governed inheritance was fixed in customary law and varied greatly in different regions) the heirloom went over to the chief — with the exception of a part used for paying the costs of the burial and covering eventual debts (Ypes I, 125; Adatrechtbundels XX, 77; Neumann Adat 270; Vergouwen 361—3; Willer 166; Adatrechtbundels XXXV, 206).



b) GIFTS CONNECTED WITH REGISTRATION AND WITNES-  
SING — a chief was head not only of an administrative and po-  
litical unit but also of a genealogical group. Therefore he was a  
very important person and for obvious reasons the most suitable  
witness at business-transactions, marriages etc. For his officiating  
he was given small gifts which were really fees (Adatrechtbun-  
dels XXXV, 2—10, 123, 190—2, 198—9; Ypes II, 465—6; Neumann  
1887, 25).

c) OCCASIONAL GIFTS — into this category belong the gifts  
given to the chief by commoners on different occasions: his mar-  
riage, the circumcision of his eldest son, the inheriting of an of-  
fice, the marriage of his nearest relative, etc. Here also belong the  
gifts from a childless family for the chief's blessing and the  
gift given to the chief as satisfaction for an insult (Adatrecht-  
bundels XXXV, 205—6; Ypes II, 464—8).

### **C. Fines at legal proceedings**

The chief, together with the assembly of dignitaries, settled  
all disputes among the inhabitants of his village. The quarrels  
between the inhabitants of different villages were solved at the  
legal proceedings of the whole region. The most usual form of  
punishment was a fine of varying amount. Even the heavier  
punishments (sometimes even capital punishment) could be  
redeemed by a fine. The fines were all or at least partly paid to  
the judging chiefs.

As can be seen, only a chief had any income from his social  
and/or political functions, eventually other dignitaries, but not  
the ordinary members of the hereditary aristocracy. This fact  
further distinguished the differences between the chiefs (i.e. the  
highest members of the hereditary aristocracy, actual holders of  
offices) and all other inhabitants.

For the better understanding of the position of the chiefs  
the most important were the working-duties of commoners  
(*corvée*) and charges connected with land-owning. These two  
sources of income rendered it possible for the chief to appropriate  
and actually cultivate the largest proportion of the fields. The  
growing difference of property which resulted from these factors  
and which was strengthened by the separating of the chiefs from  
the work quickened the disintegration of the genealogical groups



and formed the different social strata already divided from each other.

#### NATURE OF THE CHIEF'S AUTHORITY AND MEANS OF ITS EXERTION

One of the specific characters of the hereditary aristocracy was the nature of their authority. In the egalitarian society a chief or group of leading members (e.g. old men), i.e. those who ruled the activities of a lineage or clan, had no means of enforcing their decisions. Their authority was based on recognition of their standing by all members of the group. In the period of disintegration of the society based on kinship ties the chieftainship began to be a hereditary institution — it was kept in one direct line of descent. Even then, there remained, however, the main basic ground of the chief's authority the fact that he was in his own group and lineage — or clan — eldest; he was related to all the inhabitants of the village or higher unit and, theoretically speaking, his authority was above dispute.

Batak society was then based on the principles of kinship ties — even though to some extent only formally. A chief was a direct patrilineal descendant of the common ancestor of all members, in fact he was the last direct link with the eldest genealogical line. His standing in lineage corresponded to the standing of the father of a family.

With the growing disintegration of the lineage-clan system it was felt that there was a need to support the chief's authority by other means. The resulting ambivalence of a chief's standing (head of a lineage and leader of an administrative and political unit) was the main force of his authority in this period of disintegration.

With the growing social stratification the genealogical claims ceased to be sufficient for holding the chief's office; it was necessary to base the chief's authority on something else. This base could not usually be an institutionalized armed force as it had not yet been formed. With the Bataks we can observe the slowly growing conception of a magic power, called *sahala haradjaon*, possessed by all members of the higher hereditary aristocracy (Vergouwen 161). The magic power of a chief influenced all his group. It was considered to be owing to the chief



if a village had good or bad luck (Neumann MNZ, 370). All the activities and intentions of a chief were good — consequently to obey him brought good luck, not to obey him brought misfortune (Adatrechtbundels XXXV, 123). This conception was fixed even in many so-called legal sayings (see e.g. Vergouwen 162:

Barisbaris ni gadja di rura Pangaloan  
Molo marsuru radja ingkon oloan  
Molo so nioloan tubu hamagoan  
ia nioloan dapot pangomoan

The elephants blow in the valley of Pangaloan  
when the radja orders one must obey  
who does not obey will suffer a misfortune  
but obedience will bring good luck].

The exertion of the chief's authority through its magic character was a new factor.

The chief's authority was further strengthened by the possibility of legal sanctions. Showing due respect and obeying a radja has been already established in customary law. Breaking of this rule could be punished in the same way as any other law-breaking. The culprit could be "situated out of adat" by his chief (this meant actually the loss of all civil rights). Who was "out of adat" was not allowed to find a girl to marry, cultivate his fields or take part at the offering festivities etc. He was more or less obliged to leave the village (Adatrechtbundels XXVII, 82—3). Even when a commoner was actually oppressed by his chief he usually chose to leave the village rather than disobey or insult him (Neumann MNZ, 371).

The possibility of legal sanctions was a factor not found in egalitarian societies. But in some Batak territories — e.g. in the Pane- and Bila-basin and in the Mandailing district — the development had gone even further. There began to appear an embryonic form of armed force, men who could enforce the chief's decisions by a "strong hand". They were called ulubalang or induk bodil (Willer 155—7; Neumann 1887, 17—20). An ulubalang originally (and in other Batak territories even now) was a fighter who was sent against an enemy in wartime. The chief might find an ulubalang among his slaves (i.e. among these who were already set free) or hire him. When the war was over the ulubalang re-



turned to his normal occupation. Only here, in the above mentioned two territories, it was known that an ulubalang served his chief even in peace-time, that he supported the chief's authority by force. This was the (fourth, the most advanced factor of the exertion of the chief's authority which led to the forming of an institutionalized armed force.

From the information cited it can be deduced that even if the base of the chief's authority among the Bataks was then the genealogical standing of a chief there already arose the necessity to support it by following means which were unknown in egalitarian society:

1. The magic power ascribed to chiefs and the idea that to obey a chief brought good luck and to disobey him brought misfortune.
2. The legal sanctions for not obeying or insulting a chief fixed already in customary law.
3. The gradual raising of an institution of armed force in the direct service of a chief.

#### DISCUSSION

The conception of the necessity of studying the development of the human culture as a whole and especially the evolution of the social and political organization appeared in the last century, in the age of classical evolutionism. There lie the historical roots of a line which is to some extent kept by ourselves. To some extent — because in our contemporary conception of evolution there are many different methodical principles. The classic evolutionism of the last century was striving to create the general scheme of human evolution, applicable to the last detail to any human society. This mechanistic idea ignoring the singularity of every society, the specific factors of evolution and the possibilities of variations of forms of the elements of material culture or social organization, had an undisputable merit in that it gathered an immeasurable amount of relevant facts and data. It can be said, however, that the result of this work was submerged by this huge amount of data. With the growing of the known facts it was more and more evident that the conception of an unilineal unbroken and continual stream of evolution, into which it is possible to place any given society, is untenable.



However, classic evolutionism was not mistaken in the "what" but in the "how"; not its striving to create a system, a scheme, but its conception and method of creating it was wrong. The base of our conception of the evolution of human culture and organization is that every human society develops itself within the frames of the general principles of human evolution which are common to all humanity. We consider, however, these "frames" to be accomodatingly wide. That is, the actual forms of the different societies at any given moment may vary greatly; or more precisely: each of the actual societies on a given degree of social evolution may and usually do indicate a very different form of social and political organization. These differences are the result of specific and unrepeatable factors functioning just in this region or society. The elimination of these specific factors and recognizing of factors common to all societies concerned can lead us to the working-out of the general characteristics of this degree of evolution.

The line of evolution in the conception of classic evolutionism was undisturbed and continual. Any society at a certain degree of evolution consequently passed through all the preceding degrees. And because the different degrees of evolution were mostly characterised by one (or more) actual society each, i.e. they were defined by using of a specific form as a general type, many successive evolutionary degrees were postulated which were purely of a speculative nature. The result of this reasoning was that there were often sought in the history of some societies stages of evolution through which these societies could not possibly pass, purely on the ground of their logic constructions.

Today, we try to recognise the general principles of human evolution too, but not by the simple raising of actual forms. We are striving to find the common principles, the general characteristics of the different stages of evolution mentioned above by eliminating the specific factors of evolution of each society.

Even when considering these specific factors there are some basic elements, some "key-points" through which every human society must pass. And just these "key-points" form the largest extent of the frames within which the general principles of evolution move. The facts and data gathered up to the present time do not allow us to create an adequate and detailed scheme of



evolution; it could be created only on the ground of many analyses and studies especially those related to the societies connected in some way with these "key-points".

The most striking and the most important stage through which every society must pass perhaps is the stage of disintegration of the egalitarian society and the forming of a class-society (as opposed to the egalitarian, or better to a society based on kinship ties). The societies which still live in the preceding stages naturally form the exceptions.

This qualitative change of the structure of a society gives us a fixed point for the study of its evolution; on the other hand it is in itself a proof of many prior small structural evolutionary changes which undoubtedly took place in a class-or disintegrating society. It is our considered opinion that especially this stage of evolution should be in the foreground of interest of all the anthropologists. This preference is also based on other factors: the change from a society organized on the ground of kinship ties to a society organized on the ground of its relation to the means of production, i.e. into social classes, manifests itself in all spheres of life. It means that this change must also be traceable in all spheres of life. By studying all the manifestations of this stage we can recognize the long chain of causes and consequences which clarifies which elements are decisive and which are dependent, in which spheres the changes appear firstly. The tracing of the course of different events of this qualitative change will give the possibility of applying it to other societies, evolutionistically elder or younger, and more or less exactly state their position towards this fixed stage.

Even in a society based on kinship ties which is of an egalitarian nature we can distinguish different social ranks — i.e. groups of people having the same standing in the working-process, in the affairs of everyday-life, in the administering of public affairs and in religion. Membership in such a group is based on factors which could be called natural: age (very often a genealogical group is ruled by an unspecified group of elders), personal qualities (an individual can rise to privileged standing in an egalitarian society on the ground of different personal qualities such as bravery, eloquence, shrewdness, wisdom etc.). Membership in the groups is changeable, an individual automa-



tically enters into another rank when he fulfills the given qualifications (e.g. when he is old enough to be considered as an elder). The somewhat privileged standing of different ranks is not based on any real power and the authority of their members has only a consultory or exemplary nature. They are not entitled to give orders — they can only advise (and their advice is always taken seriously — as based on longer and larger experience) or by their own actions set an example to others. Obviously, therefore, the existence of different ranks does not disturb the nature of an egalitarian society.

The social stratification in the advanced stage of disintegration of an society based on kinship ties follows a different course. The fundamental difference is that the factors determining the membership in any social stratum change their nature: instead of "natural" factors functioning in an egalitarian society there appear factors which could be called artificial: difference in property, inheriting of the membership, different ethnicity, membership in a lower stratum as a form of punishment etc. In this stage an individual is already by the fact of his birth more or less definitively determined as to his stratum-membership.

The second important feature of a new character of social stratification in this stage is that the number of different strata rises and the privileged position of the highest strata becomes more definite. The functions of the highest strata, especially in economy, administrative and political organization, begin to take an exact shape. The members of these strata gradually separate from the working-process, their needs are covered by the work of the lower strata. There lie the beginnings of later class-differences.

The problem of the origin of class differences (or of "high cultures" or civilisations) has been in the foreground of interest of the social scientists for some time. Many theories have been created; one of the commonest is that the creating of qualitative differences between social strata is due to ethnic contact, mostly of a warlike nature. In such cases the conquerors formed a ruling stratum or a group of higher strata and the original inhabitants were subjugated or formed a group of lower strata. The same result can be obtained by a peacelike penetration of an active people into the territory of a less advanced



or less active people. This theory is of great importance and can actually explain the creating of social differences in regions frequented by different ethnic groups. It is, however, not generally applicable as many ethnic groups, living in the stage of civilisation, are and were in the course of their history practically isolated and developed without any really important foreign influences. In such cases one supposes that the development was due to the inherent forces of evolution functioning within the frame of a given society. It is possible to distinguish and describe the laws and mechanics of this evolution only on the ground of analyses of actual societies which even today or in the not so distant past lived in the stage of disintegration of an egalitarian society and creation of a stratified organization.

We have tried to show with an actual example of the Batak society the form and degree of social stratification of one to a great extent disintegrated society. The Batak people remained for a relatively long time isolated, the colonialistic system began to penetrate into their territory only in the second half of the last century. Its influence, above all incorporating the Batak territory into the Holland colonial system, brought many structural changes of the Batak social order, especially in the spheres of economic and territorially-genealogical organization (not to mention the direct removal of different institutions, e.g. slavery, by governmental rules). These changes, however, are based on factors not comprised in the inherent evolutionary tendencies and therefore are not discussed in this article. We have tried to describe the Batak society as it existed before the Dutch influence made itself felt.

The aim of our article was to determine the fundamental features of Batak social and political organization and social stratification and to analyse the relation of social groups and social strata in the most important spheres of life: in the laws of land-tenure and in the administrative and political organization. This analysis falls short in two regards: firstly — it is more of a normative character and only to a lesser extent describes the actual mechanics of all the complex social relations (this is due to the impossibility of carrying out long-term field-work and the necessity of basing this analysis on literature only); secondly — it is possible to study only the final stage of evolution of the Batak



society, the period of about a hundred years ago, i.e. to make only a momental section through their organization, not to follow the development of different institutions (due to the lack of available exact data for elder periods). It is always necessary to consider these two factors: a normative view and limitation in time.

In the last phase of its own evolution (i.e. before the colonial influence) the Batak society had some distinctive features. Among the most important were two qualitatively different factors of social integration: genealogical and stratificatory. The whole Batak society was divided into genealogical groups — into groups in which members were interrelated and had a common distant ancestor. The common ancestor of the largest groups was either mythic or semimythic (and at least 15 generations remote) a common ancestor of the smallest group — a lineage, might have lived only four generations ago. All members of a genealogical group (sometimes with the exception of the largest — the *marga*) lived in a coherent territory which they considered as their common property. Even if especially the last decades brought profound changes in the genealogical structure of inhabitation, it is, generally speaking, still valid. The changes were caused above all by improvements in transport and facilities for strangers to live on the territory of a genealogical group, not only by the disintegration of it.

This division of Batak society into genealogical groups could be understood as vertical dividing — the large groups gradually separating into smaller groups. This division is further intersected by horizontal dividing — into different social strata. Each of these strata had a different standing in the working-process, in the administration of public affairs and in customary law. There is one specific feature of the Batak society. Even if the number and standing of different social strata is the same among all the Bataks, these strata are formed, nevertheless, independently in each social group. In each group there is a higher hereditary aristocracy and a lower hereditary aristocracy, commoners and slaves. Membership in a privileged stratum (i.e. hereditary aristocracy) is bound to living in one's own genealogical group. I.e. a member of the hereditary aristocracy on leaving his own group and living in a strange group loses his privileged position and is



considered as a normal stranger. The possibility of one lineage or clan conquering or overpowering others and thus becoming a ruling lineage or clan does not come into consideration here. Contrariwise inside each lineage or clan there is its own ruling stratum, bound to the territory and to all other members of it.

The process of the rising of hereditary aristocracy can be most easily seen in the lowest genealogical group — a lineage, which in local sense represents a village. The founder of a village becomes its first chief, all his sons and brothers are members of the higher hereditary aristocracy (i.e. potential chiefs). All other members, even when related to the chief (having a common ancestor with him) form a stratum of commoners. After the death of the first chief the office is usually inherited by his eldest son; his brothers (sons of the first chief) and his own sons remain members of the higher hereditary aristocracy. Brothers of the first chief and their sons cease to belong to this stratum (losing the direct possibility of succeeding to the office) and further represent the stratum of the lower hereditary aristocracy. This process repeats itself in each generation and can be called the gradual genealogical degradation (cf. Gifford). Through this process the descendants of members of the higher hereditary aristocracy finally fall into the stratum of commoners. Their kinship ties with the chiefs and all members of the hereditary aristocracy are not weakened or forgotten, but their social standing is fundamentally changed.

Thus it can be explained that inside the lineage there exist profound differences between the individuals, that a group (numerically small) of a privileged higher hereditary aristocracy gradually separates. Naturally, when this process sets into motion other factors begin to function — the standing of a chief renders it possible for him to appropriate a larger extent of land and cultivate them with the help of his slaves and even commoners. The large produce of these fields on one hand raises their social significance and on the other hand makes it possible for them through loans and gifts to bind strangers and even members of their own groups more strongly to them. Both these factors signify the rising of their power. The process of the slow growing of the chief's power is naturally almost untraceable, especially if we consider the absence of old data. By comparing the different ex-



tent of the chief's power among the different groups of Bataks just before the beginning of the colonial influence we can, however, recognise the general tendencies of this process.

The standing and importance of the higher (princely) hereditary aristocracy is part of a larger problem: the mutual standing of social strata in the different spheres of life. It is possible to recognize two main conceptions: that of the Toba-Bataks and that of all other groups of Bataks (i.e. Dairi-, Karo-, Timor- and Angkola-Mandailing Bataks).

Among the Toba-Bataks the genealogical groups still have much greater importance than other groups, even if membership in social strata is felt as strongly. That is shown in the administrative and political organization (more simple administration of a village and higher unit, smaller number of different dignitaries, more significant role of commoners in public affairs, sometimes the existence of administrative and political units even on the level of the highest genealogical groups — *buis*, etc.) and also in the laws of land-tenure (the right of disposition of the land was with the *marga* or *hordja*, any member of the *marga* can appropriate through first cultivation any piece of land he likes, subject only to advising his chief, the possibility of selling a field only to a member of the *marga* — and only at a reduced price etc.). The line of relatives entitled to inherit the goods is practically unlimited.

Among the other Batak groups the role of social strata appears more in the foreground. As the highest administrative and political organization only the *hordja* appears with a not-too-distant common ancestor; there arises the complicated system of dignitaries, each of whom represents certain social stratum in the assembly of chiefs. The commoners take part only indirectly in the ruling of public affairs — through these representatives. In the laws of land-tenure there appear also some fundamental changes: the *marga* loses the right of disposition of land which goes over to the *hordja*. A member of the *hordja* is obliged to ask the chief's permission before occupying a piece of land and sometimes he is obliged to pay a certain amount for this permission. A member of a different *hordja* of the same *marga* is considered as a stranger. The fields can be sold only to the nearest relative or to the chief. Inheriting of goods is possible only



through a fixed distance of kinship; if no suitable relative exists the heir-loom is confiscated by the chief.

The differences between these two conceptions must make themselves apparent, even in the standing of the chiefs. Among the Toba-Bataks a chief is a representative of the eldest genealogical line, related to all members of his group and in fact has no other authority. He is a steward of land owned by his group and represents the group where strangers are concerned. Among the other groups the chief's standing is much stronger and his authority greater. In some cases he appears not only as a steward of the common land but as its owner.

(The growing of the chief's authority probably was farthest among the Timor-Bataks where a hordja was in fact an embryonic form of state, and among the Mandailing-Bataks where a standing armed force supporting chief's authority even against members of his own kinship group was created.)

The differences between these two groups can be explained from the historical conditions of the populating of the Batak territory. The territory of the Toba-Bataks is considered to be the central and eldest Batak territory on Sumatra. In this area the Bataks lived from the time of their migration to Sumatra, here they rose as an independent ethnic group. The other territories were peopled by later migrations from this area (e.g. in the Pane- and Bila-basin the Bataks probably came only in the 13th century). The position of a chief as a leader and warchief (especially if it was necessary to conquer the elder inhabitants) was very much stressed during these migrations. On the other hand — the migrations also brought the mixing of different groups; chiefs who based their standing on keeping the direct genealogical line were often the only ones who represented the original genealogical groups from the times of the first immigrants — which further strengthened their importance and authority.

To a great extent the genealogical claim of a chief to his office and also his claim to the land theoretically owned collectively by his group is connected. Among the Toba-Bataks, where the kinship ties are fixed and every individual knows his exact genealogical position, collective land-owning is natural; a chief theoretically has no greater claims than any other member. In the later populated territories where the kinship ties were not



so fixed and the knowledge of the exact genealogical position was weaker or limited to a smaller group, only the position of chiefs remained genealogically fixed. Only the chiefs were able to guarantee that they were genuine descendants of the first occupants of the territory; the genealogical claim to collectively owned land was indisputable only for the chiefs. Thus the importance of a genealogical group in land-tenure was transferred to the person of the chief who further appeared as owner of all the land of his group.

It is very interesting to observe that the proprietary right of the chief (shown especially by the right of disposition) arises directly from the collective proprietary right of the group and not by way of dividing of the collective land into individually owned shares and their gradual appropriating by a chief. It shows that even here the genealogical conception was very important (the chief was also the genealogical head of a group) and it played a certain part in creating the ideas of the stratified society, however paradoxically it may sound. Among the Toba-Bataks where the individual proprietary right of commoners is the strongest, authority of chiefs (in land-laws) is much weaker than in other Batak territories where the land was not divided to such an extent among the individuals but was as a collective property appropriated by the chief. (Commoners naturally have their individually owned fields but their right of disposition is much more limited.)

The privileges of chiefs and duties of commoners have already been described in detail. It is merely necessary to stress that only the members of the hereditary aristocracy could own slaves. That means also the possibility of using slave-work. Further, it was almost exclusively a chief who lent the fields to strangers coming to live there; thus they were bound to him personally. From strangers, slaves and half-slaves he created a group of people who were personally dependent on him and slowly began to represent a stratum of serfs. He was neither a chief nor a lineage-elder to them because they were genealogical strangers. Especially among the Timor-Bataks we can see that the difference between commoners and these potential serfs is beginning to disappear; the chief also exerted his power over the commoners, the genealogical factor of his authority weakened. The genealogical character of a group began to be of only



secondary importance, in the foreground appeared the territorial ties, i.e. the fact of living in the same place and being under the authority of the same chief.

Summarily it is possible to say that the Batak society finds itself, in the last phase of its independent evolution, originally based only on kinship ties, already to a great extent disintegrated and stratified. The fundamental features of the social and political organization can be summed up in the following points:

1. The Bataks are divided into genealogical groups which are mostly localised.
2. Each genealogical group is divided into social strata the members of which have different standing in all spheres of life.
3. After the comparison of standing of social groups and social strata in the administrative and political organization and land-tenure (as reviewed in this article) it can be said that although the social groups were theoretically more important, the decisive factor is the membership in a social stratum. That means that in Batak ideology are still two strata of ideas — one based on egalitarian conception, the second embracing and justifying the existence of social strata (especially the privileges of the hereditary aristocracy).
4. The decisive factor for the character of social strata and of the whole social organization is the standing of the hereditary aristocracy:
  - a) within a given social group there arises a stratum of hereditary aristocracy. Membership in this stratum is hereditary and grants certain privileges;
  - b) privileges of the stratum of hereditary aristocracy are based on genealogical claim — members are direct descendants of the first occupants of the territory. Theoretically speaking the descendants of these occupants are all members of a group, but through gradual genealogical degradation (gradual separating from the direct primogenitory line) the commoners are separated from the hereditary aristocracy;
  - c) the privileges of hereditary aristocracy are already fixed in customary law and must be observed by all inhabitants;
  - d) hereditary aristocracy is further divided into the stratum of higher (princely) aristocracy and the stratum of lower



hereditary aristocracy. Members of the higher hereditary aristocracy are potential chiefs. Members of the lower hereditary aristocracy are entitled to own slaves and to be shown respect by commoners; otherwise they have no privileges and in everyday-life are actually undistinguishable from commoners. Nevertheless they keep their membership;

- e) the highest members of the higher hereditary aristocracy, i.e. the actual chiefs and dignitaries, are separated from the working-process. Their needs are covered by the work of their slaves and by a system of duties, services and taxes of commoners which is already fixed in customary law;
- f) theoretically speaking, the land is owned collectively by a genealogical group with the chief having the function of steward. Actually the chief appropriates the rights of disposition of the land of his group. Commoners are obliged to ask for his permission to occupy a piece of land or at least to advise him with their intention of doing so. Strangers are obliged to pay the chief for such permission. This obligation sometimes affects even members of the land-owning group in some regions. By the fact of being given or lent the fields by a chief a relation of personal dependence of strangers on chiefs arises;
- g) the chief, together with other dignitaries (representatives of different social strata) rules public affairs and represents the village or higher unit towards strangers. Important affairs are decided by a chief at a general assembly of all members of a group;
- h) the chief's authority and his power is based on the following factors: he is at the same time chief and lineage- or clan-elder (this means that members are obliged to obey him as inhabitants of his village or higher unit and also as "younger relatives"); he is said to have magic power bringing good or bad luck (not to obey him brings misfortune); according to customary law he is entitled to punish people who disobey or insult him; in some regions he is allowed to use force to get obedience — by armed individuals who represent the beginnings of an institutionalized armed force;



- 1) hereditary aristocracy is privileged only within its own group. Outside it the members lose all privileges; any member of the hereditary aristocracy living in the territory of another group is considered as a normal stranger. The only exception are chiefs — actual holders of offices — who are privileged even when living in other group.

On the ground of these points we can deduce that the Batak society finds itself in the period of changing from an egalitarian (i.e. based on kinship ties) to a class-society. Social strata which arose there and began to have a decisive role in social life have not yet the exact character of the social classes. Theoretically speaking, relation to the means of production, i.e. to the land, is the same for all personally free inhabitants. Even the highest members of the hereditary aristocracy are connected in all their interests with the members of their own group and not with the members of the higher hereditary aristocracy of other groups.

The tendency to strenghten the personal dependence of commoners on chiefs and to bind them to the land (and thus to one chief) and the character of duties of commoners towards the chiefs (especially the duty to work on the chief's fields) show that the process of disintegration of the egalitarian society is already very advanced.

Most important is the fact that these changes in the Batak social and political organization are not caused by foreign influence, that they are based on inherent evolutionary factors. The gradual growing of differences between social strata by way of genealogical degradation and the strenghtening of the authority of chiefs of smaller groups during migrations are probably the points which must be considered as the most important and should be followed in other societies.



Bibliography:

Adatrechtbundels

*Adatrechtbundels*, bezorgd door de Commissie voor het Adatrecht en uitgegeven door het Koninklijk Instituut voor de taal-, land- en volkenkunde van Nederlandsch-Indie.

s'Gravenhage

Deel XX — 1922

Deel XXVII — 1928

Deel XXXV — 1933

Boer

*D. W. N. de Boer: De Toba-bataksche grondrechtbegrippen, ingeleid met eene uiteenzetting van daarmede samenhangende andere adatvormen. Tijdschrift voor het binnenlandsch bestuur XLVI, Batavia 1914, s. 355—371.*

Brenner

*J. von Brenner: Besuch bei den Kanibalen Sumatras. Würzburg 1894.*

Dijk

*P. A. L. E. Dijk: Eenige aantekeningen omtrent de verschillende stammen (margas) en de stamverdeling bij de Bataks. Tijdschrift voor Indische taal-, land- en volkenkunde XXXVIII, 1895, s. 296—315.*

Gifford

*Edward Winslow Gifford: Tongan Society (Bernice Pauahi Bishop Museum Bulletin, No. 61/Honolulu 1929.*

Hagen

*B. Hagen: Rapport über eine wissenschaftliche Reise an den Toba-See. Tijd. voor Ind. Taal-, Land- en Volkenkunde XXXI, 1886, s. 328—387.*

Hart

*A. van der Hart: Het grondbezit in de residentie Tapanoeli. Tijd. voor Ind. Taal-, Land- en Volkenkunde, VI, 1857, s. 185—192.*

Henny

*W. A. Henny: Reis naar Si Gompelon en Si Lindong in Maart en April 1858. Tijdschrift voor Indische Taal-, Land- en Volkenkunde XVII, 1869, s. 1—58.*

Kroesen, Reis

*J. A. Kroesen: Eene reis door de landschappen Tandjoeng Kassau, Siantar en Tanah Djawa. Tijd. voor de Ind. Taal-, Land- en Volkenkunde, XLI, 1899, 229—304.*

Kroesen Nota

*J. A. Kroesen: Nota omtrent de Bataklanden. Tijd. voor de Ind. Taal-, Land- en Volkenkunde, XLI, 1899, s. 82—193.*

Keuning

*J. Keuning: Eenige beschouwingen betreffende de*



staatkundige organisatie onder de Toba-Bataks. *Koloniaal Tijdschrift* XXVIII, 1939, s. 490—509.

Loeb

E. M. Loeb: *Patrilineal and matrilineal organization in Sumatra: the Bataks and the Minangkabau*. *American Anthropologist* n. s. XXXV, 1933, s. 16—50.

Murdock

G. P. Murdock: *Social structure*. New York 1949.

Neumann 1887

J. B. Neumann: *Het Pane- en Bila- Stroomgebied op het eiland Sumatra*. *Tijdschrift van het Nederlandsch Aardrijkskundig Genootschap*, Tweede serie, deel III. Amsterdam 1887, s. 5—99.

Neumann IV.

*ibid.* Tweede serie, deel IV. Amsterdam 1887, s. 1—110.

Neumann, Adat

see Neumann IV., s. 217—319.

Neumann, Schets

J. B. Neumann: *Schets de afdeeling Labuan Batu*. *Tijd. voor Ind. Taal-, Lana- en Volkenkunde*, XXVI, 1881, s. 434—513.

Neumann MNZ

J. B. Neumann: *Een en ander aangaande de Karo-Bataks*. *Mededeelingen van wege het Nederlandsch-Zending Genootschap*. XLVIII—L, 1904—1906.

Nota

*Nota van toelichting betreffende de Simeloengoensche landschappen Siantar, Panel, Tanah Djawa en Raja*. *Tijd. voor Ind. Taal-, Land- en Volkenkunde*, LI, 1909, s. 527—567.

Sahlins

Marshall Sahlins: *Social stratification in Polynesia*. Washington Univers. Press, Seattle 1958.

Soangkupon

Mangaradja Soangkoepon: *Bataksche Adat*. *Koloniale Studien* VII/2, 1923, s. 75—107.

Stratanovič

G. G. Stratanovič: *Novejšije dannije o „trjoch-rodovom sojuze“ u Batakov*. *Sovetskaja etnografija* 1959, n. 6, s. 118—122. (New data about the “three-lineage system” among the Bataks.)

Tolstov

*Narody Australii i Okeanii (Narody Mira)*. Moskva 1956.

Vergouwen

J. C. Vergouwen: *Het rechtsleven der Toba-Bataks*. s'Gravenhage 1933.



Warneck

*J. Warneck: Die Religion der Batak. Göttingen-Leipzig 1909.*

Warneck, Wörterbuch

*J. Warneck: Tobabataksch-deutsches Wörterbuch. s'Gravenhage 1906.*

Willer

*T. I. Willer: Versamelingen der Bataksche wetten en instellingen in Mandheling en Pertibie; gevolgd van een overzicht van land en volk in die Streken. Tijdschrift voor Neerland's Indie, tweede deel, 1846, s. 145—424.*

Ypes (I.)

*W. K. H. Ypes: Bijdrage tot de kennis van de stamverwantschap, de inheemsche rechtgemeenschappen en het grondenrecht der Toba- en Dairibataks. Leiden 1932.*

Ypes II.

*W. K. H. Ypes: Nota omtrent Singkel en de Pakpaklanden. Tijdschrift voor Indische Taal-, Land en Volkenkunde XLIX, 1907, s. 355—642.*