Chapter 5

Marind-anim land tenure

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Introduction¹

Of all the people in West Irian, the Marind-anim may well have received the most attention from the Administration, the Roman Catholic mission and anthropologists. The Administration first intervened in Marind affairs in the beginning of this century when the British Administration of Papua complained about the frequent headhunting raids made by the Marind into Papua. The administrative post of Merauke was established in 1902 to contain these raids and to stamp out headhunting in the area; neither aim was completely achieved until the early 1920s.

From about 1910 on the Administration was concerned with several epidemics of influenza and venereal granulome among the Marind. Their numbers decreased sharply, due partly to a pre-existent high degree of sterility among Marind women, and van Baal (1966:32-7) estimates that in about 1950 the Marind population of roughly 7,000 was slightly less than half the population of 1900. At present the population is increasing. The spread of venereal disease was facilitated by sexual customs allowing a certain degree of promiscuity, both of a homosexual and a heterosexual nature. To confine the disease the Administration attempted to restrict the number of sexual partners of each individual. The Roman Catholic mission supported this policy on medical and also on religious and ethical grounds. The celebration of many ceremonies often closely related to headhunting raids and leading to sexual licence was also forbidden. While this prohibition was not entirely effective, ritual life, which had been extremely rich, declined markedly.

Although no well-trained anthropologist studied the Marind while their culture was still intact, much is known about them, particularly

* See Foreword, p.ix. This paper was originally published in 1958 as 'Rechten op grond bij de Marind-anim (Zuid-Nieuw-Guinea)' in Nieuw-Guinea Studiën, vol.2, pp.244-65 (ed.).
¹ By editor. It is based largely on van Baal (1966).
through van Baal's lengthy and fascinating reanalysis of the available data. He comments (1966:955) that 'the most intriguing feature of Marind culture is the strict consistency of its structure, a consistency which is consciously pursued', and he contrasts Marind culture in this respect with other cultures of south-east West Irian and south-west Papua. This consistency is evident in the elaborate clan mythology, and in the several extensive cults followed by geographically separate groups of Marind.

The Marind reacted to the interference of Administration and mission officials in their affairs by withdrawing. They showed little interest in economic development. Nor did they resort to cargo cults. Some rituals were performed in secret, but the general decline in ritual life and the discontinuation of headhunting led to cultural disintegration, for which the new cultural institutions being established did not compensate. This situation was worsened by the occurrence of the serious epidemics. Consequently van Baal, who was in charge of the Administration post at Merauke in the late 1930s, reflected (1966:958): 'I have seen something of their glory and more of their misery.' Recently a revival of ritual seems to have occurred. The following paper analyses the land tenure in pre-contact days.

**Physical setting**

In every primitive country the form of land tenure will be largely determined by the objects and subjects of the rights; that is, the land itself and the people with rights to it, here referred to as the physical and social setting.

The territory of the Marind-anim forms an enormous triangle around the Bian River in West Irian (see Map 1). The wide base of the triangle rests on the coast and stretches from a point about 30 kilometres (20 miles) east of Merauke, where the sandy coastal area disappears and mudbanks make the coast uninhabitable, to the Muli or Marianne Strait in the west. The west side of the triangle stretches from the mouth of the Muli, across the upper reaches of the Bulaka River to the upper reaches of the Bian. The border of the territory here coincides with the rain forest border and bends immediately in a south-easterly direction where, across the upper reaches of the Kumbe River, it proceeds south and extends east only when it has reached the lower parts of the Maro River.

Border areas of the Marind territory are thinly populated because of traditional headhunting expeditions, but the borders are known and usually follow small rivers or footpaths in the plains or through the

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1 Verschueren's paper begins here (ed.)
forests. Where the neighbours were completely exterminated (as along the lower reaches of the Maro River where the Manggat have almost disappeared), parts of their territories were annexed. Sago and other useful plants were transplanted or areas added without taking the exact boundaries into consideration. In the upper Bian area this situation was reversed and other tribes from the forest areas of the Kau River, a tributary of the Digul, settled there.

The neighbours of the Marind are: the Yap-anim along the Muli River to the west, the Maklew-anim along the upper Bulaka, the Digul-anim in the extreme north along the upper Bian River, the Boadji-anim north of the Kumbe River, the Yei-anim along the upper reaches of the Maro River, the Aroba-anim in the middle section of the Maro River, the Manggat-anim on the lower reaches of the Maro River and the Kanum-anim in the extreme east on the coast. All these neighbouring tribes are comparatively small and insignificant. All are concerned primarily with a primitive agriculture, except the Boadji. While it appears that they adopted much of the Marind into their respective cultures, it is also true that they have strongly influenced the Marind. The upper Bian area, for instance, has been influenced by the Boadji, while in the coastal area it is likely that the important Sosom ritual was adopted from the Kanum people.\(^1\) Present evidence indicates that the land tenure of the neighbouring peoples closely resembles that of the Marind.

Marind territory is a low, flat area that only starts to rise 50 kilometres (30 miles) inland. The coastal area consists of sand banks running parallel to the coast, between which are low-lying areas of grey-blue sea loam. Sometimes up to ten sand banks are found, one behind the other, whereas elsewhere the sea has eroded the sand banks as far as the mainland proper. However, generally this original mainland is clearly noticeable, since it appears as a step behind the sand

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\(^1\) Sosom is one of the most important Marind dema, 'beings who lived in the mythical era' (van Baal 1966:179). He is the central figure in a cult which gives rise to annual rituals held first in the easterly parts of Marind country; the celebrations move westward and then return to the east. Early reports mention that the cult was adopted by the Marind from their easterly neighbours (as Verschueren suggests above), but op't Land (1959) argues that these claims are ill-founded, and adds that the cult is an integral part of Marind culture. Van Baal (1966: 268, 489) who had earlier (1934) argued for the non-Marind origin of the cult, accepts op't Land's views and makes clear that Verschueren, in his letters to him, held a similar opinion.

Though Verschueren has altered his opinion on the origin of the Sosom cult, I doubt if he would have also changed his general remark on the Marind tendency to incorporate alien elements. In any case, van Baal's earlier remark (see p.43) on the exceptional coherence of Marind culture indicates that the Marind make any such elements into meaningful parts of their own culture (ed.).
banks. It is here that the large plains, mamui, start and the geological formation of this soil is quite different from that of the coastal area accretion. The Marind call the edge of the mainland dé-har.

Further inland the meandering rivers branch in all directions. Like the main rivers, the tributaries also have wide flood-plains which in the upper regions sometimes turn into vast swamps. The water level in these rivers varies from 3 to 5 metres (10 to 15 feet), depending on the season. In the wet season the vast flood-plains are ideally suitable for fish to spawn, but as they completely dry up in the dry season, large numbers of fish go downstream to the bigger rivers. The flood-plains are a haven for water birds, and in the dry season when there is an abundant growth of grass, kangaroos, pigs and nowadays also deer which have been driven from the burned-off plains also live there. The flood-plains of the small rivers are ideal for growing sago palms, while along the coast the muddy troughs between the sand dunes are used for this purpose. The sago palm which grows wild in other parts of West Irian has to be cultivated in the Marind territory. The people distinguish fourteen different species, all of which are smooth (without thorns).

Gardening was not important to the Marind. They did not practice slash and burn cultivation. Gardens were made traditionally by digging the muddy terrain behind the coast and the swampy river flats in the interior into pairs of beds, one of which was straight and the other curved.¹ Both the coastal sand dunes and the higher spits of ground inland were traditionally places for growing coconut palms which grow well along the coast, and for settlements. Thus old coconut plantings now indicate previous settlements.

In the wet season people lived on the coastal sand dunes because the mosquitoes were too numerous in the muddy hinterland. With the start of the dry season the mosquitoes disappeared and as blowing sand made the coastal area unpleasant, the whole village moved for a couple of months to the hinterland, close to the edge of the mainland proper. In the interior people were confined to the dry land spits in the wet season but as soon as the water disappeared from the flood-plains the villagers moved there.

Material for house building was abundant. Houses were always built on the ground and had walls of sago palm leaf stalks. The frame consisted of hardwood which would not rot in the ground. The roof was made of leaves of the sago palm except in parts of the interior where

¹ Verschueren uses the term 'dyke' but, since dykes are not normally cultivated, I have substituted 'bed' instead. Van Baal (1966:19) confirms that the beds were shaped like dykes: 'the long and narrow beds are called yavun (canoe) by the Marind, because during the rainy season they resemble floating canoes' (ed.).
eucalypt bark was used. In the interior rattan was used as binding material, whereas on the coast the roots of a creeper were used.

About 40 kilometres (24 miles) inland the high terrain is covered with bamboo trees for nearly 20 kilometres (12 miles). The young bamboo shoots were an important vegetable at the beginning of the wet season, and the bamboo itself was used in many ways, for example, in making large bows and bow strings.

In so far as the land was useful to its inhabitants, it helped to determine the rights associated with it. Its natural qualities and its products made it desirable as a whole, including the uncultivated tracts.

Social setting

Not only the nature of the land and its products, but also the character and social structure of the Marind determined their interest in the land and hence the form of the land rights. Unlike their neighbours, the Marind were not primarily agriculturalists even though some parts of their land are suitable for agriculture. Except for the planting of some banana trees, all agricultural activities in the past were to produce the spectacular displays during feasts. When feasts occurred great quantities of garden produce, particularly wati, were collected to be divided among participants. The desire for display rather than for food was decisive in stimulating agriculture, and thus when traditional ceremonies were discouraged and mostly discontinued, the Marind abandoned the laborious way in which they had made their gardens (by constructing beds of various lengths on low-lying ground). The present generations look with admiration at the numerous mound-like structures which were built by their fathers in the excitement of preparing for feasts.

The staple diet of the Marind is sago and coconut. These foods, prepared thoroughly and tastily between hot stones, are supplemented throughout the year by meat or fish. The men consider the months of the dry season which they spend hunting in the hinterland the best of the year. Only during the wet season do they live in their houses on the outer dunes, contenting themselves with the yields of the sea. In the interior hunting takes place primarily in the middle of the wet season when game gathers on the higher spits of land which can be

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1 Wati (Piper methysticum) is a narcotic prepared by chewing small pieces of the main stalk or root of the plant and spitting the bitter extract into a coconut bowl. It is then drunk. Unlike kava, which is made of the same plant, wati is strongly soporific, probably because it is highly concentrated and a relatively large quantity is taken in one drink. Mainly it is the men who drink it, often daily. However, the consumption has decreased since the discontinuation of many rituals where wati was offered to the male guests (van Baal 1966:20-1) (ed.).
closed off with fences or by hunters. However, conditions are also
good at the height of the dry season when the grass in the dry swamps
can be burned off. Often many pigs and kangaroos are caught. When the
water recedes at the beginning of the dry season, the mouths of the
smaller rivers are blocked with weirs of bamboo and foliage. This pro-
vides fish for months. Vegetables are not often used because meat and
fish are available throughout the year. In the interior where fish and
meat are difficult to obtain the new bamboo shoots used to provide a
welcome change in the diet at the beginning of the wet season.

The Marind did, and does, prefer to travel in the wet season. In
the dry season the heat and the hardened soil make walking in bare feet
difficult. But when more than half the land is flooded and canoe travel
along the coast is possible, the Marind travel long distances in their
dugout canoes. These are made of special trees (only found far inland)
by the people in the interior. Drums and paddles, as well as fences
and house posts, also require special timbers. Some soils are used for
colouring. There is also a special white-coloured soil which is re-
garded as a particular delicacy when dried. The numerous termite hills
in the plains provide bricks used in preparing food. Wide pieces of
eucalypt bark serve as roofing for temporary dwellings and usually also
as sitting mats. Both pandanus leaves and rushes from the swamps are
woven into mats, while various tree barks serve as binding material,
and are also used to make bags, baskets, and the round landing nets
used by the women.

The Marind are strongly community orientated, a factor which in-
fluences their material culture. Hunts, fishing parties, the building
of houses or settlements were all community ventures. Gardens were
made communally even though they were individually held. It is there-
fore important to examine Marind social structure in so far as it
influences land tenure.

The Marind are divided into two, roughly equal moieties. These are
exogamous, as is evident from tribal rituals, myths, marriage relation-
ships and territorial divisions.1 Each moiety comprises two phratries.
Each of the four phratries is divided into several exogamous patrilineal
clans and each clan is divided into numerous sub-clans.2

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1 See, however, p.48.
2 Verschueren in his original paper, written while in the bush away
from source material, had said that the moieties are divided into three
clans, each further divided into sub-clans. He indicated to me (14 Sep-
tember 1969) that this was not the case. Instead, three of the total
six clans appear to be phratries, while the other three are clans be-
longing to the fourth phratry. Later in this paper Verschueren often
uses the term 'clan' and boan, a Marind word meaning phratry, clan and
sub-clan, and it is not always clear whether or in what cases he would
have preferred the term 'phratry'. See the following notes also on
this (ed.).
In 1953 a South Pacific Commission team which closely examined the area's social structure found that among the coastal Marind the ideal pattern of dual division as expressed in moiety exogamy was followed in 64 per cent of the recorded marriages, and clan exogamy was followed in 99 per cent (1958:68-9, 100-2).  

According to the elders, the importance of dual division has diminished during the last decade, due to the increasing difficulty of maintaining it in the face of the abandonment of rituals and population decrease (from venereal granuloma and influenza). The elders' view is confirmed by territorial division. The coastal Marind did not live in single clans but in various clans together. These settlements were called villages. In the interior a number of these villages had a common name and as such constituted one unit. Closer examination shows that a village was only a complete territorial group when it included members of all four phratries. The collective name in the interior

1 Van Baal (1966:80-5) points out that it is impossible to infer the existence of moiety exogamy from the fact that in 64 per cent of the recorded marriages people had married a member of the other moiety. On the contrary, this pattern indicates phratry exogamy, by which each person has to find a marriage partner from any phratry other than his own. Since only one of the phratries belongs to his own moiety, and two belong to the other moiety, and the phratries are about equal in size, there is a 2:3 or 67 per cent probability that his partner belongs to the other moiety.

However, van Baal accepts that moiety exogamy exists among the inland Marind. He further mentions (ibid.) that Verschueren wrote him that the Commission team had only wanted to argue that 'according to all informants, moiety exogamy had prevailed in the old days. Everywhere practical difficulties were cited as the main arguments for ignoring the role of moiety exogamy'. Verschueren also wrote, and van Baal agreed, that moiety dualism was based on Marind mythology.

2 In his original paper Verschueren uses the term 'clan'. I changed the term because first there are fifteen or sixteen clans (van Baal 1966: Annex IV) and a requirement that each village should contain representatives of all clans would be very difficult to satisfy. Secondly, Verschueren's original clan organisation comes closer to the phratry organisation mentioned above than to the clan organisation as set out by van Baal. Finally, the change very probably accords with van Baal's interpretation which makes use of Verschueren's data. I am not completely sure about this, because van Baal's and Verschueren's terminologies concerning local groups differ. Van Baal (1966:40, 63) mentions that what he calls 'territorial groups' should include representatives of all four phratries. These groups sometimes live in what he calls a 'village', often in two or more. These territorial groups probably are identical with Verschueren's 'villages'; van Baal refers to villages as clusters of hamlets, while Verschueren considers they may
gives the explanation. Although the Rahuk lived in Kowa and Bobor, it was only when both settlements were put together that they contained members of all the phratries. The Bobor people represented one moiety and the Kowa people the other moiety of the tribe. According to the same territorial grouping it appears that villages on the coast, previously regarded as independent, in fact belonged together. In other villages the territorial division into wards was clearly dual division, as in Urumb and the Eromka area. Even the local division of land amongst the various local clans often revealed dual division.¹

Regarding the settlement pattern, complete villages were divided into wards, usually separated by a fence. The ward was the property of a certain clan, which often had several men's houses, otiy, and women's houses, sav-aha, within the fence. The men's house, although the property of the local clan, often also housed men from other clans.² As with many other tribes, the social structure of the Marind shows a consanguineal pattern interwoven by affinal ties. This explains why men, not of the boan but linked through marriage, could live in a men's house of this boan. Husband and wife generally come from the same locality, but residence after marriage is not always patrilocal. Probably this explains why in the interior, where there was a smaller proportion of complete villages, co-residence of men from different boan was not so common. Inside a men's house there were no subdivisions and each individual stayed where he liked although each had his own private corner.

Headmen did exist although they were not noticed by earlier authors. They had a special name and a special function and were, in the first instance, the heads of men's houses. In regard to land tenure they were the guardians of the boan lands and administered the disposal rights of their community.

² (continued)

consist of separate settlements. For example, van Baal refers to Nawari and Buti as two villages belonging to the same territorial group which possibly includes a third village, while Verschueren regards Buti and Nawari as parts of one village. Verschueren seems also to have changed his views set out in the rest of the paragraph (ed.).

¹ In his correspondence with van Baal, Verschueren states that he was mistaken in observing a territorial bipartition along moiety lines among the Rahuk. Furthermore, he admits that the bipartition observed in Urumb and in Eromka may merely be chance. Van Baal agrees with this and adds (ibid.) that although it would have been most satisfying if the order of settlement had been in harmony with the moiety division, the evidence unfortunately is against it (ed.).

² It may be that Verschueren here refers to phratries rather than clans. If so, his views would be in line with those of van Baal (1966:49-56) (ed.).
Types of land rights

The Marind had well-defined borders with their neighbours but the people were not conscious of this. One cannot speak of disposal rights vested in a grouping comprising the Marind as a whole because disposal rights are a type of sovereignty right which presuppose a sovereign power, either in the form of a community of individuals that belong together, or in the form of a person or body representing that community. However, separate groups of Marind did form such communities and hence possessed disposal rights.

The Marind were divided into villages or territorial groups, containing local segments of the four phratries. Prima facie it appears that the territorial division was based on these villages. Numerous consequences of these village rights were evident in the communal hunts, communal fishing expeditions and the settlement of various clans in the one area. However, the only valid division concerning titles to land was the boan division. The whole of the Marind territory was carefully divided into boan lands. The territorial grouping at the village level was only a result of the fact that all clans in a certain area owned their adjoining lands as a united whole.

Before discussing Marind land rights, it is important to define what is meant by these rights. The basis of primitive land tenure should be regarded as a disposal right of a group, not of an individual. This right concerns a public affair of the group, namely the manner in which it deals with its land. These disposal rights correspond with the rights of individuals which here for convenience sake are called usage rights. Disposal rights are vested in public bodies and offices, while usage rights are vested in private bodies and individuals. They will be discussed in turn.

Marind disposal right

Which distinctive group exercises these rights and how does it exercise them? Many authors have understandably chosen the village as the group which exercised disposal rights, as with common residence, many individual rights were shared by everyone in the one village. However, it was not the village but the boan which had the disposal of these rights. For not only did the village have well defined borders, but

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1 Verschueren's changes in his formulation of Marind social structure make his discussion of land rights ambiguous, particularly the references to the role of the boan as a land-holding group. See also p.52, n.3 (ed.).

2 This section draws on Boendermaker (1953) and personal communications from him.
each boan within the village also had its own land which was so carefully marked that it was well known to which boan even particular trees and small swampy spots indicated by sticks belonged. Furthermore, the headman, pakas-anem, was a boan representative who managed the various rights of his own group. The usage right was limited to fellow boan members.

Since the Marind preferred, and still do, hunting to gardening, land rights were clearer with regard to hunting and fishing. Because of the strong community life of the Marind, it was the custom that all clans from the local community, and often foreigners, went hunting and fishing together. Groups from other boan had to be invited to join the hunting or fishing party by the pakas-anem of the group holding the rights to the hunting or fishing grounds. Otherwise they did not dare join in. Even today it is a general rule that only boan members are allowed to light the fire in the hunting field to which their boan holds the rights. Also, only the pakas-anim of the other boan groups and the members of the boan which held the land, had the right to catch game there. Participants from other boan were the beaters. At the end of a big hunt prescribed pieces of the catch had to be given to the members of the title-holding boan. The same rules applied to big communal fishing parties in creeks and swamps. Only the boan members were entitled to throw the poison in the water and all members of other boan had to wait until the boan members had already caught fish.

For private use, people often had a right to gather forest products, or to hunt or fish as individuals within the territory of another boan. This right does not detract from the exclusive disposal rights of the boan. The pakas-anem could forbid members of other boan entrance to tracts belonging to his own boan by placing a taboo sign. This forbade them also from hunting individually, this right being retained for boan members only.

From the above, it is evident that the actual authorities of the land were not the complete villages but the boan, and that therefore the right of disposal of all lands belonged to the boan. However, this authority was not vested in the sub-boan even though all the lands in use, particularly the sago and coconut gardens, unless individually owned were in the hands of the sub-boan, and a clear distinction was made between the productive lands of different sub-boan belonging to the same boan. For example, the Warinauze had their own sago gardens, which were not necessarily available to all Gebze; and the coconut gardens of the Zohe were distinguished from those of the other Mahuze,

1 'Anem' is the singular form of 'man' and 'anim' the plural, in the Marind dialects (ed.).
2 A sub-clan belonging to Gebze clan (van Baal 1966: Annex IVa) (ed.).
and the sago gardens of the Basik-Basik from those of the other Balagaize.\footnote{Since, in Verschueren's revised conceptualisation, the Zohe and the Basik-Basik are clans belonging to the Mahuze and Balagaize phratries respectively, the two examples are inapplicable to the phenomenon under discussion. See also below, n.3 (ed.)} This had nothing to do with the disposal right as such; it was one of the results of it and could be called the right to capital formation. Subsumed in the disposal right of the boan was the right of each member of that boan to have his own garden within the territory of the boan. In the beginning a sago garden would be individual property, but as sago grows very slowly and forms a stool (suckers) of its own accord, several generations would become involved. Thus, unless the deceased had made special arrangements (which was usually not the case), the inheritance rules entailed that a sago garden which was originally private property eventually became a garden in which virtually the whole sub-boan was interested. Normally the garden could not pass outside the sub-boan as the inheritance rules of the Marind are strictly patrilineal. The only exception was when a sub-boan died out, in which case the garden was inherited by the entire boan.

It is important not to differentiate between used and unused land, as the land in use presupposes an individual use of the general right. The land should be considered as a whole whether it is occupied or not.\footnote{While generally the terms 'occupation' and 'to occupy' refer to the creation of rights to an object to which rights had not been established previously, in this paper the term merely refers to the acquisition of rights, whether or not earlier rights existed (ed.).} But in the case of occupied land it appears again and again that it was the boan which exercised the sovereignty rights, and not the sub-boan or the village community. For example, it appeared that the Basik-Basik, a sub-boan of the Balagaize phratry, possessed no rights to land anywhere, even in cases where the group of the Basik-Basik were said to be separate from the Balagaize, e.g. in the Gawir area.\footnote{In his letter to me (14 September 1969) Verschueren stressed that the clans are the primary land-holding groups and that the phratries do not have an important role in this respect. As examples he mentioned that the Keize and Ndikend clans, which form part of the Aramemb phratry, are land-holding groups in their own right and not as parts of the inclusive phratry. However, the example above concerning the allocation of land rights of the Basik-Basik, a clan, and the Balagaize, a phratry, seems to contradict Verschueren's conclusion since in this case the phratry is the primary land-holding group. To resolve this difficulty, it seems best to base the analysis on Verschueren's observations rather than on the inferences he drew from these. Since, from the quoted examples it appears that the Balagaize, a phratry, and the Gebze, Keize and Ndikend, all clans, are primary}
How did the boan exercise its rights? Boendermaker (1953) writes that 'when there are no rulers, the community right or the disposal right is exercised by the sum total of the individuals'. In the case of the Marind the pakas-anem had the function of exercising what Boendermaker calls 'the sovereignty rights' of his boan, although he may have been actually more of a ritual leader. The pakas-anem took the initiative in the big hunting and fishing expeditions, and could invite other boan to take part. In the case of a dispute he could disregard some of the local boan and refuse them participation in group activities for a time. Within the boan he supervised the unhindered exercise of the usage rights of the individual. Although he did not have to be notified of occupation of land by boan members, all elders agree that he settled any disputes which arose from such occupation of land. The term samb-anem, 'great' or 'powerful man', was the general name for the pakas-anem.  

When boan rights were infringed by outsiders, it was the pakas-anem who defended the rights of his boan, and if necessary called the members of his men's house to arms. Sacred forests, wells, trees and other objects were protected by the pakas-anim, a sanction which is the greater because the pakas-anim were the ritual leaders.

Usage rights of the Marind

The consequences of the right of disposal have been mentioned, that is, the right of individual members and to some extent of outsiders to use land and its produce. With regard to the boan members, the group rights resulted in an automatic right of all individuals to hunt, fish, gather the produce of forest and plain, cut or mark trees and shrubs, make gardens and build houses and so on, on unoccupied locations within boan territory. Such occupation of land has to be seen at two levels, as occupation by humans or by dema. Hunting, cutting timber and even walking were forbidden in sacred forests. The sacred Imo forest at Wowi was never to be entered, not even to collect a wounded animal which had fled there. All these places were regarded as being occupied

3 (continued)

land-holding groups, we may conclude that either phratry or clan can have this function. Van Baal (1966:60) suggests this also, 'so long as a fully detailed investigation has not been carried out, we must reckon with the possibility of a more variegated state of affairs than the one depicted in Verschueren's article'. Accordingly the terms boan and sub-boan, as used in this paper, do not have a single referent. Boan may stand for 'phratry' or 'clan', or maybe even 'sub-clan', sub-boan for 'clan' or 'sub-clan' (ed.).

1 See Geurtjens (1933) for a definition of the term samb-anem. 'Samb' is often incorrectly translated as 'old' (ed.).
by a *dema*, the term used for (among other things) the ancestors of the various *boan*. This, of course, points to an occupation of the land by the *boan*. Moreover, names of tracts of land were exclusively related to certain *boan-dema* or to myths concerning them. Before the conclusion of the *yamu*, a death ceremony, no drums could be beaten or dances organised within the area which people believed the spirit of the deceased still occupied.

Everybody could hunt freely in *boan* territory, either individually or in groups. However, the *pakas-anem* had to be notified in the latter case and it was normally he who took the initiative for group hunts. This right to hunt did not apply to land already occupied by others; one could not hunt in someone else's sago garden, even if it belonged to a *boan* member.

The situation was similar for fishing. Communal fishing was arranged by the *pakas-anim* and every *boan* member was entitled to participate. Fishing by means of weirs, which was done inland in the smaller rivers, was governed by special rules. These weirs belonged primarily to a family or a group of individuals rather than to a single individual. Any two or more *boan* members had collectively the right to construct a weir in the river section belonging to their *boan*. The small rivers usually belonged to a number of *boan*, some upstream others downstream. A certain distance had to be kept between weirs, a regulation which was administered by the *pakas-anem*. As the construction of a fishing weir was time-consuming, the occupation of a part of the river was not restricted to one dry season but was a permanent right that became inheritable. Weirs were usually built each dry season, but even if a group failed to build a weir, no one else was entitled to erect a new weir on that spot. The group that had the right to the weir decided where partners could place their traps. Even outsiders whether fellow *boan* members or not could be invited to place their own traps.

The elders maintain that formerly the beach was also divided among the village wards each associated with its own *boan*. However, people now fish anywhere in front of the village as the system of wards has been superseded by one of family dwellings.

Tree cutting and collecting forest products followed the general rule. It was not necessary to take away immediately the forest products or to cut down the tree which one wanted. A special mark, *tep*, which was different for each *boan*, was used to indicate the desired object. The *tep* functioned as a visiting card, since a man used the *tep* belonging to his own and to his wife's *boan*, and mentioned also the number of his children. A tree marked in this manner was taken into possession even though it might be many years before it could be usefully felled. The tree was included in the inheritance.

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1 Hunting here includes trapping and snaring (ed.).

2 See p.49.
A garden could be made on any unoccupied piece of land within boan territory. Occupied land was land used as a garden or land that still showed traces of having been used, even if no crops had been planted on it for years. It also included land occupied by dema, which could not be used by humans. Gardens still in use were inherited by the male children. Others, although no longer in use, remained fallow for perhaps a generation before someone else dared to make a garden there. The more permanent gardens, like the sago areas, were subject to the same rules and as a result old sago gardens were almost always the property of a whole local sub-boan.

The erection of houses by individuals or by small groups is new. Traditionally each boan had its own land on the outer dune ridge. From this originated the wards. Traditionally the villages were subdivided into mahai, in and es, the front, centre and back respectively. However, in is merely the dividing line between front and back. Although people usually still live in the traditional settlements, the subdivisions within the village have disappeared. At most the original block may be settled by its original occupants, as, for example, the original Keize block, which is mainly settled by Keize people.

The following discussion concerns the usage rights of members of other boan; some have already been mentioned. Members of other boan shared with the inhabitants of a complete village the right to hunt or fish individually on the territories of this village. In case of communal hunting or fishing they had to be invited by the pakan-anem of the title-holding group. To cut useful trees or to make gardens they needed the permission of the pakan-anem. Permission was easily obtained within the local community to cut a useful tree, but not to mark a tree for future use.

A member of another boan who obtained permission from the group to make a garden within its territory could plant whatever he liked. At his death the crops were inherited by his male descendants as a matter of course. However, they were not allowed to make additional plantings; in other words the rights received by members of other boan to make a garden were personal and could not be inherited. Yet the following situation could occur. The Wamal people have had a sago area in Buti since time immemorial, for sago plants produce suckers. However, these people were strictly forbidden to plant more sago.

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1 Two sentences which have here been omitted reflect Verschueren's original views on the clan division and on the bipartition of the villages on moiety lines. Van Baal (1966:217-21) relates the mahai-es division to the west-east, which is associated with sunset and sunrise and hence with death and birth (ed.).

2 See pp.51 and 53-4.
Gamo-mean, prayers addressed to certain dema, were believed to ensure fertility of the crops. The peculiarity was that they are effective only if addressed to the dema ancestor of the boan on whose territory these crops were planted, and uttered by a member of this boan. Hence, if a man had a garden outside the territory of his own boan, he had to look for the proper ritual speaker, gamo-anem, to make the crops grow. The same situation occurred in regard to the wagum-mean, curses through which garden crops were safeguarded against thieves. The wagum-mean were tied strictly to certain dema, and through them to certain boan.

The member of another boan with whom a man had most contact was, of course, his wife. Although she never lost her foreign status and often returned to her own boan if her husband died, she usually lived with her husband's boan. This did not imply that she obtained special rights within the boan. She harvested her husband's sago, and if given permission, collected produce from his gardens and coconuts from his palms. She often assisted him in making a garden but she did not obtain any rights. If her husband agreed, she made her own vegetable garden near his. The harvest was hers and if she died the crops passed to her children or otherwise to members of her own boan. But this was not remarkable, given the rights of members of other boan. After marriage a woman could continue to harvest sago in her father's garden if she had his permission. She could not have her own sago gardens as they were always owned by the men.

In making a garden the Marind, like other groups, received help from members of their own and of other boan. The system of mutual assistance and payment for it was widespread among the Marind. Helpers, apanapne-anim, took part in all events of daily life and there were stock payments, the essential part of which was always wati. However, some of the helpers also had sexual intercourse with the wife of the possessor of the garden. This custom has been incorrectly seen by many as compensation for the helpers. According to Marind beliefs, this act was a necessary fertility rite and hence it took place only after the garden had been completed and planted. Only members of the husband's moiety were allowed to participate; consequently relatives of the wife were not. All helpers were compensated for their work by payment of wati.

The present situation

The above presents Marind-anim land tenure at the time the Dutch arrived. To trace the changes brought about by more than fifty years of acculturation is not easy. Thus the following observations may not always be correct, as certain features may only have occurred in particular circumstances and are therefore not valid as generalisations.

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1 See p.46.
1. **Disposal rights.** Difficulties were caused in the administration of the disposal rights by the neglect of the office of the **pakas-anim**. Although naturally no action was taken against the existence of the **pakas-anim**, the discontinuation of headhunting, and especially the harsh 1923 measures taken by the Administration on the instigation of the mission,\(^1\) have not only eroded their status, but as they were primarily leaders in rituals, in a certain measure made it a dangerous one. But the **pakas-anim** have not disappeared altogether. In the late 1940s the Imo cult which more than the other cults escaped the notice of Administration officials,\(^2\) spread over a large part of south-east West Irian and **pakas-anim** were appointed in all villages which supported the cult. These were usually the original **pakas-anim** of the groups, a fact I noticed in the Kumbe and upper Biau River areas. The well-known Sander in Boha, Galap in Keisa, Warumai in Kowa and several others had previously been the **pakas-anim**, while Wager, who was one of the men invited to attend the Imo congress in Sangase in 1950, had been a **pakas-anem** and a village headman. These old **pakas-anim**, or at least those in the interior, retained their customary function as **boan** leaders in territory matters. Some became village headmen, and there are strong indications that these have assumed the function of land trustee for the whole village. In reply to questions, the village headman was always mentioned as the organiser of public hunting and fishing expeditions. In villages where the village headman was not a **pakas-anem**, as in Muting, Wayaw, Saror, Wendu and Wamal, such initiative was immediately placed in the hands of the old people.

This is possibly the reason why certain confusion and vagueness about the correct subject of land titles has arisen, especially in the coastal area and more particularly on the eastern side. When this is discussed with the younger generation who often no longer know about the **sub-boan**, one gains the impression that the inhabitants of separate villages consider themselves the joint authorities over the land. However, in Buti\(^3\) the special rights of the older people are acknowledged. If these are questioned, they refer, as far as unoccupied land is concerned, quite clearly to the old **boan** rights. Moreover, the fact that in many areas all local members of particular **boan** have died, does not make the matter any clearer.

In general the original **boan** division was retained more clearly in the interior than on the coast. In the interior people can immediately say which **boan** owns a certain area, and old hunting and fishing rights are still quite strongly maintained.

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\(^1\) These are probably the campaigns against venereal granulome held in the early 1920s. Feasts and dances were prohibited and people were told to live in one-family houses (van Baal 1966:25-6) (ed.).

\(^2\) See p.43.

\(^3\) A village in the eastern part of Marind territory, near Merauke (ed.).
2. **Usage Rights.** Especially in the eastern coastal area, there is now no communal hunting and fishing. Why is this so? Everywhere along the coast where foreigners settled in or near the villages, community life suffered; boan relations especially, which derived their relevance from the existence of the men's houses, from ceremonies, marriage ties and above all religious practices, lost much of their old importance. In the coastal areas the family acts more and more as the operational group. The strong ties with local barter traders divide the community into small and competitive interest groups unrelated to the original boan divisions. Headmen, unless they are customary headmen, are not recognised in their own community, especially where land right matters are concerned. This creates a vacuum and people do not know what to do. Thus individualism is stimulated.

Individual hunting and fishing still takes place in all parts of village territory while inhabitants of other villages still leave their bows behind at the village boundary.

In the interior the situation still closely resembles the traditional system. Hunting and fishing expeditions are still organised by the title-holding boan unless, as mentioned above, the traditional headman is also the village headman.

The greatest cause of difficulty on the coast is the title to sago gardens. This is particularly so in the eastern area where a number of villages are short of sago land. Here a mistake was made in the rules of inheritance by according rights to sago gardens to the male descendants, and in a few cases also to the female descendants, of local women married to outsiders. The inheritors interpreted these rights as permanent rights of usage and soon the gardens were considered their inalienable and inheritable property, which would have been impossible under traditional law. As this concerns individual cases only, no definite conclusion can be drawn.

One can therefore probably say that as a result of acculturation the rules underlying Marind land tenure have become less clearcut. Usage rights of individuals have also become vague in some places. On the coast there is a general tendency to regard the old boan lands more in a village context, and disposal rights have not been given to the appointed headmen.

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