

Matrifocality in Transition: An Analysis of Inheritance Practices and the Emergence of Avunculism in Matrilineal Tribes

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DOI: 10.55662/SALRJ.2024.904

Abstract

This paper explores the concept of Avunculism, a special bond between a maternal uncle and his nephew, in the context of matrilineal societies. It employs a comparative analysis of inheritance customs, examining how these traditions and emerging trends affect Avunculism and matrifocality (women holding a central role in the household) in two matrilineal tribes: the Minangkabau tribe of Indonesia and the Hopi tribe of North America. The Minangkabau tribe, a matrilineal society in Sumatra, Indonesia, retains its traditional inheritance system despite the influence of surrounding Islamic patrilineal culture. Similarly, the Hopi tribe maintains a matrilineal structure while facing evolving interpretations of land and property ownership. This study reveals that modernization and the rise of male ownership patterns are contributing to the decline of matrifocality in these tribes, potentially disrupting social cohesion and threatening cultural preservation. The implications of these shifts highlight the need for strategies to balance modernization with the safeguarding of matrilineal traditions.

Keywords: *Avunculism , Matrifocality, inheritance, matrilineal, customs*

Introduction

Avunculism is a term used to describe the special relationship between the maternal uncle and the nephew prevalent usually in matriarchal societies. This is characterised by kinship, inheritance, and blood ties. This unique relationship between the mother's brother and the sister's son, essentially lays down the foundation for the development of social and cultural settings for certain societies. The presence of an avunculate relationship in many such societies diminishes the prominence of the father of the son (Nathane et. al. 2021, 611).

This relationship between the uncle and the nephew originates from the Latin words "Avus." which in its original etymological sense suggested the inclusion of both maternal and paternal male family members, however, later the argument was put forth that its meaning extended only to include the maternal family members. It can be identified that this focus on the maternal family, signifies that the Avus (maternal grandfather) and the Avunculus (maternal uncle) were considered as special paternal figures (Saller 1986, 356).

A matrilineal society is characterised by matrifocality where the mother exercised material control in the family in terms of personal property, land, etc. In Solien de González's definition 'matrifocality' is when a woman practises a 'leading role' in a household psychologically (1965, 1544). In our following analysis of two matrilineal tribes - the Indonesian Minangkabau tribe and the Hopi tribe in North America, we closely analyse the customs that dictate inheritance and the newer emerging trends to answer whether matrifocality within these two tribes is gradually decreasing giving rise to Avunculism. We also briefly focus on the possible implications of this phenomenon.

The Minangkabau tribe - An Introduction

The Minangkabau tribe prevalent in the island of Sumatra is one of the largest matrilineal tribes that continues to exist in our society even today, the tribe consists of four subtribes. It follows a system of matrilineal inheritance antithetical to the usual patrilineal system that subsists in majority of our cultures. The Minangkabau tribe follows Islam, which is inherently patrilineal. Minangkabau however is majorly influenced by the matrilineal system in the aspects of inheritance, culture, and society (Sotar et al. 2019, 128).

Within the Minangkabau tribe, their matrilineal society is reflected in their practice of exogamous marriage, this essentially means that tradition dictates that one is to marry outside their matrilineal clan (Muharam et al. 2021,1). The religion and customs of the tribe are aligned with the philosophy known as Adat Basandi Syarak, Syarak Basandi Kitabullah. This Philosophy expressed, that the rules of the tribe must be in compliance with Islamic Law. Analysing the inheritance practices of the tribe it can be deduced there lay many similarities and differences between the tribes practices and Islamic Law (Putri 2023, 387).

The Minangkabau Inheritance Customs

In the Minangkabau tribe it is seen, that it is the women predominantly who are the heirs. According to Islam, the male heirs get a greater share of inheritance, contrary to this, in the Minangkabau tribe the women have a greater share of inheritance, in comparison to the male heirs (Sotar et al. 2019, 129). The Kinship that is prevalent in this tribe decides on the distribution of an individuals rights when it comes to inheritance in the community (Muharam et al. 2021,2).

Inheritance in the Minangkabau tribe has been grouped into three categories namely High inheritance (pusako tinggi), low inheritance (pusako rendah) and personal property or individual assets. Pusako refers to those possession and goods which are of tangible nature (Sotar et al. 2019, 130).

The nephew of the mother inherits all high inheritance heritages, The mothers and daughter are who inherit the real estate instead of the inheritance going from the uncle to the nephew. The Islamic implementation of inheritance laws is individual whereas, the System governing the customary law of inheritance of the Minangkabau tribe is known as the Collective Matrilineal, that dictates that inheritance that has been abandoned cannot be shared with the heir but the right to use such inheritance can be omitted by the lineage of the mother (Sotar et al. 2019, 131).

High inheritance property is that which is obtained from cooperation between mothers and nephew, further, low inheritance property is that which is obtained from the one's own work and personal property and is that which is belonging to a husband and wife, attained during the course of marriage (Syafira et al. 2023, 862).

The mamak, brother of the mother who is the head of the inheritance leadership passes on his rights to his family and his brothers or daughters, further in this system of inheritance the descendant on the clan as well as the property is calculated on the mother's lineage and tribes are also formed based on the matrilineal line (Muharam et al. 2021, 5).

Analysis of the Inheritance practices

The Mamak was seen as the head of the family, identified as the *mother's* brother, he was seen as the figurehead for the clan even though the tribe was one that was inherently matrilineal in nature. A special relationship between the uncle and nephew prevailed over the inheritance laws of this matrilineal community, certain assets were to be set aside and labelled as the male low inheritance assets that were inherited from the uncle to the nephew (Sotar et al. 2019, 131).

In theory, the power within the tribe rests with the mother, but it is rarely used because, in practice, it is the mother's brother who has the power- As the heir's head, Mamak must take care of people's assets such as Ulayat and land, he is obliged to take care of the inheritance properly ((Muharam et al. 2021, 5). Sako which is a customary honorary title and one of the types of inheritance is passed down amongst the male figures(mamak and nephew) on the mothers side of the family. The property is passed down amongst the male members of the family- from Ninik to Mamak and Mamak to grandson (Putri 2023, 389).

The Indonesian Constitution recognises the existence of Tribes such as the Minangkabau and recognises the practice of customary laws within such tribes (*The Constitution of the Republic of Indonesia 1945*). Article 18A and 18B of the constitution, provides vast autonomy to regional authorities with regards to dispute resolution. The provisions recognizing these regional communities allowing for customary laws to take precedent with regards to inheritance laws and practices (Iqbal 2020, 87).

Dispute resolution mechanisms such as the Nagari, which is a form of self governance, sanctioned by the West Sumatra Regional Regulation, allows for Nagari courts to decide upon matters with respect to ulayat land use and inheritance, amongst the tribe (Iswari et al. 2023, 106). The Tambo Minangkabau contains historical and ancestral knowledge regarding the customs of the Minangkabau Tribe (Hendro et al. 2022, 28).

The Tambo Minangkabau has also been described, as oral utterances which establish guidelines for societal living of the Minangkabau people. The Tambo through these guidelines has settled how land is to be used (Yazan et al. 2017, 1). This portrays the historical significance of customs, and the hold they have over practices of this tribe. The British National Archives, display rare preserved manuscripts that portray information about Minangkabau Law and customary law (Adat), as followed by the tribe, including information about the inheritance practices of the Minangkabau people.

The Hopi tribe - An Introduction

The Hopi community is nestled within the United States in the North-Arizona region. (Sekaquaptewa 1999, 762) Commonly referred to as the Hopi Indians, they are renowned for their distinctive matrilineal social structure, spiritual ceremonies, and artisanal craftsmanship. Hopis are primarily agricultural as well as pottery and basket making people (Beaglehole 1935). Even though the Hopi tribe is administered by the United States Indian Service, the community follows a common-law legal structure which aims at 'fairness', 'consistency' and 'respect for local values' (Sekaquaptewa 1999, 762). The Hopi people are also governed by the Hopi Constitution, 1936 which aims to preserve the Hopi way of life, their vibrant culture and also ensures safeguards for Hopi individuals.

Harry James, a Hopi member, provides a historical narrative of the ancestral homeland occupied by the Hopi people. He refers to this land as the 'promised land'. (2020, 9) In search of this idyllic locale, the tribe's ancestors embarked on a series of migrations, each group led by a venerable matriarch. (James 2020, 9) The idea was that her great wisdom could be counted during the long journey. From that time forward, Hopi women have held a prominent position not only in the religious sphere but also in the secular life of their community. (James 2020, 9) In addition to recounting the tribe's historical journey, James also addresses the struggle and oppression under the Spanish expeditionary forces and Christian missionaries. (James 2020) This historical context is crucial for understanding the tribe's identity struggle, which has been further exacerbated by the changing traditions in its matrilineal structure.

The Hopi Inheritance Customs

The Village Chief is the head of the clan. He is responsible for all the customary, legal and other administrative decisions in the village. (Beaglehole 1935, 308) Since Hopi is a matrilineal society, it is co-headed by a female member (Sekaquaptewa 1999, 762). In terms of personal property, which include ritual ornaments and dresses, dolls, household furniture etc., a man and unmarried women own them personally (Beaglehole 1935, 304) Additionally, in case of a married women who is the head of the household will also own the house as her personal property (Beaglehole 1935, 305). Upon her death, all her property will customarily devolve upon her daughters (Beaglehole 1935, 307). The clan follows the principle of reciprocity whereby a gift made to a clan member or an outsider would mean a reciprocal gift of equal value (Ragsdale 1987, 384). Borrowings are also a common occurrence among Hopi people with respect to personal property (Beaglehole 1935, 307).

The Hopis have historically not owned land (Thompson 1950). They believe to be the descendants of the ancient people, Hisatsinom who occupied a significant part of land. Therefore, Hopis do not believe in absolute ownership of land and lean towards trusteeship and stewardship (Ragsdale 1987, 380). However, in strict terms of ownership, the inheritance of land is strictly matrilineal. The clan lands are divided into matrilineal lineages and further among households comprising that lineage (Beaglehole 1935, 313). The Hopi Constitution in its Article III reserves the village jurisdiction regarding 'inheritance of property of village members and the assignment of farming land'. The village council acts as a 'land-owning unit' only on the occasion of dispute (Beaglehole 1935, 312).

Analysis of the Inheritance practices

While the inheritance of personal property such as a house was established to be by the woman's daughter. Evidently, a trend has emerged wherein the man possesses testamentary choice which would allow his widow, sons and daughters to inherit property unlike customary Hopi inheritance (Beaglehole 1935, 307). This ensures a systematic exclusion of the sisters, brothers and the clan's people and would lead to dilution in matrifocality within the tribe.

Another interesting concept is that of wasteland. A man in the Hopi community can possess absolute ownership of a wasteland which would be taken over by his son upon his demise. This is not characteristic of the Hopi culture where the woman is the controlling agent of land

(Beaglehole 1935, 317). Therefore, male ownership is ultimately rising, with inheritance from the father following this phenomenon (Beaglehole 1935, 316).

The figure of Tah in a Hopi tribe is that of the maternal uncle. He is seen to be the traditional counsellor and disciplinarian (Sekaquaptewa 1999, 763). In the case of *Nutongla-Sanchezv. Garci* which was brought before Hopi Appellate Court concerning the legality and finality of the decision made by the male clan relative (Sekaquaptewa 1999, 774). Here, the court held that the decision made by the male clan relative would be final and barred from litigation under the doctrine of double jeopardy (Sekaquaptewa 1999, 774). In the given case, the decision was equitable even though not strictly matrilineal because it was made under the claim of an oral will (Sekaquaptewa 1999, 774). However, this decision clearly has the potential to cause increasing Avunculism which is against the custom and traditions of the tribe. Especially in light of the increasing influence of male disciplinarian roles such as that of the Tah.

Implications of Rising Avunculism and Declining Matrifocality

The Great Seattle Speech symbolises the profound reverence and intrinsic value Native Americans attach to their land (1854). In the Minangkabau tribe, there is a strong emphasis on the significance of High Inheritance (*pusako tinggi*) and ancestral heirlooms. As established previously, the high inheritance devolves onto the newpew. The transition from long standing customs favoring maternal inheritance to a system of absolute ownership, often favoring paternal figures such as fathers, uncles, and nephews, poses a threat to the social cohesion of these tribes.

Moreover, it has been observed that in matrilineal societies such as the Hopi and Minangkabau, there tends to be a prevalence of personality difficulties among males (Thompson 1950, 97). With decreasing matrifocality this personality imbalance tends to worsen. This could result in the polarization of the tribe, with some individuals striving to preserve traditional culture. However, this crystallization may correlate with an inability to adapt to new challenges. Conversely, others may embrace capitalist and patriarchal institutions, characterized by absolute ownership and male dominance. Such a shift could pose a significant threat to the enduring culture and traditions of the tribe.

The dilution of matrifocality is not unique to the Minangkabau and Hopi tribes. A comprehensive cross-cultural analysis indicates that transitions away from matriliney are significantly more common than transitions toward it (Shenk et. al. 2019). This trend is often associated with increased male control over resources and the development of alienable property under male authority, leading to a decline in matrifocality and a rise in avunculism, where maternal uncles assume more prominent roles in inheritance and social structures.

Empirical analysis of the Standard Cross-Cultural Sample (SCCS) indicates that transitions away from matriliney have been relatively frequent, with an estimated 13.3% (in conservation society wide tallies) to 35.0% (in liberal tallies) of societies undergoing such shifts . (Shenk et. al. 2019, 11) For instance, among the Bantu-speaking populations in Africa, the introduction of cattle herding—a resource typically controlled by men—correlated with a shift from matrilineal to patrilineal inheritance systems (Shenk et. al. 2019, 4). Similarly, in the Trobriand Islands, increased male involvement in yam production and control over surplus led to a gradual erosion of matrilineal structures.(Trombian Islanders, 2023) These examples illustrate how economic changes that enhance male control over valuable resources can precipitate shifts in kinship and inheritance practices, diminishing matrifocality and elevating the roles of male relatives, such as maternal uncles, in social and familial hierarchies.

The connection between the land, personal belongings, including ritual ornaments, and their owners highlights distinctive psychological ties that are vital for the cohesion and resilience of the tribe. As globalization encroaches, the tribes face challenges in preserving their cultural heritage. The increasing prevalence of male ownership will undoubtedly disrupt the social and psychological equilibrium within these communities, further exacerbating their struggle to maintain stability.

Conclusion

The intricate balance between maternal inheritance, Avunculism , and the shifting landscape of ownership rights presents complex challenges and potential implications for these tribes. The Minangkabau tribe exemplifies a matrilineal system deeply rooted in tradition, where maternal uncles play significant roles in inheritance and family dynamics. However, the influence of external factors such as modernization and legal systems challenges the

traditional matrifocality, leading to potential shifts in power dynamics and ownership structures.

It has been seen, resulting from growing avunculism as well as modernisation of communities, the inherent cultural practices of tribes such as the Minangkabau and Hopi have seen to be dissapting over time. Recommendation have been made to strive towards more transparent and widespread education within these tribes, so as to preserve the customs and culture of the Minangkabau (Anwar et al. 2019, 497). There seems to be an overarching need for an amalgamation of globalisation practices and retaining the integrity of these tribes. This can be achieved through efficient communication between regional authorities and larger governmental bodies, to device regualtions so as to preserve the cultural integrity as well as increasing awareness and education within these tribes.

The Hopi Cultural Preservation Office, provides for an efficient method so as to preserve the cultural interest of the people of the Hope tribe, by representing their interests within and outside the tribe. The Minangkabau tribe would seemingly benefit from a similar governmental institution aiming at protecting and preserving the tribes culture.

The paper has aimed at positing, the effects of rising avunculism and loss of customary practices leading to a decline in the matrilineal nature of the these tribes as well as threatening gender based social relationships.

There remains scope to delve deeper into the legal frameworks that surround these tribes. Research can aim at conducting studies, regarding the efficiency of the dispute resolution mechanisms of these tribes as well as studying the impact of declinign matrifocality with regards to customary inheritance laws.

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