

論文の英文要旨

論文題名

Characteristics of Land-mortgage Contracts in the 18th- 19th-Century Myanmar Society: An Analysis based on *Thet-kayits* Manuscript

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The objective of this study is to analyze the money-lending custom among the rural people through the money-lending *thet-kayits* and to define the key features of those *thet-kayits* as they actually happened during the Kon-baung Period (1752-1885).

Most of the *thet-kayits* in the period are concerned with agricultural land. Through this thesis, the author mainly focuses the research on the contracts related to agricultural land mortgages and their lawsuits.

Thet-kayits are important sources in order to explore Myanmar's past as these contracts contain written information that records various aspects of social life, such as local judicial cases, land transactions, land mortgage contracts, inheritance and other social affairs even though the majority of the documents are concerned with money lending.

Unlike royal orders and *sit-tans* that were written by officials, it were the ordinary people who recorded matters related to their socioeconomic life and other events by writing these documents, which eventually acquired the set form as they are known today.

The historical significance of the *thet-kayits* is that these documents were legally recognized as contractual records, in fact they were written in the presence of witnesses for such a purpose: legal validity. Accordingly they all contain explicit dates, names of people, places and contractual stipulation.

The sample used for this study is a collection of 364 *thet-kayits* obtained through direct fieldwork by the author.

Although *thet-kayits* reveal the socio-economic relations at that time, very few historical studies have been conducted based on *thet-kayits* for the Kon-baung rural society, except for those of Dr. Toe Hla, Professor Teruko Saito and other few master theses.

Dr. Toe Hla's works provide great information on money-lending customs, land mortgaging, the currency system and the judicial system. His works contributes new insight into early modern Myanmar history. Professor Saito's research provides us the central redistribution system of resources was shifting to a system based on monetary exchange based on

land-mortgage *thet-kayits*.

The regional scope covered by this study is confined to Meiktila which located in central Myanmar was one of the economic centres of the Kon-baung dynasty and included more than 120 villages under the Governor of Taungoo during that time.

Meiktila's economy in the later Kon-baung period was mainly agricultural; therefore land was the primary source of living. The Meiktila Lake and the irrigation system constructed around it played a crucial role in the economic development of region as the main source of income was based on cultivation.

Social development is closely related to economic development and land mortgaging *thet-kayits* are primary source of information concerning the region's society. Hence in this study we have described through *thet-kayits* concerned with land mortgages and money or crop loan contracts, how people related to each other and to land.

The focus of this study is on the aspects of land mortgage custom that dealt with its three most specific characteristics; a) the custom of repeatedly borrowing money based on a previously mortgaged land, b) the right to redeem a mortgaged land after long periods; and c) the plurality of money-lenders and borrowers.

The thesis contains four chapters.

In order to understand the land mortgage custom among people and their social interactions, the first chapter deals with the general background of Meiktila. It provides information on Meiktila's location, the importance of the region in Myanmar history, the social strata of the people that lived in there and a brief discussion of Kon-baung society and agricultural economy. The chapter also contains the distribution of *thet-kayits* that were found in Meiktila.

In chapter II, the author focuses in three main issues: 1) describing the people that are mentioned in *thet-kayits* as mortgagees, mortgagors, writers and draftsmen of *thet-kayits*, witnesses, assayers and weigher of money and brokers; and their relationships through the *thet-kayits*; 2) explaining Myanmar's monetary system at that time and how people accepted these currencies; and 3) discussing the role of witnesses who made *thet-kayits* effective and people related to religion in making contracts.

The third chapter explores the relation between land and people through two main aspects; 1) how people started to use agricultural land as a base for mortgage and; 2) money-lending conditions appearing in land mortgage *thet-kayits*. The chapter describes how people became indebted, and what type of land mortgages were made at that time. Lastly, it provides an analysis of the peculiar characteristics of land mortgage system and how people attempted to keep hold their rights over land.

Chapter IV analyzes the lawsuits based on the information from the texts of *thet-kayit* related to disputes over agricultural land at the village level. It provides the specific features of the land mortgaging system and its inheritance customs, particularly plural ownership right over land, unlimited period of redemption right over land which often happened to disputes and also contributed to a new practice that allowed land to change from hands to hands.

In contrast to a general image of the king claiming to be the sole owner of the whole land of the kingdom, by analyzing the *thet-kayit*, restoring a *factual history* and taking his right as only a theoretical element, this study offers a grounded explanation about the mechanisms that made land actually changed from hands to hands. The concrete transfer of lands happened as a consequence of the specific customs of mortgaging, redeeming and inheritance that often led to disputes over land among the people who claimed to own it as ancestral land and those who acquired the right to use it via the mortgaging system. However, with the introduction and general acceptance of this kind of complex mortgage system based on the contracts recorded in the *thet-kayits*, people had started to see land as a direct source of income and profit, which eventually led to its commodity status.

By examining this *de facto* judicial system of the local society, we can legitimately argue that its verdicts of courts often settled the disputes through arbitration, as reconciliation was the main compensation justice mechanism in Myanmar society. People used to solve their differences through ways that helped them get the consent of both sides; which seemed to be an appropriate procedure for the circumstances at that time.