DISCUSSION PAPER

Social and Cultural Aspects of Land Inheritance and Transactions in Rural Thailand

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"If There Was No Land to Clear Anywhere":
Social and Cultural Aspects of Land Inheritance
and Transactions in Rural Thailand

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The paper was written while the author was a consultant for the World Bank, within a research project on "Land Ownership Security and Farm Productivity in Rural Thailand" (RPO-673-33). The opinions expressed in the paper reflect those of the author, but not necessarily those of the World Bank or its affiliated institutions.
I

Introduction

Land transactions -- inheritance, sale, rent, etc. -- may be by and large economically motivated, but they are also bound by the social relations and cultural mores of the society in which they occur. Thai farmers share traits that distinguish them from farmers in any other society; and their attitudes and approaches to land are unique in some significant ways from these of farmers elsewhere. This, then, can have important implications for the form of their social organization and economic activities. It is the author's intent to describe cultural and social influences on land inheritance and land transactions in rural Thailand, to contribute to an understanding of the patterns of land use in Thai society.

Major historical factors contributing to the forms of land transactions and use are reviewed in Section II. A discussion follows in Section III of the patterns of land inheritance, the most culturally imbued form of land transaction in any society. In Section IV, social and cultural influences on other forms of land transactions are described, beginning with land sales, then rentals, mortgages, and finally speculation in agricultural land. Because of the extensive encroachment of public forest lands, a brief discussion of the government's and farmers' responses to the unique conditions in these areas is presented in Section V. Concluding remarks about the major social and cultural aspects of land transactions are made in the final Section IV.
II.

Historical Background

"If there was no land to clear anywhere," an old man says, "things would be hard, but there usually is land. If it's not irrigated, then one clears more of it and trusts to luck. If it produces well, then good. If it produces badly, well, that's that." (from Moerman 1968: 92)

A long history of a vast land frontier throughout Thailand, along with government encouragement of farmers, at least until recently, to clear and cultivate those frontier areas, has contributed significantly to the rural Thai perception and approach towards land, as reflected in the patterns of inheritance, land transactions, and other means of land acquisition. Even though virgin land in Thailand is now nearly exhausted and the government no longer encourages uncontrolled expansion of agriculture into forests, the social relations and cultural attitudes concerning land remain molded by the history of a seemingly limitless frontier: farmers continue to move into the forests, and patterns of inheritance continue to reflect the assumption that more land is readily available elsewhere. Other factors -- Theravada Buddhism, the nature of kinship and marriage

1/ The author has excluded South Thailand from the analysis for several reasons. First, there is a dearth of material on land relations in the South, both in Thai and English, especially when compared with the social, economic, and cultural studies of land and land relations in the rest of the country. Second, and more important for the purpose of this paper, the historical social, and cultural conditions in the predominantly Muslim areas of the South differ significantly from the rest of the country. Any discussion including those areas would have to deal with them as unique -- not "typically" Thai -- socially and culturally.
relations, and the technical limits of agriculture, particularly of rice production -- have also affected the nature of land inheritance and acquisition, but none so pervasively and none independent of the conditions created by the frontier.

2.1 The Origins of Rural Settlement Patterns: Early State Control of the Populace

In the centuries before the mid-1800's, before Thailand was opened to unrestricted external trade, the economy was largely a self-sufficient, tributary system in which commoners provided labor and goods for an aristocratic ruling class. With ample land for a relatively small population, the political and economic power of the state was based foremost on its control over manpower. The frequent wars between the states of Southeast Asia rarely were fought to establish direct control over more territory: rather, the establishment of suzerainty over smaller states to obtain regular tribute payments and the taking of war-slaves to augment the state's labor force were central among the reasons for war (Akin 1969: 16; Chatthip and Suthy 1978: 1; Flood 1975: 55-56; Turton 1980: 254).

All land and manpower were property of the state, as personified by the king or by the ruling princes of tributary states. Aristocrats were granted by the ruler control over both commoners and land, with nobles of higher rank granted lordship over more people and a larger area. Freemen had the right to cultivate land (apparently up to 25 rai, or 4 hectares), enough to support their families and provide their overlord and the state with surplus agricultural produce (Akin 1969: 89-110). They also had to provide six months of corvée each year to the
state. (Terwiel 1983: 17-18). Slaves, however, owed all their labor to their master. While most war-slaves were kept by the king, some were distributed among nobles according to their rank (Turton 1980: 256). Debt slaves were owned by the nobles to whom they were indebted or had been sold or given. They were freely sold, exchanged, or offered as gifts among nobles (Turton 1980: 262-267). The Thai tributary system differed significantly from the feudal systems of Europe and Japan in that the Thai populace, whether freeman or slave, was legally tied to their overlords, not to the land; and that they were moved frequently according to the needs of the state. Freemen were also known to shift allegiance to overlords voluntarily, with the nobles eager to attract as much manpower as possible. Though such shifts of commoners among nobles were not considered legal without the king's consent, there was little the king could do to prevent at least some of these transfers. Those able to attract manpower independent of the throne's discretion were the most powerful princes and nobles (Rabibhandana 1969: 30-31). Were the king to act decisively against them, they could withdraw their support of him and vie for the throne (Phumisak 1977: 46-48).

It is apparent that the pattern of settlement prior to the mid-nineteenth century "was as much a matter of state

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2/ The exact nature of the Thai tributary system (sometimes referred to as the Sakdina system, after the method of ranking) is very much a matter of dispute among historians. Two detailed, but conflicting, descriptions of the system can be found in Akin Rabibhadana's "The Organization of Thai Society in the Early Bangkok Period, 1782-1873," and in Cit Phumisak's Chom Na Sakdina Thai.
policy as of the free choice of the populace concerned" (Siamwalla 1972:7). The state needed to gather troops quickly for warfare, transport agricultural surplus to the capital and other towns, and mobilize corvee for construction and maintenance of public works. Given the nature of transportation at the time, wherever the state was strong the population was kept close to the towns (Ibid). In the Central Plain, where travel was by an extensive system of rivers and canals, people settled on the banks of the waterways, in what seemed then to European travellers to Thailand to be an endless chain of rice fields, gardens and groups of houses strung along the shores. The rest of the plain, stretching between the rivers and canals, was largely unsettled. As late as the mid-1800's, when new lands were opened with the construction of a canal west of Bangkok, the state moved people into the area to work the lands controlled by high nobles (Sharp and Hanks 1978: 39-40).

In the rest of the country transportation was mainly overland. People settled in village clusters linked with one another and the major towns by ox-cart trails. Thais in the North lived in the fertile valleys of the region's princely states (Moerman 1968: 12, 15). The high hills and mountains

3/ The northern states were for most of their histories tributary to either the Burmese of the Central Thai kingdom of Siam. Only rarely were they independent states, during the brief periods when neither Burma nor Siam had adequate military might to exercise control over the region. No matter what the political status of these northern principalities, the local princes and nobles were the direct rulers of the local population until the end of the 19th century, and they maintained control over the manpower and agricultural production of their territories through a political and socio-economic system similar to that of Siam in the Central Plain.
covering most of the North effectively prevented the Thais from moving out of the lowland valleys where they grew rice. Moreover, state supported (but farmer managed) irrigation systems in the larger valleys further contributed to state control over the movement and settlement of the population.

Villages in the Northeast, in the vast Khorat Plateau, were spread throughout the region. A political vacuum from the late fourteenth until the late seventeenth centuries, in which no major kingdom appeared to hold securely control over this region (Keyes 1967: 5-8), and a lack of major geographic obstacles to movement led to a much more dispersed pattern of settlement than in either the North or the Center. Over the years, descendants of people who originally were moved to the northeast of the plateau by the Lao kingdom, migrated freely to the south and west and settled wherever land was adequately fertile for rice production. The oldest settlements in the Northeast tend to be scattered in the more fertile lowlands of the plateau, with houses clustered on slightly higher ground near the paddy fields. Local overlords did exercise political and economic control over the population; but because they, too, were scattered over the region, ruling small areas not clearly defined geographically, it was not as difficult for commoners to migrate in the Northeast as in the rest of Thailand.

Two elements of the early socio-economic organization of Thai society stand out as being likely to have effected contemporary social relations and cultural attitudes toward land. The first is the enforced movement of population by the state to
settle new areas. The second is the shifting of allegiance of commoners from one overlord to another (whether enforced by the state or voluntary) or the changing of ownership of slaves from one master to another, and the concurrent change of residence. Migration, both forced and voluntary, was apparently common. The uncertainty of the general populace that they would continue to cultivate the same land for any length of time surely contributed to the lack of attachment of rural Thais to any particular plots of land for religious, cultural, or social reasons.

2.2 Involvement in World Trade: Migration and the Expansion of Agriculture Since the Mid-Nineteenth Century

The opening of Thailand to world trade after the 1850's drastically altered the kingdom's political and economic structure. The development of a cash economy in conjunction with the involvement in trade allowed the state to shift from taxation in kind and corvee to money taxes collected directly by agents of the royal court (Terwiel 1983: 253-254). Freed from their legal bonds to the aristocracy, commoners were encouraged by the government to expand their area of paddy production to meet growing export demands (and increase the state's tax and tariff base).

4/ The Thai farmer "is not tied to the village community, nor has ties to the land worked by him and his ancestors like for instance the German farmer is said to have (Prischa Piamphongsant, 1971: 92f)" (Riethmuller 1984: 125).
Though all land remained legally the property of the king, those who occupied and cultivated it had what amounted to legal possession of the holdings. In addition, land gradually acquired value as a commodity, to be bought, sold, rented and taxed. By the end of the nineteenth century, government officials in parts of the Central Plain issued certificates of land use and possession. Farmers near Bangkok were allowed to claim as much as fifty rai (8 hectares) for themselves and another fifty rai for each male child (Sharp and Hanks 1978: 76). But if the land was abandoned, the state revoked possession and granted it to whoever next occupied the holding (Ibid: 77; Johnston 1975: 50-51).

Few large estates were formed. The single striking exception was the establishment by members of the aristocracy and other wealthy speculators of large estates around the turn of the century in the Rangsit area north of Bangkok. Newly constructed waterworks opened this area to cultivation, and the fertile soils and easy access to Bangkok made it prime agricultural land. The large holders leased it out to numerous small farmers. With land available easily elsewhere in the country, tenancy in the Rangsit area at the beginning of this century was likely not a symptom of economic hardship. Rather, the farmers chose to pay rent for the use of prime land instead of clearing and cultivating their own but less economical holdings (Johnston 1975: 121; Tanabe 1978: 65-66).

Elsewhere in the country, land was held in small, single family farms. Because of the physical constraints of rice production, most farm families in the Central Plain could not
work easily more than 50 to 80 rai (Hanks 1972 1972: 49-50; Nakahara 1978: 90). In the North and Northeast, farms tended to be even smaller. Agriculture in these regions were not yet as commercialized as in the Center: trade was minimal, and only a little surplus rice or an occasional head of cattle had to be sold to meet the new demand for cash taxes (Mehl 1985: 40).

Migration throughout the country -- but especially in the Central Plain -- was heavy. People abandoned their farms and cleared and cultivated new holdings, hoping to have better land or wanting to work larger farms. Young couples split from their parents' villages to stake out and clear their own farms. What was previously forest land between the canals and rivers of the Central Plain quickly filled with paddy fields and villages. The better quality lowlands in the North and Northeast filled more gradually, with the expansion of agriculture much slower, at least until the development of improved transportation links with Bangkok and the export markets and the boom in upland crop production in the middle of this century.

The pattern of migration was similar throughout the country. The first group of settlers in a village were usually a small group of families, almost always related, who moved together from their home village. Once they established their new home other family and friends followed. Until recently, the newly established villages were rarely far from the home communities. In most cases, as farmers cleared lands farther and farther from the village it became more convenient for those with holdings distant from their homes to set up a new community
closer to their fields. As lands distant from this new village were cleared, yet another splinter village would be established, and so on until all the nearby land was occupied (Mehl 1985: 99-100, 115; Mizuno 1971: 19; Sharp and Hanks 1978: 60-61, 74-75). Only when lands near the home village were all cultivated would people venture farther than a day's or so journey away, to virgin lands just beyond another community (Leeferts 1974: 121-124; Mizuno 1971: 16-18; Gieselquist 1977: 14-24).

By the middle of this century, the Central Plain was almost entirely under cultivation. There were no longer new paddy lands to clear there. The large fertile valleys of the North were also fully settled, virtually all the good rice land in the Northeast was being farmed, and even poor quality rice lands in areas surrounding and to the southeast of the Central Plain were being farmed. Yet in contrast to the Central Plain, migration continued in each of these areas, and still goes on, as the boom in upland crop production allowed farmers to work soils inappropriate for growing rice.
III.

Patterns of Land Inheritance

"I will divide my land equally among my children," a farmer explained when asked how he planned to split his small holding as inheritance among his five children. "Of course I need more land so each of them will have enough to farm," he added, but I don't know what I'll do." (Summarized from an interview in Chon Daen District, Phetchabun, October 1985).

Despite some social and cultural diversity among the regions of Thailand, major cultural and social traits are for the most part shared by rural Thais throughout the country. The cultural factors affecting patterns of land inheritance and other land transactions are similar in all the regions being analyzed. Variations that do exist in the actual patterns of inheritance and transactions are by-in-large the result of demographic and economic conditions: wherever these conditions are similar the effects of cultural factors on the patterns of land transactions tend to be the same.

Just as the land frontier has had major influence on the rural Thai perception and attitudes toward land, so has the gradual end of the frontier had major effects on the patterns of inheritance and land transactions. As will be seen clearly later in this section, people in areas such as the Central Plain, the major valleys in the North, and the relatively fertile rice-growing lowlands of the Northeast, all of which have been fully settled for several decades, have developed different inheritance patterns and methods of land acquisition than those living in areas where land is still readily available even though the socially ideal patterns remain the same everywhere. While it has been claimed by students of rural Thailand, and the history of
massive and constant migration to new lands seems to indicate, that the Thai are less attached to particular plots of land than are those in many other societies, attachment to family and home are sufficiently strong and economic opportunities just adequate to keep many rural Thai from migrating to the isolated, uncertain life in the remaining distant frontier area. The increasing population and the lack of new lands for people to claim or purchase in these long settled areas has led to the significant modification, in practice, of the ideal patterns of inheritance and acquisition of land.

Major economic changes in recent decades have also affected inheritance patterns and methods of land acquisition as the socio-economic structure of rural Thailand has been transformed. The development of an extensive road network after the Second World War along with the international demand for a variety of agricultural goods led to a massive expansion of agriculture beyond what had been the outer fringes of traditional Thai rice cultivation and a shifting of the land frontier from marginal rice lands to the vast upland areas throughout the North and Northeast and surrounding the Central Plain. There are different values placed on the different types of agricultural land, and these are reflected somewhat in inheritance and land transactions.

The growth of the non-agricultural economic sectors, along with the improved transportation network, the expansion of urban areas, and numerous other economic changes have affected agriculture and the rural population in a variety of ways.
Whether out of choice or necessity, many rural families have turned to non-agricultural sources of income either to supplement or supplant their agricultural earnings. Those with holdings near cities have switched from rice to vegetables, shrimp raising, and other food production for the urban population. Land speculation and the nature of the land market are of course considerably different near urban areas than elsewhere. How, then, have these economic and demographic and the charging nature of the land frontier affected land inheritance and land transactions among the rural Thai population?

3.1 Ideal and Customary Patterns of Inheritance

The socio-cultural ideal of land inheritance in Thailand is that parents leave equal shares of their property to all their children, adopted as well as natural, of both sexes. This ideal rarely occurs in practice, yet when asked how they plan to divide their land as inheritance, most villagers will speak of giving equal shares to all children, no matter how small their holdings (Mizuno 1971: 87; Moerman 1968: 93; Sharp and Hanks 1978: 48-49). In practice, daughters tend to get more land than sons, and one daughter -- often but not necessarily the youngest -- will receive more than any of the others. Where additional land is not available easily, where it has long since been cleared and cultivated and the land prices are too high for most people to purchase new land, farmers are reluctant to divide their holdings below what they consider economically viable sizes. In such cases either one child will be given all the land outright or some other means will be found to keep the farm
intact while giving more than one child economic benefits from inheritance.

The ideal pattern of inheritance -- equal shares to all children regardless of sex -- can be in part attributed to the nature of Thai Buddhism. Ironically, it is the other-worldly preoccupation of Buddhism and its virtual neglect of worldly, economic matters that has contributed to the pattern of land inheritance in Thailand. There are no customary laws of inheritance in Thai Buddhist society as there are, for example, in Islamic societies (Sharp and Hanks 1978: 256). When a person dies, he abandons his material possessions, and there is thus no provision for the granting of property from the dead man to his survivors. Since "[d]ead men cannot give, the so-called laws of inheritance merely supply rules by which the survivors divide residual property on a share basis" (Ibid: 257).

Though men are considered religiously superior to women (only men can enter the highest status as a monk, and as monks they are prohibited from direct contact with and thus defilement from women), there are no proscriptions in Buddhism to women's active participation in economic activities. Indeed, as Kirach suggests, Buddhist principles have had significant effect on the types of activities engaged in by Thai men and women, leaving women much more involved in purely economic activities than men.

Buddhist religious elements do throw some light on the patterns of Thai (occupational) specialization. These religious factors play a positive as well as a negative role. (and) serve to rank various kinds of activities: religious highest, political next, economic lowest. Thai
men have been so overwhelmingly committed to religious and political achievements that economic activities have been left to non-Thai and to Thai women. Thai women are left with such economic roles because in religious belief, in the structure of religious roles and rituals, and in popular though, they are deemed to be more deeply rooted in this-worldly activities and secular concerns than are men (Kirsch 1975: 191).

It is therefore not at all surprising that in a matter as economic as land inheritance, daughters have at least equal right to land as sons. It is also not surprising that in practice daughters tend to receive more land than sons.

Similar patterns of inheritance can be found in other predominantly Theravada Buddhist societies. Among the Burmese, both sons and daughters have equal rights to the land (Spiro 1977: 77-78). It appears that the Burmese followed the ideal pattern of equal shares to all offspring more consistently than the Thai, with holdings becoming increasingly divided until farms were too small to be economically viable and farmers were forced to sell their land or lose it through indebtedness and mortgage foreclosures (Stifel 1976: 238-239). Ceylonese Buddhists also allow for inheritance by both male and female, but like the Thai their actual patterns of inheritance were modified to fit changing conditions caused by population growth and a lack of new agricultural land to absorb the additional population (Peebles 1976: 69; Selvadurai 1976: 104-105).

3.2 Inheritance Patterns In Areas of Easily Accessible Land

The major determinant of actual patterns of land inheritance is the availability of land: both that owned by the family and that available near their village. The more common pattern historically, and that which still predominates
where there is adequate land, coincides with the pattern of family development. Young rural Thai couples usually live with the bride's parents for the first few years after marriage. The husband helps work his wife's family's fields. His parents will have paid for the wedding and given the newlyweds marriage money and cattle, if available. In some cases, this will their inheritance to their son.

After a few years, the young couple moves out of the wife's parents' home to establish their own household. The move is often made when one of the wife's sisters marries and the new son-in-law moves in with the bride's parents, or when the young couple has a child. The couple setting up their own household may be given some land by the wife's parents, or they may continue working her parent's land with the expectation that they eventually will inherit some of it. If the land is insufficient for their needs, the young couple may clear new land from nearby forests or buy a bit of additional land. Both of these options occur, of course, only where there is extra land to acquire near the village.

This process continues as each daughter and her husband form their own household and are given a portion of land, and as each son moves in with his wife's family after given money and cattle, leaving the youngest daughter and her husband to care for the parents and help them work the remaining land. When the parents die, the youngest daughter inherits the house compound and the rest of the land. Because the land had to be large enough to support the parents as well as the daughter's family,
the youngest daughter tends to inherit a larger portion of the farm than any of the other daughters. If more than one child is still living at home when the parents pass away, the oldest married child usually inherits the house and a slightly larger portion of land. Since the only child remaining at home to care for the elderly parents is most often the youngest daughter, she is most often the one who inherits the remaining, larger share of the property.

While this may be the more common pattern in areas where adequate land is available, there are innumerable variations due to individual family circumstance. Daughters and their husbands move from the village to clear new farmland, leaving more of the parental property for those remaining behind. Sons receive land as well as daughters, whether because the family has enough land to give to all, there are few or no daughters, the daughter-in-law's parents cannot give adequate land to the newlyweds, or the parents simple favor their son or sons more than their daughters. Favored children, no matter what the sex, are likely to receive a larger portion of the parental estate, and those with whom the parents have trouble may receive little or none. It is clear that the parents have great discretion in distributing, their property to whomever they wish, no matter what the customary or prevailing pattern may be.

5/ This gave the parents a greater degree of control over their children, with a disobedient child threatened with the possibility of disinheritance. Of course, so long as there was a vast local and frontier, the truly disobedient child could always move away to clear his own farm, thus lessening the coercive value of threatened disinherence.
The granting of outright land ownership to children is often preceded by the provision of free usufruct rights or by the continued joint farming of the parental property even after children have set up their own households. By retaining possession of the land, the parents maintain some control over their own lives and over those using the land who may expect eventually to inherit it. Frequently, the child will give their parents a portion of the rice or profits earned from the land. The sons and daughters are likely to "do their [parents] will rather more than they would if no production inheritance were involved" (Allan 1982: 167). Should they become estranged or should anything happen to their children, those keeping title to the land maintain a form of security for themselves. They always have the options of giving it to another relative to use or leasing it out, assuring themselves of at least one source of income.

When jointly working the land, the parents who maintain ownership also continue to manage the farm and control distribution of the produce among their children's families. Rice is often stored at the parents' house, and the children take shares as they need it. Income from cash crops tends to be divided among the children according to the labor each of their families provide. When the land eventually is divided among the children, those who provided the most labor usually get the largest shares.
3.3 The Lack of Available Land and Modifications in Inheritance Patterns

The flexibility to deviate from the ideal pattern or from customary practice enabled the Thais to modify the actual inheritance patterns in areas where the local land frontier was exhausted, to avoid excessive fragmentation of their holdings into economically unviable farms. The modifications, however, still required some outlet for surplus population, whether by migration to a more distant land frontier or into non-agricultural activities.

There are still cases in which farms are fragmented through inheritance and kept as separate, inefficient operating units by the new owners. Most of those small farms operate at a loss, and the owners must either sell their land or go into debt to survive and eventually lose their holdings when they cannot repay the loans (The Investor 1975: 15). As Kaufman found in the village he studied near Bangkok.

... each year, several households sell or cease renting their small farms. Through the system of partitioned inheritance in which children receive an equal part of the land, the acreage per capita is dwindling into plots so small in size that certain members of the household have little alternative but to sell. (Kaufman 1976: 64)

Otherwise, the owner of the small plot may farm the land on a part-time basis, turning to off-farm or non-farm work as the major sources of livelihood. A few living near urban areas may switch to vegetable production if the soil and water supply are adequate: much less area is needed for an economically viable vegetable farm than for the production of rice or other field crops. Some may rent out their land to larger farmers, keeping
at least some benefit from landownship though they still must depend on another source of livelihood. Only a very few who have sufficient capital may augment their holdings by renting in additional land, thus farming an area large enough to be economically viable.

Average farm size in the Central Plain and other areas of limited land availability has, however, not decreased. In fact, the number of small farms -- those which can be considered economically unviable if the farmer had no source of supplementary income -- has declined in these areas (Thailand. NSO 1964: 12-13; Thailand NSO 1980: 2-5). There is some consolidation of farmland into fewer and larger farms as agricultural production becomes more commercialized.

As the land frontier ends, many farmers no longer divide their holdings among their children, preferring instead to give all their land to one child. Farm size stabilized at what farmers found to be economically viable holdings: they were reluctant to give their children less than that. How the parents decide which of the children inherit the land is not within the scope of this paper. From the author's own observations, there seems an implicit understanding among the siblings as to who will keep the farm. The others turn voluntarily to other occupations or move far from the village, to the forests in distant areas of the country where land is still available to clear and start a new farm. There must, however, be cases in which the decision to leave the farm is not voluntary, and the shift by some siblings to other economic activities is much more traumatic.
In areas of the Central Plain where agricultural land was fully occupied by the 1930's and 1940's, holdings were frequently registered under two or more names (Stifel 1976: 241). In recent years there have been many more cases of joint ownership throughout the country. Most are siblings who inherited the land together. One farms the land. The others retain rights of partial ownership and may in fact receive a portion of the goods or income produced from the land, but they still must find alternative sources of income. This pattern of joint inheritance and co-ownership of holdings occurred in pre-colonial Ceylon as well, where agricultural land had long been fully under cultivation (Peebles 1976: 69).

When parents continue the customary practice of partitioning their holdings, the children themselves may reconsolidate the farm so efficient use of the land is maintained. It is not uncommon for one of the children to buy from the other siblings their fragments of the farm. Where land prices are too high or when the siblings want to maintain ownership of their plots, the one who continues working the land rents in the others' holdings.

Despite these modifications in patterns of inheritance, the farmers in area where access to land is limited still speak of wanting to achieve the ideal inheritance pattern of equal shares to all their children. They would like to have enough land to give each a plot adequate enough to earn a living. Yet economic and demographic circumstances prevent them from doing so. Instead they are faced with a difficult choice: give
each child a plot of land too small to farm economically, or leave the farm to one child and hope that the others can find other work or will find farms elsewhere.
Other Land Transactions

There was Kong and his wife, Thim; Chum and his wife, also named Thim; Ploj and Chaj. Each owned fifty rai by clearing it. When it was cleared, they received title. All were relatives, but not brothers and sisters of the same parents. Thim who married Kong was my maternal grandmother. Both of them died here, and their daughter sold the land to my mother. Chum and Thim were cousins of my father and mortgaged the land to him. They were poor, gambled and drank a lot. Chum liked fun of this kind but went into debt and then moved away. Ploj and Chaj were also cousins of my father. They became poor, sold their land, and went back to Hua Mak to live with her parents. [LMH 8/26/57] (Sharp and Hanks 1978: 105)

Inheritance is but one -- and not always the predominant -- form of land transaction. With the growing commercialization of agriculture since the late nineteenth century, land came to have value as a commodity to be bought, sold, rented, or put up as collateral for loans, in addition to being owned and taxed (Johnston 1975: 121).

The extent and nature of each type of land transaction varies considerably with location. Again, as with inheritance, local access to land is a key factor: there is much more voluntary turnover of land by farmers in areas near the land frontier, whereas the incidence of land rental and mortgages, and the loss of land from loan defaults, is greater in (though certainly not restricted to) areas where the land frontier is effectively ended.

4.1 Land Sales

As evident in Table 1, land in parts of Thailand is more often acquired through purchase than inheritance. This is especially true where land has recently been brought under
### Table 3
Manner By Which Owned Plots Were Acquired

<table>
<thead>
<tr>
<th>Province</th>
<th>Lop Buri</th>
<th>Nakhon Ratchasima</th>
<th>Khon Kaen</th>
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<td>Manner By Which Plot Was Acquired (%)</td>
<td>Manner By Which Plot Was Acquired (%)</td>
<td>Manner By Which Plot Was Acquired (%)</td>
</tr>
<tr>
<td>Farmer Group</td>
<td>Purchase</td>
<td>Inherit</td>
<td>Marriage</td>
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<td>Forest Reserve</td>
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<td>67</td>
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<td></td>
<td>With Document</td>
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cultivation. The majority of villages in Nakhon Ratchasima, including those in the forest reserves, were established over thirty years ago; hence much of the land in the communities can have been held over one generation by the same family. In the long-settled communities of Khon Kaen outside the forest reserves, land sales and inheritance account for almost equal proportions of land acquisitions; while in the more recently settled villages (nearly half of the sample in Khon Kaen's reserve forest) where uncultivated land may still be available, land purchase in the predominant means of acquisition. In Lop Buri, the trend is again clear. Almost all the sample communities were established within the past 30 years. Most of the land has been brought under cultivation only during the past generation, and purchases vastly outnumber inheritance and all other means of land acquisition.

When farmers clear their own lands, they frequently must buy the land from earlier settlers who claim right over the land though they have not cultivated it. This commonly occurs in government forest reserves where all the settlers are squatters with no legal right to the land. However, those selling as yet uncultivated and unregistered land, whether in the forest reserves or not, have no legal right to do so. "Land without document of title can be the subject of only possessory right, and cannot be transferred by conveyance (for example, by legal sale), except by way of inheritance" (Ratanakhon 1978: 46). Even those possessing sor khor or bai chong certificates have no legal right to sell their land, and they can lose it according to law (through reclamation by the state) if they do not
cultivate it or otherwise use it for a year (Yano 1968: 853-854). In the case of the forest reserves, all occupation of land -- thus all sales of it -- are illegal no matter how long and continuously it has been cultivated (Ratanakhon 1978: 47).

Yet farmers do not appear concerned about the government prohibitions to the sale of unregistered, uncultivated, and even illegally occupied lands. They are merely following the traditional practice of "marking and clearing previously unused land [to establish] basically the same rights of ownership as may be possessed in cattle or other goods. An owner... has the right to alienate the property at will and the absence of any formal legal right to do so does not appear to have impinged upon village perceptions of the situation. They buy, sell, and rent out land freely" (Kemp 1981: 14).

In designated land reform areas of degazetted forest reserves, farmers granted legal use of the land have been informed by the government orally and in writing that they are prohibited from selling that land; but the unobstructed sale and purchase of land in the land reform areas continues. The government found it had to bend its own regulations and defer to the actual practice of farmers in order to implement land reform in these former forest reserves, by arranging the sale of land from larger landholders to the small holders and landless who are to be the beneficiaries of the program. The government claims the payment is compensation not for the land itself but for the work of clearing the land already done by the original holders, thus avoiding its own legal proscriptions.
That farmers follow their own informal system of land tenure where government control is weak has long been recognized by observers of rural Thai society. In his study of a village in the Central Plain, Gisselquist reported that all land in the community had been claimed by 1955, though little was cleared and farmed (Gisselquist 1977: 32-39). When the village lands were included in an extensive government irrigation scheme, the area brought under cultivation expanded rapidly. For the most part, those clearing and cultivating the new holdings were those who had claimed them earlier (Gisselquist 1977: 61-70). A similar pattern occurred with upland crop land in a community near Nakhon Ratchasima city. With the growing demand for cassava products, farmers near this village cleared large tracts of previously unused, less fertile land to plant the new crop. Much of this land was already claimed by some of the wealthier villagers years before they used it. Poorer farmers could buy some of the land from the possessor or clear land much farther from the village where claims had not yet been made (Mehl 1985: 98). The villagers recognize the right of previous claim, and accept that the land can be sold or rented, no matter what the government regulations over that land may be.

This does not imply that farmers ignore completely the government regulations about land. When farmers can derive benefit from the regulations they are eager to take advantage of them. They recognize, for example, that official registration of their land holdings provides them with greater protection of possession and can increase the value of their land should they choose to sell it. On the other hand, they are likely to ignore
regulations that are detrimental to them, so long so there is little or no government enforcement of these laws. If they can register their lands (with the relatively secure nor sor) they will do so readily; but if they cannot register them, that does not prevent them from using, selling, or renting it.

What is perhaps the most common pattern, historically, of land sales and purchases by farmers lends support to the premise that Thai farmers are not as attached to particular plots of land as are their counterparts in many other societies. As land in an area becomes developed -- whether through commercialization of agriculture, improvement of infrastructure, or the spread of an urban community -- and the land values rise, some farmers sell their holdings at what seems to them to be very high prices. They then move to relatively virgin territory where land prices are much lower and they can buy larger holdings at the same total cost as the lands they just sold (Kingshill 1965: 20-21; Sharp and Hanks 1978: 89-91).

Other patterns have been mentioned in the section on inheritance. When parental estates have been divided, the inherited plots are at times too small for the new owners' needs. They may buy additional land to augment their holdings if enough relatively cheap land is available nearby. If the local supply of land is limited, several of the siblings may sell their portions to the others who remain behind. Those who sold the land migrate to where they can clear new farms or buy land with the money they earned.
These voluntary sales and purchases of land are becoming less frequent as the land frontier ends. Few farmers dare sell their farms, no matter how small their holdings, to move days from their homes to clear or buy the marginally productive land that remains available in the country's forests. As parents become reluctant to split their farms into small, economically unviable holdings and give their property to only one child, those left without land are forced to move where they can find new land, no matter how poor it is.

Land for the farmers is wealth. Education is recognized for its status value, and other forms of wealth are certainly accepted; yet many farmers will buy additional land as the preferred way to accumulate wealth, as well as to expand their productive capacity (Kingshill 1965: 19). Many families with a husband or son working in the Middle East buy new land with the money sent back to the village, and many young women working in Bangkok's bars and massage parlours use their savings to buy land for their families and for their own future. As the land frontier ends, and as land prices for productive land rise beyond the means of the average farmer, only rural families with these extraordinary sources of income or the few wealthier farmers can afford to purchase additional land.

The value of land is determined by a number of factors, mostly economic ones such as the increasing commercial productivity of agriculture in an area, the ease of access to markets, the fertility of soils and availability of water, etc. But at least one important cultural factor contributes to rural
land values. The Thai have for centuries been a rice growing society. Only in the past two decades have non-rice crops competed with rice in the amount of area planted, the amount produced, and earnings. Though rice is no longer economically the dominant crop in once was, it continues to play a significant role in Thai culture and society. It is central to the language of food and eating, used in greetings, and the root word for names of other grains. Thai farmers may grow more maize or cassava than rice, but when they speak of farming they talk first about their rice crop and only later about the cash crops. The annual crop cycle is put into the context of the rice crop: tasks for the other crops are described by farmers as being done before or after the tasks they do for rice. Rice is food. Because of its importance to the life of the farmers riceland is considered much more valuable than upland crop land, even when the rice land may be less fertile and less productive than the upland areas. In one community studied by the author in Nakhon Ratchasima, the value of rice land averaged slightly over 5,000 baht per rai (about $1,200 per hectare) while that for upland crop land was less than 1,000 baht per rai (less than $240 per hectare). The price difference is even more striking when average production of the two types of land are compared: in three of the past 10 years the rice crop was a near disaster — in normal years rice land in the village produce much less than the average for the province — and the upland crop area regularly provides average to above average maize and cassava yields. In other communities studied by the author, farmers valued their paddy land up to three or four times more than upland crop lands under similar
registrations.

Risk aversion of course is a factor in the greater value given paddy lands, with farmers wanting to grow at least some of the rice to feed their families rather than depend entirely on cash crop production to live. Yet such an extreme disparity in prices, particularly in areas where upland cash crop production has been an integral part of the economy for twenty to thirty years, is not likely due to risk aversion alone but is magnified by the central role of rice in Thai cultural and social life.

4.2 Land Rental

National level data on land rental show clear correlation between the proportion of farmers renting in land on the one hand with the extent of commercial agricultural production and the end of the local land frontier on the other. In broad regional terms, the areas with the greatest proportion of tenant farmers are the Central Plain and the large, long-settled valleys of the North (Sternstein 1967: 22-23; Investor 1975: 7-15; Phihatseritham 1978: 418-420), the same areas where there has been a long history of commercial crop production along with population pressure on the land.

It is these areas where land prices tend to be highest, and few farmers can afford to buy additional land to augment their farms even if there is land available for sale. Their only option to expand their holdings is through rental, to join a growing class of part owner, part tenant farmers who have
become an important element in commercial crop production in Thailand (Mehl 1985: 156). This type of rental arrangement usually indicates a degree of economic well-being. The farmer already owning some land can afford to rent additional land in order to expand his production. For those with already adequate sized farms, the additional land they rent in allows them to earn a more comfortable if not well-to-do living.

Rental can also indicate economic hardship, whether the farmer is renting his entire farm area or owns a portion and rents in the rest of his agricultural holding. These must have the rented area to meet their subsistence needs, whether it is a bit of rented land to grow extra paddy to meet consumption needs or some upland crop area to produce just enough maize or cassava to eke out a living.

As can be seen in Table 2 below, rental relations occur even where land has been reasonably accessible in recent years, in the forest reserves that have largely been settled in the past two decades. But no matter what the economic status of the tenant farmer and no matter where he lives, rental relations tend to be costly and insecure. Rents in kind near Bangkok in the 1950's were a bit less than half the yield per rai; whereas cash rents were often less, taking about 30 percent of the income derived per rai (Kaufman 1976: 66; Sharp and Hanks 1978: 243). Rates found elsewhere in the Central Plain and in the Northern valleys in recent years still approach 30 to 50 percent of the crop value (Gisselquist 1977: 73; Investor 1975: 14-15). In areas where there is less competition for land, the rental rates are lower, averaging about 20 to 30 percent of the value of the...
Table 2
Incidence of Rental and Sharecropping Transactions Among Land Owners

<table>
<thead>
<tr>
<th>Province</th>
<th>Lop Buri</th>
<th>Nakorn Ratchasima</th>
<th>Khon-Kaen</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sample Size</td>
<td>Transaction (%)</td>
<td>Sample Size</td>
</tr>
<tr>
<td></td>
<td>Lease Out</td>
<td>Lease In</td>
<td>Lease Out</td>
</tr>
<tr>
<td>Farmer Group</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest Reserve</td>
<td>89</td>
<td>9</td>
<td>27</td>
</tr>
<tr>
<td>Outside Forest Reserve</td>
<td>106</td>
<td>11</td>
<td>40</td>
</tr>
<tr>
<td>Mixed</td>
<td>19</td>
<td>11</td>
<td>16</td>
</tr>
</tbody>
</table>
crops produced on the land.

Most rental arrangements are made locally. There are few absentee landlords except in parts of the Central Plain and the Northern valleys and in some areas close to urban centers. Throughout most of the country, including most of the Central Plain, the tenant farmer rents his land from his fellow villager or from someone in a neighboring village. The agreements with the landlords are usually verbal, made from year to year. Should the landowner break the arrangement, bringing in a new tenant, the original tenant has no legal recourse to claim use of the land. Despite this lack of legal protection for the tenant, there are some social and cultural factors which provide a degree of security of tenancy.

The patron-client relationship was for centuries an official ruling mechanism in Thai society. The political reforms and the development of the centralized bureaucracy in the late nineteenth century marked the end of the official structure of patron-client relationships. It remains, however, an important element of Thai social organization, with those holding power and wealth serving as patrons to an informal group of clients. It is one of the most important legacies of pre-capitalist Thai society, coloring political, economic, and social life at all

6/ This figure was derived from interviews with farmers in Nakhon Ratrasima province and in land reform areas in Phetchabun and Chiang Rai provinces. Farmers were asked their rental rates and their average crop yields on the rented land. Gross income from the land was determined from the yields and the prevailing crop prices in the area. Rental costs came to about 20 to 30 percent of the average gross incomes.
levels of society. In many rural communities, the wealthier, more powerful residents maintain their control over the community through a web of economic and social relations with the rest of the villagers. Their clients rent land from them, provide labor in their fields, and otherwise depend on their patrons for political as well as economic assistance. The patrons, in return, gain greater social and political prestige with more clients in their retinue. A patron renting a plot to a client would take care to maintain that relationship rather than arbitrarily switching tenants who owed him little allegiance.

In other cases the tenant rents land from real or fictive relatives. While the rates may be just as high as if he rented from a stranger, the tenant is assured greater security of use: it is not likely that a relative will remove a kinsman unless a serious conflict developed between them. Arbitrary removal of the tenant kinsman could lead to ostracism of the landlord kinsman by the rest of his family. Even when the landlord and tenant are not related, the social cohesion of the community can provide some degree of security to the tenant. A landlord seen as unfair may find his social prestige damaged and his ability to attract reliable tenants diminished.

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7/ Gisselquist (1977: 143-146) found that absentee landlords charged rental rates of about 30 percent of the crop value, whether the tenants were related to them or not. Local landlords who were related to the tenants charged an average of about 25 percent of the crop value, while the highest rates of about 40 percent of the crop or its value were charged by local landlords who were not related to the tenants.
As the social transformation of rural Thai society continues to move from its precapitalist roots, and the cohesion of villages disintegrates, these socio-cultural sanctions protecting tenants lose their strength. As landlords become more interested in money than in social prestige and as power becomes more a matter of pure wealth and contacts with government officials and the broader society rather than a question of local influence over a retinue of clients, the protection afforded the tenants through the traditional social relations begins to wane. While this has not yet happened in much of Thailand, there is evidence of deteriorating socio-economic conditions for tenants in the Central Plain and the Northern valleys: these were the regions where farmer organization and farmer protests against the exploitative conditions of tenancy were the most active during the mid-1970's.

It is difficult to ascertain a clear relationship between the extent of tenancy and the form of land holding or ownership certificates. Table 2 shows much more renting in of land outside the forest reserves, in areas where more secure certificates of possession are available; but the renting out of land seems -- at least in this sample -- unrelated to the type of land held. It is true that the areas in Thailand with the greatest incidence of tenancy, the Central Plain and northern valleys, are also the areas with historically the most extensive provision of title deeds and Nor Sor 3 certificates; but these are also the parts of Thailand with the longest history of commercial crop production and where all the available farmland
had long been cultivated. The development of a commercial agriculture and the use of land as a commodity contributed to the increase in land rental and the use of landholding and ownership certificates to reduce conflicts over land, as mentioned in section 2.2 above.

4.3 Mortgages

There is little accurate data on the extent of mortgages in rural Thailand. Banks make a few official foreclosures, as occasional lessons to other customers, but these are only a fraction of the losses due to loan defaults. Most of the mortgages in the countryside are, as Stifel puts it, "unrecorded and invisible." Even in the areas of the Central Plain he studied, where virtually all the agricultural land is registered under Nor Sor 4 (title deed), he estimates that "unregistered mortgages were three times greater than registered mortgages" (Stifel 1976: 254), which accounted for the encumberance of nearly 10 percent of the land during recent decades.

Banks were unwilling to disclose their records of foreclosed mortagages of farmlands. In informal discussions however, bank officials and branch managers revealed that occasional foreclosures were made as a last resort against the most obdurate defaulters. The legal process of foreclosure is lengthy and costly according to the bank officials, but they are willing to do so in these few cases as examples to other bank customers who might consider defaulting on their loans.
Evidence of land loss throughout the country indicates that land is frequently used as collateral for informal loans. Of the twenty-seven landless agricultural families in the Central Plain village studied by Gisselquist, ten formerly owned land. Almost all of the ten lost their land because they were unable to repay debts. Of these, seven ended up renting from the money-lender the land they formerly owned. The other three families became agricultural wage laborers (Gisselquist: 1977, 138-139).

Another case study from the Northeast is even more striking. In a village in Khong district in Nakhon Ratchasima province, 21 of 90 families surveyed in 1979 by National Economic and Social Development Board researchers were full tenants. (This is in an area reported in the 1978 agricultural census as having virtually no tenant farmers.) Around 1960, the price of kenaf was high and farmers borrowed to purchase seed and hire labor to plant the crop over much of their holdings. By the time they harvested the crop, the market for kenaf collapsed and they did not receive enough to cover their investment costs. Prices did not improve and people abandoned kenaf as a crop. They were able to earn enough from rice sales and other sources to cover their interest repayments, but few could repay their entire debts. Almost all had borrowed from a local merchant at interest rates of 50 to 75 percent per year.

In the early and mid-1970's several years of severe drought destroyed most agricultural production in the community. Those who had more land to mortgage went further into debt, and
those who defaulted on their loans lost their land to that same merchant. He now rents the land to the former owners at substantial rental rates (Thailand. NESDB 1980: 16-23).

Those who remain in debt struggle to keep their lands. The NESDB found 29 of the 90 households had their land either mortgaged to the merchant or under a traditional contractual relationship with him called khai faak. If they are faced with two or three more years of drought, they are likely to default on their loans, lose their land to the merchant, and join the ranks of tenant farmers in the village. Although these 29 household still own their land, their possession is far from secure (Thailand. NESDB 1980: 17).

This is admittedly an extreme example. Yet in nearly every village, people can tell the story of at least one or two neighbors who have lost their land to local merchants or wealthy villagers who had loaned them money. The fact that loans in the past were usually made by family members or friends certainly would have mitigated foreclosures (Sternstein 1967: 25); but as villagers turn more and more to other sources of loans -- the merchants and wealthy villagers who have been able to accumulate money -- the chances that they will be forced to give up their land if they cannot repay their loans increases.

Farmers do not treat mortgages lightly. They go into debt only if they feel the risk is worth taking or if they have no other alternatives. They will borrow money to plant a crop they are certain will be profitable. If the crop fails or the
market collapses, the farmer finds himself deeply in debt through no fault of his own. If a family with little savings suddenly needs money for a funeral or a marriage, or just to meet living expenses, they borrow with the intention of eventually repaying the loan. They value their land, and they have no intention of losing it. Thai farmers may not have strong attachment to a particular plot of ancestral land, but they do have strong attachment to the land they own. Some find the hole of debt they are in deeper and deeper until the only way out is to sell their land or lose it through foreclosure.

The patterns of mortgages are quite straightforward. There is of course the formal method, in which the land is registered legally as security for the loan. Banks and other formal lending institutions as well as those informal lenders who wish to record their loans with the Land Department will follow this pattern. It is only possible to give land with full title (nor sor 4) or registered as nor sor 3 as legal security for a loan, since these are the only types of land that can be transferred legally other than by inheritance.

8/ It is not uncommon for farmers who are deeply in the debt to sell their land in order to repay their loans. While this cannot be considered formally a foreclosure, the cause of the loss of land is the same. For this reason; Stifel's (1976) data on involuntary transactions is incomplete. He includes sales of land with gifts and wills as voluntary transactions. While it is true that some sales -- especially those to relatives, as mentioned in the sections on inheritance and land sales -- are voluntary, others are the result of poverty and indebtedness and should not be considered voluntary. Stifel, though, would have had no way of determining from the Land Department's records what the reasons were for the land sales.
An informal method of mortgage is for the lender to take the certificate of land registration from the borrower, and to keep the certificate until the money is repaid. This practice has apparently become more common with the increased issuance of Nor Sor 3 certificates throughout the country. Money lenders and borrowers no longer have to depend entirely on social sanctions alone to assure repayment of the debts and recovery of the land. Although the lender cannot foreclose the land as with a legal mortgage, he is able to exert some control over the borrower, especially since the borrower cannot sell the land without the acquiescence of (and without repaying) the lender.

Finally, there is the traditional system of khai faak, in which the borrower sells the land to the lender. If the borrower repays the loan within a stipulated period of time, ownership reverts to him as if there had never been a sale. If, however, the borrower defaults, the lender keeps the land. After the land has been "sold," the lender has full right to use the land as his own until it is reclaimed by the borrower. Stifel found the incidence of khai faak to be decreasing in the Central Plain as opportunities for formal lending increased (Stifel 1976: 254-255). While the practice remains common throughout the rest of the country, it is also in decline as more farmers with more secure certificates of land possession prefer the informal method of mortgage described above. This enables them to keep the mortgaged land for their own use rather than having to yield rights of use to the land as is done with khai faak.
4.4 Land Speculation

Speculation in rural land is limited almost entirely to areas near urban centers. People buy the land in the hope that it will increase in value as the city extends into the area. It is to be expected that the most active speculation occurs near Bangkok. As a villager in Bang Chan recalled in the 1950's,

Naj Nau is building the side road in order to increase the value of his land. It will be easy to divide it and sell lots. Government officials will buy the land and build fine houses for foreigners to rent. (Sharp and Hank 1978: 202)

Now, of course, land speculation has expanded well beyond Bang Chan (which is now an industrial park) into areas that were considered just a few years ago remote from the city.

The same pattern can be found near Thailand's other urban centers, but on a smaller scale. Farmland near Chiang Mai is now considered one of the best deals for speculation as the city quickly expands. Many of those investing in the land are from Bangkok, and much of the development of the city has been spurred by the Bangkok upper and middle classes (construction of second homes in the northern city, purchase of private fruit tree plots). In Nakhon Ratchasima, provincial government officials and local merchants bought land just south of the airport, located several kilometers southwest of the city, with the expectation that the area would soon be developed. Farmers in these areas near the cities readily sell their lands at the relatively high prices offered by the speculators. A few even take full advantage of the situation and join in the speculative activity, buying land from other villagers and waiting to sell it to the urban speculators they know will come.
There has been some land speculation away from the cities, but only in particular circumstances when increases in land values are certain. Merchants, government officials, and important political figures have purchased lands near where roads and other rural infrastructure schemes will be undertaken. They often have knowledge of these schemes in the planning stages and can buy the land cheaply from farmers who have no knowledge of the changes that will eventually occur. Such land speculation is common knowledge, but there are no data available on its extent. In most of the rural areas, however, where there are no paved roads and where there are no irrigation systems being built, there is little or no evidence of land speculation.
"Considering the average village in 1972. . . [o]ut of a total of 20 persons added to the village population each year, one left for Bangkok, two for other urban centres and one for a land settlement scheme. Where did the other 16 go? Or to rephrase the question: Between 1961 and 1982, the rural population grew by 19 million people. About four million were absorbed by Bangkok, other urban areas and government-sponsored land settlement schemes. So where did the other 15 million go? . . . What's happening is that the rural population of Thailand is eating up the forests." Thongtham 1985: p. 5)

The expansion of agricultural production into the forest reserve areas is merely continuing a pattern of land use that has been taking place in Thailand for centuries. In the past, though, it was the state itself that arranged the expansion, moving slaves and commoners to the lands it wanted to open for cultivation; or in recent decades, after the slaves were freed and commoners were given freedom of movement, the state encouraged its subjects to open new farmland, produce more crops for export, and increase the tax base and the government's foreign exchange earnings. But now, as forest area dwindles to dangerously low levels, the government no longer encourages this expansion of agricultural area and has even made an attempt to stop it, at least by decree if not in fact. The Forest Act of 1941 stipulated legal penalties for unauthorized clearing of forest lands. The National Forest Reserve Act of 1964 enabled the designation of forest reserves. There was by 1980 a total of 109 million rai gazetted as reserved forest land and another 51 million rai in the process of being gazetted as such. Use of these lands is illegal without premission from the Director-
General of the Forestry Department. Virtually all the farmers in these lands are squatters, without permission of use and with no legal rights to the land.

The illegality of clearing aring reserve lands does not keep farmers from doing so. As has been explained above, many have no other choice. This is the last land frontier for agriculture in Thailand: when land is no longer available in their home villages, the farmers will move to where they can find new land. The pattern of farming remains essentially the same as that they left behind. Each family has its own small farm, using mainly family labor to work the farm and hiring outside labor only when necessary.

There may be a few large holders among the many small farmers. These are often among the first settlers, who tend to claim all the land, then sell bits of it to those who follow. Some will keep large holdings for themselves, and rent it to others. It is not uncommon for these first settlers to become among the more influential people in the areas, with the wealth and power they gained from their control over the land and then over the people who used the land.

The government may not recognize their land transactions and may consider the use of the land illegal, but among the farmers themselves the claims over land are accepted and their own informal system of land tenure is followed.
Farmers know they are in the forest reserves illegally, yet they have little choice to being there and little alternative but to ignore the government prohibitions. Fortunately for them, the government laws against their occupation of the "forest" lands are rarely enforced.

There is little or no official harrassment of the squatters in the forest reserves. The Forest Department has too few personnel in the provinces to watch over the forest reserves and to care for the national forests and the other projects of the department. The Land Department is more concerned with collecting taxes on the land (whether illegally occupied or not) than with trying to evict the squatters. The only government organization which seems to have the power and the will to evict squatters from its lands is the Army, though even their attempts to do so have been met with protests from the farmers and a desire by government to compromise, to let the squatters in at least two cases known by the author remain in limited sections of the Army lands in the Northeast.

Harrassment of the villagers in forest reserve areas comes instead from local toughs who are known in Thai as "people of influence." Their influence often comes from the barrel of a gun, and they and their hired guns control an area with violence or the threat of violence. Stories from some villagers in the

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9/ There are exceptions. Farmers in one forest reserve area which was degazetted and made a land reform area never knew their homes had been declared forest area. They had been living there for years, long before it had been made a "forest" by the Forest Department.
forest reserves are reminiscent of tales from the American Wild West. Whether true or not, these stories enhance the image of the toughs as men to be feared. They are frequently the official "representatives" in the areas: the village headmen and sub-district chiefs chosen by the villagers as liaisons with the government. Few dare stand against them, and the local government officials are not unwilling to work with them.

The government has come to realize that it cannot completely prevent the settlement of the forest areas. Measures were taken to degazette some forest reserve areas and give control of the land to the Agricultural Land Reform Office, which then grants the squatters a quasi-legality to their land possession up to the legal maximum of 50 rai per farmer. This program has thus far been rather limited, in part due to the reluctance of the Forestry Department to degazette and lose their control over more land. Of the 160 million rai of official forest, park, and animal reserve land in Thailand, aerial photographs by the Royal Thai Army in 1983 showed about 30 million rai had been cleared and cultivated by squatters. Yet to date only 2.7 million rai in 34 forest areas have been turned over to the Agricultural Land Reform Office for redistribution to the farmers. The Forestry Department itself has a program of officially recognizing the use of part of the forest reserve land by squatters and then incorporating them into their reafforestation and community forest programs. Under this program, though, farmers are granted use to only 15 rai per household which most farmers complained is far from adequate to meet even the most basic needs of their families.
Though giving the farmers the right to use the land, the government still does not give them rights of possession. They can pass the land on to their children as inheritance, but they cannot buy or sell or rent it legally. Under these programs, public lands granted to farmers for their use remain under the control of the state.

Farmers tend to ignore these prohibitions. They continue to make land transactions as they please. Officials administering the areas seldom interfere because the farmers keep them are kept ignorant of the transactions. It is interesting to note that farmers in Phetchabun given certificates of land use by the Forestry Department told the author they had a greater fear of eviction from their lands now than they did before they were given the certificates. They felt there were now more legal restrictions to what they could do with their land and more government officials around who would take actions against them if they made illegal land transactions.

Farmers in the land reform areas claim the greatest benefits of the certificates of land use granted by the Land Reform Office are the clear demarcation of their holdings which helps alleviate land disputes among neighbors, and the access to credit and other services which are provided by various government agencies in the land reform areas. It must be pointed out, however, that their access to institutional credit is not the result of greater security of landholding -- the Bank for Agriculture and Agricultural Cooperatives (BAAC) and commercial
banks will not accept the land use certificates as collateral. Farmers in the land reform areas gain their access to credit from the BAAC and cooperatives because of special arrangements made between the Land Reform Office and these credit institutions. The land use certificates are the "admission tickets" which identify the beneficiary farmers to the other agencies.
The patterns of land inheritance and transactions in rural Thailand have been influenced considerably by the long history of an abundance of easily available land. The extent and frequency of migration -- which contributed to the relative lack of farmers' attachment to particular plots of land -- can be traced to early, pre-commercial Thai society in which the state often moved people to open new agricultural areas. After the commercialization of the economy from the mid-19th century, commoners newly freed from the legal bonds of servitude to the ruling elite were encouraged by the state to migrate voluntarily to expand the area of commercial agricultural production.

The ideal pattern of inheritance ever since farmers have been able to own their farmland, has been for the parents to provide equal shares of property to all their children. This assumes an adequate supply of land for the parent to be able to give each child enough to live from, and enough land left to clear for each child to expand. Their farm area as their own family grows. The major variant from the ideal -- in which most or all of the land is given to a family's daughters -- coincides with the pattern of family development. Newlyweds tend to move in with the bride's family: the parents feel a greater responsibility to the daughter and her family still living with them than to the son who has moved out to live with his wife's family.
The high mobility of the Thai farmers has contributed to a fairly fluid land market. Original settlers in an area frequently claim the land there as their property, then sell it to those who follow. Those moving out of a village will often sell their land to siblings or other relatives who remain behind. The land market exists even in areas where the government prohibits the use and sale of land.

The patterns of land transactions have changed considerably as the land frontier has contracted. Parents are reluctant to divide their holdings to below an economically viable size, as they would be forced to do if they gave their land to more than one child as inheritance. More often than not, one or two children are given the land, and the rest of the siblings are left to fend for themselves. As the land available to clear becomes scarce, farmers are less likely to sell this land voluntarily and migrate to find new areas to farm. As land prices increase, purchases are more often made by families with major non-farm sources of income, from family members working overseas or in well-paid jobs in Bangkok. Tenancy increases as it becomes the primary means for many farmers to expand their farm area. Most rental arrangements are informal, verbal agreements made year to year, providing little security for the tenants.

Security of land holding is a major concern of farmers. Where available, the government system of land registration tends to meet the farmers' needs. Nor Sor 3 or Nor Sor 4 certificates not only give (usually adequate) demarcation of the holdings and adequate legal protection of
ownership, but they also allow the farmers full rights to sell, rent, and mortgage the land. The ability to mortgage the land is considered by farmers among the greatest advantages to having lands registered at these levels. With either Nor Sor 3 certificates or title deeds, the farmers can borrow from formal lending institutions at relatively low interest rates. Farmers with unregistered lands or those registered below the Nor Sor 3 level have most of the formal credit market closed to them: they must borrow from relatives, neighbors, or local merchants usually at usurious rates.

Conflicts arise between the state policy of control over land and the farmers' own patterns of land use in areas that have been declared public lands by the state. The two conflicting tendencies -- one on the part of the state, the other the farmers -- are based on historical patterns of land allocation and use. Before the late 19th century, the state had full legal control over land and its allocation. In the years since, the state has tried to maintain some semblance of this control over large parts of the country, over all lands registered below the Nor Sor 3 level, which until recently included most of the agricultural land in the country, and over areas officially designated as public lands, especially the 160 million rai of reserve forests of which some 30 million rai have already been cleared by farmers.

By law, the farmers using these public lands are illegal squatters. They have no rights to use, and thus no rights to exchange or rent these lands. Where the government has
granted these farmers the right to use the land, as in the Agricultural Land Reform Office and the Forestry Department programs, farmers are still prohibited from buying, selling, or renting the land. This inability to exchange it legally also limits their access to formal credit -- the land cannot be mortgaged. Yet despite the government prohibitions, farmers continue to exchange and rent their lands freely.

The patterns of land transactions of the farmers in the public lands is the result of the trend toward individual control over land which began with the commercialization of Thai agriculture in the mid-19th century. Farmers were encouraged since then to buy, sell, and rent land, and to migrate to clear the forests to expand the country's agricultural area. They did so throughout the past century with little government oversight or interference.

It is the government which is attempting in the areas of public lands to revert to the past social and cultural patterns of total state control over land allocation. In contrast, the farmers have developed forms of land inheritance and transactions and their own systems of land tenure which are consistent with the commercialization of agriculture and the system of socio-economic organization in contemporary rural Thailand. If the government expects to maintain some control over the use of what are now public lands, it will have to adopt a policy which gives farmers in these areas adequate rights of possession, including the rights to buy, sell and mortgage their own land.
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