

# ANCESTORS IN THE LAW OF MOLUCCANS IN THE NETHERLANDS

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The concept of 'ancestors' is of prominent importance in the Moluccan community, in the Netherlands as well as in the larger Moluccan society in the Indonesian motherland. The meaning of the concept (in Moluccan *nenek mojang*) is broad. In general, it includes all deceased members of a social group; however, two categories of ancestors are especially important to Moluccans. The first category consists of representatives of the oldest groups of deceased, that is, those whose names are known only from stories and myths. These oldest ancestors are now venerated because of the important roles they played during their lifetimes, for instance, as war-leaders (*capitan*) or as founders of certain Moluccan villages in Indonesia. The second category consists of the recent dead: members of generations immediately preceding the present one, who are known from personal knowledge and memory. Ancestors of all categories are treated with respect. They are considered as actively present - although invisible - members of the existing Moluccan community.

Ancestors are also associated with the concept of *adat*: the indigenous system of legal rules and customs which partly regulates social life in Moluccan villages. Ancestors are regarded as the founders and at the same time as the maintainers of this *adat*. It is assumed that the violation of (certain) *adat* rules results in ancestral sanction in the form of illness, death, or adversity to the violator and his relatives. Among Moluccan immigrants to the Netherlands, a small body of *adat* rules (described below) is respected and conscientiously observed by young and old. Fear of ancestral punishment is mentioned as an important motive for observance of *adat* among Dutch Moluccans. Observance is also certainly fostered by the knowledge that violation of (any part of) the *adat* rules results in sanctions executed by members or functionaries of the Dutch-Moluccan society.

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The important position of ancestors in the Moluccan way of thinking about the requirements of social order may be clarified by the reactions of individuals or groups confronted with specific crises, disease, adversity, and so on. Under these circumstances, adversity is explained as being due to supernatural causes. Victims of suspect kinds of adversity imply that the event concerned is a 'sign' of the ancestors, a warning that a 'taboo' rule has been violated. When individuals (or their relatives) confirm that such a sign has been received, an investigation is launched to find out which particular rule has been violated, and which of the group members has committed the violation. This process ideally concludes in an attempt to bring about a reconciliation between the individual (or his group) and the ancestor(s) concerned. A secondary supernatural explanation for adversity among Moluccans entails magical manipulation, exercised by a living fellow-member of the group as a cause of adversity. At least among the Christian part of the Moluccan population, this second interpretation is less distinct in the Moluccan community than the primary belief in ancestral sanctions.

Moluccans in Indonesia and the Netherlands combine beliefs in ancestors and magic with doctrines of Christianity and Islam. Support for Christianity and Islam is about equal in the Indonesian Moluccas; however, 'Dutch' Moluccans are nearly all Christians. Dutch Moluccans are members of their own church community, called the *Geredja Protestant Maluku* or 'the Moluccan-Protestant Church'. In general, the official position of this church towards non-Christian elements of belief varies. It regards belief in and the cult honoring ancestors positively. Ancestors are not considered a threat to the God of Christianity. They are, just like living human beings, considered to belong to the non-divine sphere. Within this sphere, ancestors have their own supernatural power and responsibility; however, ultimately they are understood to be subordinate to the Christian God, the ruler of the cosmos, who also rules, from afar, the secular world. The official church is as tolerant toward the belief in ancestors, as it is intolerant with regard to magic. The execution of magical manipulation is forbidden. Magic is considered by the functionaries of the official church as an actual malignant force whose origin is in the sphere of Evil. The perpetrator of magic is, accordingly, condemned and considered a servant of the devil.<sup>1</sup>

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1 It is tempting to hypothesize that doctrines of the official church have influenced the inclination of Christian Moluccans to explain adversity primarily with reference to ancestral wrath and only secondarily to magical manipulation by a living person. If this is the case, such influence is not restricted to the (Christian) Moluccan community in the Netherlands. It also seems to prevail among Christian Moluccans in Indonesia (Cooley 1961:493). On the other hand, this inclination is absent among the Islamic part of the population in Indonesia

In this paper, the main theme is the application of the aforementioned (folk) theories to explain adversity among the Moluccan community in the Netherlands. In the next section (II), I will describe how suspect forms of adversity are interpreted. The subsequent section (III) will deal with the ways in which Moluccans try to settle conflicts with ancestors once they are identified as such. We shall see that such cases mainly involve conflicts resulting from unconscious violation of taboo rules. I will also describe the procedures followed in settling conflicts which were foreseen by those involved, and which were willingly risked. In addition, sections II and III address the settlement of problems which are ascribed to magical manipulation by fellow-members of the community. The final section (IV) addresses theoretical concerns, with special reference to the legal anthropological literature on conflict settlement in relation to Moluccan conflicts between an individual and his/her ancestors.

First, some preliminary remarks on the Moluccan community in the Netherlands in general are in order. This community consists of approximately 40.000 people. It consists of former soldiers of the Dutch colonial army in Indonesia with their relatives (and their offspring), who had to migrate to the Netherlands in the aftermath of the decolonization of Indonesia, in 1951. The majority of Moluccan migrants are housed in or around a large number of separate neighbourhoods - parts of cities and villages - spread all over the Netherlands. These neighbourhoods have (some) significance as administrative and political units; they are of great importance as a vivid centre of social life and of Moluccan culture. In addition to an orientation toward these centres in the Netherlands, 'Dutch' Moluccans have preserved an orientation toward Indonesia, particularly toward those villages where they originated (according to patrilineal lines) and where the majority of their relatives still lives. These villages have their own *adat*-system and constitute (semi-)autonomous, judicial and ritual communities. Their communities involve not only their actual residents, but also their (ex-) fellow-villagers with their offspring, living in the Netherlands. The latter usually solve their problems in the field of *adat* within their own circles (clan/family group or neighbourhoods) in the Netherlands. Hard cases from the Netherlands, however, are preferably discussed or solved 'on the spot' within the village of origin of the parties involved. In the following story, too, we shall

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(according to personal communication from F. von Benda-Beckmann, who did anthropological research in an Islamic Moluccan village). The question of influence is a difficult one, as is the question of the extent to which Moluccans' explanations of adversity are stable over time and space. I do not exclude the possibility that the domain 'magic' of the Moluccan society will eventually appear to be larger than I am able to conceive now.

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see that 'Dutch' Moluccans frequently cross international borders to solve their problems within their respective *adat* communities in Indonesia.

### II

Supernatural problems are interpreted and settled within the social context in which they arise. The context is determined by two groups, namely by the patrilineal clan (*mata rumah*), led by a small group of informal functionaries called *orang tua*, and by a sub-group thereof, the extended family, consisting of parents plus (married) children. Both parents act as functionaries within this extended family. Their roles are equally important when a supernatural conflict arises. They are the ones who both first experience such a problem and try to settle it. In their attempts, they appeal to functionaries from the patrilineal clan.

Not every kind of adversity has potentially supernatural implications. The following phenomena are basically suspect:

- a. sickly or always crying children of a very young age (under about one year old);
- b. sudden occurrence of bodily failures: paralysis, cerebral haemorrhage, hyperventilation, fits of hysterics, sudden decrease of eyesight;
- c. deaths of not yet elderly people;
- d. a series of absurd setbacks of all kinds: misfortune at work, at school, in love, in family life, a series of cases of illness and death in the family, and such.

After such a suspect event the question automatically arising in those involved is: might this be a warning sign, or a *tanda*, sent by an ancestor? Are we guilty - *dosa* - because of an (unintentional) violation, by us or by our relatives, of an *adat* rule? It is a question one sometimes asks immediately, but which can also arise gradually, during a continual series of setbacks. The question does not only arise in those most involved, but also in the other group members. And also in the social surroundings a suspect event is noticed and commented upon. Sometimes the acquaintances are ready with their opinion sooner than those who are primarily involved, that the case at hand has supernatural meaning.

The investigation into the possible supernatural origin of a problem begins, like many other Moluccan activities, in a very special place, namely at the house altar, the *piring nazar*, of the victim. This house altar holds a prominent place, not only at such a moment, but also more generally, in the social and religious life of Moluccans. It can be found in every Moluccan family and can be described as follows: it involves a simple table, usually placed in the parental

bedroom. This table is covered with a white cloth. On it are the Bible and hymn books of the church. There is also a plate (*piring*) on the table, covered by a white cloth. On the plate are coins, some of which are stiffly wrapped in paper. These coins represent the children of the family. Other coins are lying next to them, unwrapped, loosely spread over the plate. These are the coins to be put in a collection box when going to church (the majority of Moluccans attends church every Sunday). These are the so-called *nazar* coins: *nazar* means: to redeem a vow, that is, a vow one has made as a member of a Christian church. It is believed that every church member has an inherited debt since Moses pledged the Lord to worship him in regular services.

Every family owns a *piring nazar*, as was said before, and in every family this offertory plate is arranged and used to one's own taste - and always differing a little from given standard examples. In most families it is used very regularly - often daily, in any case weekly - for prayer, meditation, or preparation of church attendance. A prayer at the offertory plate is used, in addition, at all kinds of incidental events and at hard times: before an examination, a journey, for support in times of illness and depression, etc. The *piring nazar* is completely integrated into the Christian-religious practice. Beside this pious, 'Christian' application, it can also have a very different meaning. For the offertory plate also has connotations with ancient Moluccan religious practices and services. The mysterious aura of 'animism' and of belief in ancestors surrounds the *piring nazar*, very vaguely to some, but very clearly to others. In addition, the plate is openly used by some people as a means of manipulation and magic. In that case the coins do not represent the children of the family, but opponents with whom one is in conflict. In orthodox circles of Moluccans - in Indonesia as well as in the Netherlands - voices have been heard for years arguing for the abolition of the *piring nazar*, considering its dubious origin and possibilities of misuse. It seems this action has resulted in some success in Indonesia. There, the *piring nazar* is - at least according to the official information given by church functionaries - no longer in use in most families. In the Netherlands, abolition would be inconceivable, for the *piring nazar* is generally used for pious purposes in that country. In addition, the plate represents a highly affective and emotional value. It is the pre-eminent symbol of a Moluccan culture in exile. It is the place where one can come to repentance, reflection, to a positive experience of identity. It is also the indispensable, mystical, and magical instrument with which one can come into contact with 'home', with the living and deceased relatives in Indonesia. Thus the *piring nazar* has an unequalled meaning. It is, as a preacher told me enthusiastically, the "centre of all my suffering, of all my blessing".

This *piring nazar* is always used as a first step in the quest for possible supernatural origins of a suspect adversity. The victims go there to pray and

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meditate. They address their prayers to God. At the same time, their thoughts wander in another direction, and in thought they enter the sphere of the ancestors, which also entails the sphere of *adat* and of the ancient, animistic, Moluccan culture.

Once the person involved has fixed on the idea - in prayer or in a series of prayers at the offertory altar - that the misfortune at hand represents a 'sign' due to an existing 'debt', action is undertaken. A specific investigation is started into the nature of the conflict with the ancestor(s). This investigation is called *tjari tahu*: searching for knowledge. The process of *tjari tahu* varies widely in duration. Sometimes the right solution is found very soon after the deliberations, or even suddenly, in a flash - in a vision. Sometimes the investigation takes years and many attempts are made first, and many traces followed, before one knows which problem is at hand and whose (mis)behaviour has roused the wrath of the ancestor(s).

The investigation is set up as follows. First ample deliberations are held on the whole range of possible causes - mainly in the small circles of the extended family, of close relatives, and of friends and neighbours. In this same phase, the actors are also attentive to all kinds of possible, hidden indications which can reach humanity from the supernatural realm. During the sermon, special attention is paid to the specific selection of themes, of subject, and even of words the minister brings up. A single word can produce a clue, a beginning of insight. As always among Moluccans, dreams are yet another valuable source of insight. The words spoken by deceased relatives (but also by others) in dreams, are conscientiously brought back to memory after waking and, subsequently, interpreted and discussed with relatives. In complicated cases the help of specialists is called in; first, the *orang tua*, the older members and informal leaders of the clan. With their knowledge of the history of the family group they can give new information on former events and practices in the family and on mistakes that may have been made in the process. Other specialists are: the *orang lihat* and/or *orang berobat*. These are persons who are regarded as clairvoyants (*lihat* means to see), and as able to cure sickness from supernatural causes (*obat* means to cure).

In the process, in complicated cases, information is also sought of relatives in Indonesia. Contact starts by correspondence. In half of the cases gathered by me, the contact resulted in a journey by these victims of adversity to Indonesia, and a visit to the village of origin. There the investigation is continued. Talks are held with relatives and possibly new experts are called in: *orang tua*, *orang lihat*, etc. During the stay in the village of origin they also try to increase insight along supernatural lines. To that end sacral places are visited, the old *adat* house of the clan, sacral wells of the village, etc.

As was said before, in this quest, violation of certain (*adat*) rules which might be sanctioned by ancestors is especially sought. Which rules are included in this set?

a) *Pèla* rules. *Pèla* refers to alliances formerly concluded between two or three (occasionally more) Moluccan villages. Such a sacred alliance usually imposes a double obligation on the residents of the villages united in this way: 1) *pèla* partners - that is the residents of village A, and the residents of their *pèla* village B - may not intermarry; 2) these *pèla* partners are obliged to render mutual assistance. Nearly all Moluccan villages are united in one or more of such *pèla* alliances. In the Moluccan frame of mind, of all other taboo rules these *pèla* rules are most heavily laden with ancestral sanction.

b) Rules regarding *marriage*. Here it concerns a somewhat diffuse complex of customs which must be observed before, during and after the conclusion of a marriage. However, within this complex two rules are clearly recognizable as taboo rules. It mainly relates to a prohibition to marry within the clan (or sometimes within part of the clan), and an obligation for the bridegroom's family to pay a dowry, *harta*, to the bride (or to her family, her fellow clan-members, functionaries of her village, etc. etc.).

c) Rules regarding the fulfilment of a promise (*perdjandjian*). Breaking a promise to a fellow-member or the community, and certainly to an ancestor, is considered to result in supernatural sanction as well.

These three kinds of rules together nearly constitute the repertory of taboo rules in the Netherlands. They are generally respected and observed. The fact that violation of these rules is nevertheless the first target in an investigation, reflects the complexity of these rules. They have been formulated simply here, but they each contain many provisos, exceptions, unexpected refinements, local requirements, etc., which make a reasonable case for accidental or unintentional violation. For instance, *pèla* rules may indeed be violated by *certain* persons in *certain* circumstances; the payment of *harta* consists of a large number of varying elements and specific provisions that vary between villages; finally, promises may not only have been made explicitly, but also implicitly, etc. etc. In short, the Moluccan taboo rules leave ample room for interpretation, discussion, and unintentional violation.

Investigation into the cause of adversity is not only hindered by the complexity of the relevant taboo rules; the place and time of the offense are also hard to trace. The person experiencing adversity, at least the one who feels the guilt (*dosa*) of it, is not necessarily the same person as the one who violated the taboo rule. The fault may be made by relatives, even by representatives of preceding

or following generations. Children and grandchildren of the two parents who act as 'leaders of the investigation', but also their father, their father's father, etc. may once have roused the wrath of the ancestors, knowingly or unknowingly. After the parents' death, the guilt that came upon them comes upon their children, their children's children, etc., as far as - as is said - the seventh degree. To support this hypothesis, Moluccans like to cite a biblical text: 'When the parents eat sour, the children will get sticky teeth'.<sup>2</sup>

Beside the three complexes of *adat* rules just mentioned, a remaining category is relevant. It concerns a small series of less well-known rules, which are sometimes valid within certain clans or families, but the violation of which might also result in ancestral sanction. It includes rules on, for instance, matters of naming (first name and surname), of management of sacred goods, of contact with certain animals, etc. Finally, a more general taboo rule may be mentioned: the obligation to 'respect' ancestors. The latter, especially those recently deceased, appreciate to be commemorated regularly, in talks, prayers and in thought by the living relatives. The demands in this area are erratic, though. Some parents demand much attention, others are content with a minimum. Exactly because of their vagueness, all rules mentioned here are sources of misunderstanding and a potential cause of supernatural conflict.

My case material shows the following range of supernatural problems and their interpretation. It relates to 28 cases, all of which occurred between 1975 and 1985, and were in the main found by me in *one* small Moluccan community in the Netherlands, consisting of no more than 220 members. The number of cases that has really occurred there undoubtedly amounts to much more than the number mentioned here. I infer this, because the cases came to my ears without a systematic survey. The problems (and their frequencies) which I have identified appeared to concern the violation of: a) a *pèla* rule (2); b) a *harta* rule (6); c) an obligation to fulfil a *promise* (4) (in two cases the promise was made to an ancestor, and in two other cases to a common fellow-member of the community). Finally, in 7 cases a violation was found which had to do with one of the vague rules of the category 'miscellaneous'.

In seven other cases - which is a percentage of 25% of the total - a certain problem was not interpreted as the action of ancestors, but of magic. I think this percentage gives a reasonable reflection of the general relation between the importance of ancestral belief and magic in the present Moluccan community in

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2 According to Ezchiel, 18, 2 (Authorised Version) the complete text reads: "The fathers have eaten sour grapes, and the children's teeth are set on edge".



the Netherlands. The domain of 'magic' will not be amply described here. It will suffice to mention the customary term for black magic (sorcery), namely *bikin bikin*. To briefly discuss a specific form of magic which is relevant in the process of interpreting suspect adversity, I will discuss *sumpah* which means: 'oath' or 'swearing'. This term refers to a peculiar, 'syncretic' institution: a mixture of the Christian prayer, an animistic, malicious 'curse', and a special form of sorcery. *Sumpah* in its simple form stands for a curse, a formula of swearing. This formula is often spontaneously expressed, during a fierce altercation (a fight, a brawl, an argument, an offence). The *sumpah* is delivered by the person who feels deeply aggrieved and, simultaneously, powerless. A standard formula runs like this: *beta sumpah sampai mati*: I curse you until death follows.

However, the term *sumpah* also refers to less spontaneous practices. In such cases, a ritual is performed before the house altar, the *piring nazar*. The performer, usually accompanied by his/her relatives, is one who feels offended by the ferocity of an altercation (such as just mentioned), or because of an ongoing conflict. The ritual is clearly directed at inflicting harm to a specific opponent. Dependent on the celebrant's preference, it has a specific content and form. More orthodox members of the official Protestant church prefer a Christian ritual. They are hesitant to express a full-fledged curse, but restrict themselves to a kind of prayer. In prayer, the problem concerned is submitted to God, for His consideration and judgment. After having stated the case, the prayer(s) ask the following of God: 'If You think we are guilty, let us know, but if you think our opponent is guilty, please punish him/her'. This procedure is called: *menjerah kepada Tuhan*, or dedicating a case to God. To justify such an act, reference is always made to a biblical text: 'thou shalt not avenge, let me be your Avenger'. In spite of this strong preference for reliance on God, people sometimes think prayer is not sufficient. In their opinion, it has to be reinforced by adding other, non-Christian, elements. During the prayer before the *piring nazar*, tangible objects belonging to or connected with the opponent are introduced at the altar, for instance, the blooded garment - a token of the fight. In addition, prayers are repeated periodically, for instance every subsequent year, at a particular day, considered propitious for revenge. The prayer is spoken again, the garment is shown again, and this is repeated year after year, until a clear result - evil in the house of the enemy - has been achieved.

So far, I have discussed only the more or less Christian version of the *sumpah* ritual. In the non-Christian version the prayers for revenge make more direct appeals to their ancestors. In fact, Moluccans consider the procedure based on help from ancestors to be even more effective than those based on reliance on God. In the non-Christian procedure, more use is made of magical forms of manipulation. Particular coins representing the opponent are added to the

offertory plate. Subsequently, these coins are handled in a particular, magical way, with an intention to inflict evil on the person concerned. Practices of *sumpah* are not exceptional in the Moluccan community in the Netherlands: they are one of the often recurring social reactions to fierce conflicts. And in reverse, in an investigation into the cause of a suspect form of adversity, serious account is taken of the consequences of *sumpah*. In 4 of the 7 cases with a magical aspect, the investigation resulted in the assessment that the adversity was caused by a *sumpah*.

### III

When the origin of a conflict with a supernatural aspect has been diagnosed, a course of action is then decided on. Insofar as it concerns a conflict with an ancestor due to violation of an *adat* rule, this action usually entails reconciliation or rectifying the behaviour that is forbidden by the rule. This is called *bikin betul (adat)* or *bikin baik (adat)*. To this end (sometimes radical) measures must be taken by those involved. I will give some examples, sorted according to the four clusters of *adat* (taboo) rules which are at stake.

a) *Pèla*. Two spouses gradually realised that they were each other's *pèla* partners. An investigation into the exact nature of that relation was made after some of their children died. After fourteen years of marriage - a happy marriage according to the information - the couple decided to divorce. This drastic act was not considered enough. They agreed that the husband would not pay alimony to his wife, in order to facilitate the expulsion of all memories of the wrong marriage. This decision brought the couple into conflict with Dutch authorities, who refused to grant welfare payment.

b) *Harta*. Problems with regard to the payment of a dowry usually can be solved more easily. When the offender has been identified along with the elements of the dowry that have not yet been paid, the obligation is made good. Such a payment - of money or goods - is done in a ritual manner. In some cases the actors travel to Indonesia, to their village of origin. There, they pay in sacred surroundings, in the village's *adat* house - the *baileo* - or in the ancestral house - the *rumah adat*. The payment of elements of *harta* is accompanied by a sacrificial meal (*medja*) and by saying a Christian prayer.

c) *Perdjandjian* (promise). The (unintentionally) broken promise - to ancestors or to 'living' fellow-members of the group - is thus fulfilled. Sometimes it concerns a simple gesture: for instance, someone who suffered from a sudden outbreak of an eye-disease sent a pair of glasses to a relative in Indonesia. The eye-disease disappeared. Sometimes the fulfilment entails the performance of a

complex of acts, as in the next example. Near the end of his life a Moluccan who was very ill felt an urgent need to go back once more to Indonesia - 'home' - because of an implicit promise. He made the journey to Indonesia, where he had his mother's grave transplanted from a common graveyard to a 'rose garden', situated in sacred family land. Back in the Netherlands, he later died in peace.

d) *Miscellaneous*. If mistakes in the field of naming are found, a correction can be made. First names as well as surnames may be changed. Change of a first name concerns a simple procedure which can be performed according to Moluccan canon law. Change of a surname is performed with due observance of rules of *adat* law. A sacrificial meal is offered; a prayer is said. In the larger society of the Netherlands, a change of family name according to *adat* law has no effect; it concerns an act from which only limited internal consequences follow within the Moluccan sphere. Still, it is not uncommon for Moluccans to seek official recognition of the change of name. For this purpose, an official request is submitted to the Minister of Justice in the Netherlands. Since the end of the 1970's, when this problem had been submitted to the Dutch administration of law several times, the Minister has been willing to cooperate in a request to change a family name based on Moluccan law (cf. Strijbosch 1988a).

Other offences within the category of 'miscellaneous', of smaller, 'familial' taboo rules, are corrected in ways similar to the manner described here: by performing an act which is directed at compensation. In one case, however, an *adat* fault regarding a broken promise was corrected differently after its detection, namely by asking forgiveness. A recently married woman had promised her dying mother to care for her father; however, she could not fulfil this promise. The woman travelled to her mother's grave to ask forgiveness. Not without success: the 'sign' disappeared, a sick child got well.

Making up for an *adat* offence (*bikin baik adat*) means that (with the exception of those who have asked forgiveness) the offenders must change a certain behaviour. In the cases involving violation of an exogamy rule, change implies the breaking up of an existing relationship; in all other cases it implies that the offender ought to perform a certain act in order to comply with an ancestral demand. In many cases, as we have seen above, this change of behaviour takes place at sacred places in the offender's Indonesian village of origin. In such cases, an act is executed at the end of a long journey which has the character of a pilgrimage. Such pilgrimages to Indonesia are common in Dutch-Moluccan society. It is said of persons who are going to their village of origin with the intention to repair a certain *adat* problem, that 'they are going *bikin maksud*', or they go there with a certain, holy, intention. The expression *bikin maksud* brings us back to Moluccan syncretism: it also belongs to the idiom of the official

church. Bringing a special coin - which is connected to a special intention (for support in times of illness, depression, etc.) - from the *piring nazar* to the church is also called *bikin maksud*.

The process of *bikin baik adat* (and of *bikin maksud*) described above, is eventually concluded the way it began, by a prayer at the *piring nazar* to the Christian God. In many cases, the prayer is conducted by a minister. Here, again, it actually concerns an event with a syncretic aspect: God, in His quality of general supervisor of the divine and of the human sphere, is asked to express His approval with an act of purification of a Moluccan individual, who was inflicted with a supernatural punishment by one of his/her ancestors.

I would like to mention yet another way of communicating with ancestors which is highly comparable with the *bikin baik adat* procedure. In this case, too, it concerns a procedure followed by Dutch-Moluccans travelling to their Indonesian village of origin in order to realize a special intention there. However, these travellers differ from the ones mentioned before insofar as they are not concerned with some, *unconsciously* committed, *adat* offence. On the contrary, they are perfectly aware of the (possibly) risky behaviour they display. They are making a pilgrimage in order to prevent the emergence of problems with their forebears in the future. The most common and rather uncomplicated case in this respect concerns the payment of *harta*. This payment is usually done during or just before the marriage day. Subsequently, some elements of this price (which, according to *adat*, have to be delivered to specific functionaries in the groom's Indonesian home-village) are delivered by special couriers. Sometimes, however, the newly-weds (or their relatives) prefer to pay the *harta* themselves. If they are not able to make the trip at once - because of lack of money - they take a minor risk, for in the meantime they could be affected by ancestral sanctions. Such a delay is never prolonged. Within a few years, the couple will make their trip for *bikin maksud*: or 'with a special intention'. They redeem their debt according to *adat*, in their village of origin, in a ceremonial way, and in this way, they prevent the emergence of future problems with their ancestors.

Another category of cases meets with many more difficulties. In these cases, the communication with ancestors is not directed at making up for a mistake or at redeeming a debt, but at obtaining approval for a deliberate violation of an *adat* rule. To my knowledge such a request usually concerns the *pèla* taboo. *Pèla* rules regarding exogamy are very galling to young Moluccans in the Netherlands; they are often severely hindered in finding a partner (cf. Strijbosch 1985). For this reason, some of them feel the need to violate this *pèla* taboo, be it in a *legalized* way. The latter fact must be emphasized: these youngsters are, generally speaking, not trying to attack the value of the *adat* system as such. They are only asking their forefathers for a kind of exception, for a very urgent

reason. The procedure aimed at securing an exemption from an *adat* taboo is called *tjari urus*: asking for a settlement or an arrangement. The procedure always implies a visit of the petitioners to their village(s) of origin in Indonesia. In one case, amply described in an earlier work (Strijbosch 1985), such a *tjari urus* procedure actually had success. The youngsters - two *pèla* partners who wanted to marry - submitted their case to functionaries of their village- and family-group in Indonesia. This confrontation eventually - after the petitioners had been subject to a number of severe tests - resulted in a favourable outcome. When the youngsters resolutely adhered to their request, the functionaries 'dedicated' the problem to God. This involved the same procedure as the one described before with respect to *sumpah*. When problems in the secular sphere of *adat* are insoluble, God is eventually asked to act as Supreme Judge. In another case, with respect to the promise taboo, a comparable operation did not succeed. Two youngsters were living together, wanted to marry, but dared not. The girl was Moluccan, the boy Dutch. He was non-religious. Within the girl's family a promise (*perdjandjian*) had been made, stipulating that a member of the family would never marry a non-Christian. The youngsters asked functionaries of the family in Indonesia for permission to marry... in vain. The couple accepted this judgment. They declined an offer from a Moluccan minister in the Netherlands to solve the problem in a Christian way. The minister suggested that he would dedicate the problem to God in a prayer, in the usual manner. If necessary, he would, as he stated, also 'vouch' for the *adat* consequences (illness, death) that might arise. This adoption of 'guilt' is a more or less common escape procedure, called *tanggun dosa*. However, the youngsters did not dare to risk it. They are living together now, but decided (for the time being) not to marry.

After this discussion of the various aspects regarding the procedure of reconciliation with ancestors, now a word on the settlement of conflicts with a magic aspect. Victims of magic show the same kinds of various reactions as their fellow-victims in other regions of the world. Among other things, they perform anti-magic (mostly via experts - *orang berobat*), avoid contact with the opponent, or surrender to revenge or a feud. However, victims of the specifically Moluccan form of magic described above, namely *sumpah*, show a very different behaviour. Their adversity - mostly illness or paralysis - is ascribed to a power that is not susceptible to opposition, namely ancestors. They realise that it was a human opponent who evoked this ancestral wrath, but still they do not dare resist, now that his or her appeal to ancestors has proved successful. These victims of *sumpah* can do nothing but ask their opponent for forgiveness in a ritual reconciliation.

#### IV

The Moluccan theory of inexplicable adversity emphasizes the existence of a conflict with ancestors. According to their theory, conflict must be settled properly once it has been identified. The Moluccan way of settling such a conflict concerns a procedure which, though widely reported on in the general anthropological literature, is hardly considered in the well-known litigation studies of legal anthropologists and of legal sociologists like S. Roberts (1979), L. Nader and R. Todd (1978), J. Griffiths (1983), R. Abel (1973) and many others. (On the other hand, legal anthropologists have considered the application of counter-magic in conflict.) I will try to fill this gap and then discuss some other aspects of the Moluccan process of settling conflicts with ancestors.

Compared to various kinds of 'standard' patterns of dispute settlement existing in the Moluccan and in many other societies, conflict settlement via ancestors may be considered distinctive. The order of the various events is particularly striking. The process begins with an event one would normally expect at the end, namely the assignment of punishment and guilt by a judiciary on a certain person or group. Consequently, the guilty party, who until then was not conscious of guilt, is faced with the task of tracing the nature of the conflict. His or her position is somewhat similar to that of a reader of a detective novel. From scarce data, he or she must try to conclude: a) who imposed the punishment, b) which act provoked this punishment, and c) who performed this act or offence. Even more difficult is the fact that the process of perception, interpretation and settlement of such a conflict is partly shielded from sensory perception. One of the parties - the group of ancestors - is invisible. Their existence and behaviour concern a fact which is noticed only by those involved, by inner perception. As an outsider-researcher, one gets the impression of dealing with a phantom, a sham fight or a strange game. It is, however, a game which is experienced by those involved as so real and true to life, that one soon adopts their views. The process, despite appearances, gradually reveals clearly many features of a secular legal process: it is conducted by professional experts, rules of procedure are followed, and finally the process is aimed at the maintenance of generally-held norms in the Moluccan community.

When using the western legal terminology, the Moluccan type of conflict settlement may be described as a process on the borderline between criminal law and private law. The aspect of criminal law is present insofar as ancestors, as the neutral third party, maintain the generally recognized norms (especially norms with respect to *pèla*, *harta*, clan exogamy) on behalf of society. In some cases, however, ancestors seem to act out of self-interest. In that case they react because, for instance, a promise to them has been broken, or because their name was given wrongly to a newly-born child. Then the conflict lies more in the

domain of private law. Various categories of participants, in various capacities, take part in the process of conflict settlement between the visible and invisible members of the Moluccan social group. Belonging to the one (visible) party are: the persons (usually parents of a certain family) who, because of 'guilt' of themselves or of relatives, lead the process of interpretation and reconciliation of a certain problem. Also belonging to this party are experts of some other categories: relatives and assistants - *orang tua*, *orang lihat* and *orang berobat* - of these parents. Dependent on the kind of rule at issue, the other, invisible, party is constituted of mythical ancestors (especially in case of rules of *pèla*, *harta* or clan exogamy), or of recently deceased ancestors (in case of 'promise' and in many rules from the category 'miscellaneous'). In general, it is remarkable how varied the powers of ancestors are in Moluccan law. They are perceived as founders (in fact legislators) of the *adat* system, as maintainers of *adat* rules and/or, sometimes, as a party in a conflict.

Most comparative studies in conflict settlement present elaborate schemes or typologies of what is called 'cultural responses to conflict'. The authors concerned (with the exception of Griffiths) generally regard conflict as a duel between parties over the ownership of scarce resources. Their characterizations of these 'cultural responses' usually are reflections of their diverse views in this field. They distinguish such reactions as social boycott, prevention, negotiation, ordeal, faith, mediation, arbitration, adjudication, etc. Moluccan procedures do not fit these characterizations: they lack the adversarial element, at least overtly. As soon as the supernatural conflict has been interpreted, a troubleless situation has arisen. Those involved consider their interests as identical to those of their opponent, the ancestor(s). Their reaction is completely aimed at compliance with ancestral demands, at restoration of relations, at compensation and cure. When compliance with a given demand is impossible, forgiveness is asked instead.

In a rare category of cases the Moluccan procedures do fit the typologies of the comparative studies mentioned, that is, in cases in which ancestors are asked for exemption from a taboo rule. Parties requesting such an exemption use negotiation. In the negotiation, the party of the ancestor(s) is replaced by functionaries (*orang tua*) from the Moluccan community. In this category of cases, a conflict is sometimes settled by a very surprising procedure. When a deadlock arises, the problem is put before the Christian God. This act is consistent with complex Moluccan metaphysics in which ancestors control the secular sphere and God represents a larger sphere. In the secular sphere the ancestors dispose of cases within their own competence, jurisdiction and supernatural means of enforcement of decisions. Their rule is just, but severe, very severe. The wrath of the ancestors is dreaded, because it is almost infinite. On the other hand, God is the representative of the divine sphere, a sphere which is characterized by infinite love and mercy. An individual, a Moluccan,

who commits a sin against God or against the Ten Commandments, can always count on God's mercy. All he has to do is to ask for forgiveness before the *piring nazar*, and his sin will be forgiven. In principle, God does not intervene in the human sphere. Only in case of extremity, when a deadlock has arisen or when, in particular circumstances, the application of a taboo rule would cause unreasonable harm to an individual, God may bring relief. In such cases, a problem may be 'dedicated' to Him. Through divine love the problem is immediately settled.

Simon Roberts (1979), in his chapter 'Order and continuity in everyday life', mentions 'fear of ancestral wrath' as a factor that might contribute to the maintenance of social norms and social order. In his opinion the value of this factor is uncertain. According to Roberts, it is easy to gather idealized statements on the controlling influence of supernatural powers; it is, however, difficult to estimate the real influence of this factor on the daily state of affairs (p. 42). In my opinion, the role of ancestors is very important in the maintenance of (parts of the) Moluccan law on an everyday basis. My opinion in this matter is based not only on ideal-typical images from those involved, but also on cases gathered in the field. Moluccans do not only associate certain rules with supernatural sanctions, the reverse also holds true. In crises, investigation immediately turns to the question which taboo rule has been violated. The social meaning of such a procedure to prevent new conflicts can hardly be overestimated. It defines a social process which keeps participants - usually a large group of relatives (plus their neighbours, friends, remote relatives) - firmly involved with each other, sometimes for years at a stretch. In this sense, the process of conflict settlement is at the same time a socializing and learning process. Through the ancestors, everyone, both young and old, is informed again as to the exact contents of the various rules and, even more important, on the terrible consequences violation entails. Fear of ancestors is, in my opinion, an extremely important factor in the normative conformity of the Moluccan community.

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