# The Ideology of Social Reform in a Nineteenth Century South Sumatran Legal Code

DAVID S. MOYER
University of Victoria, Victoria, B.C., Canada

RÉSUMÉ

Dans la majorité des cas, les structures idéologiques des sociétés sont de caractère conservateur ou traditionnel. Il existe néanmoins des cas de structures idéologiques dont le but est non pas la légitimation ou la rationalisation du statu quo, mais plutôt la création d'un nouveau statu quo. La présente communication décrit comment, au cours des années 1840, des groupes de chefs indigènes ont entrepris la réforme de leur système matrimonial. Une attention particulière est accordée aux éléments de continuité et de discontinuité que partageait cette réforme avec les systèmes antérieurs. Dans sa conclusion, l'auteur a recours à l'analyse de la loi de réforme dans le but de proposer une structure pour "Inventions à trois voix" (code, armature, message).

An anthropological notion of legal reform presupposes an adequate conception of the term law. Most western European languages have two distinct terms that bisect the domain of the English term law. French, for example, has the words *"droit"* and *"loi"*, both of which in some contexts must be translated by the English term law. This French distinction is useful in helping to clarify the plurality of ideas and phenomena associated with the English word "law". In the first instance *"droit"* implies "right", and then by implication, "justice". In anthropological terms one might argue

that *"droit"* implies the entire system for maintaining social order and dealing with disturbances to the social order. In Lévi-Strauss' terms *"droit"* can be viewed as a process for dealing with events *(événements). "Loi"*, on the other hand, implies structure and involves the definition of the nature of society. It is not by chance that Montesquieu's book is entitled *De l'Esprit des lois.* If one wished to avoid the English word "law" and attempt to translate the distinction between *"droit"* and *"loi"* into English one could use the terms equity vs. statute.

When searching for examples of the ideology of social and legal form it is with respect to *loi*-law that one would expect to find a well defined concrete manifestation of planned change. For *loi* involves a definition of a status quo or a desired status quo as well as the definition of disturbances of the status quo and the means of dealing with such disturbances. Furthermore, just as law can be divided into two concepts — one implying a relation to events and the other implying structure, the notion of legal reform must be subdivided into two main categories.

One type of legal reform involves law being changed in order to recognize, legitimize, and regulate a new status quo. In this kind of legal change law appears to be catching up with social reality. In such cases it is difficult to speak of a pure ideology of reform in that the need to change the law is inherent in the nature of law in the first place. Law must appear to bear a close relation to perceived social reality. This is the problem of verisimilitude, that is, law must appear to be true in a direct unmetaphorical manner. Myth, on the other hand, not only tolerates but seems to encourage the fantastic. Thus, one type of legal change involves changing law in order to bring about a greater harmony between law and social reality.

Another type of legal reform involves law being changed in order to establish a new status quo. In such cases we can speak of an ideology of reform because the authors of the law are attempting to change the status quo by imposing a new or relatively new set of ideas on the society. Whereas the first type of legal change involves the constraints imposed by the requirements of verisimilitude, the second type of legal reform involves another type of constraint. In this latter case the constraint on the ideology

of reform is what the authors of the reform perceive as the most effective way of bringing about the change. In order to clarify these distinctions I propose that the notion of legal change be subdivided into two categories. The first of these is legal adjustment which involves changing law in order to bring about greater harmony between law and social reality. The second of these categories is legal reform which involves changing the law in the hope or expectation of producing a change in the status quo or social reality.

Extant Malay language legal codes from South Sumatra involve a large number of legal descriptions of the status quo. One suspects that among these documentations of social reality there might be a number of legal codes that involve legal adjustment. However, there are relatively few codes that involve attempts by the indigenous leaders to introduce social reform. Parenthetically, one might note that there is no shortage of material in which the various colonial authorities tried to implement their version of social and legal change. One truly indigenous reform text comes from Manna in the Bengkulu region of South Sumatra and is dated 1 November 1842. This text served as a model for many other laws in the region and as such can be considered to be a "reference law" in much the same way as Lévi-Strauss speaks of a reference myth (Lévi-Strauss 1964: 10). The most complete manuscript copy of this reform text is included in a manuscript entitled "Kitab undang[2] atdat lembago di manna" (a book of laws and traditional usage in Manna). This manuscript is number Cod. Or. 12.200 of the Oriental Manuscript Collection of the Leiden University Library in the Netherlands. Though one cannot be absolutely certain the manuscript itself was probably prepared sometime around June 1859.

In their introduction the authors indicate the particular problem that they were seeking to eradicate by preparing this new law. Quite simply, they were concerned that too many men were emigrating because they were unable to acquire the money necessary to pay the brideprice required for a patrilocal marriage. In order to fully comprehend both the problem and the proposed solution, it is first necessary to understand the legal basis of the South Sumatran marriage system.

At the most fundamental level the South Sumatran marriage system is characterized by an opposition between *jujur* and *ambil anak* marriage. Jujur marriage is patrilocal, involves the payment of an often large brideprice, and is associated with a patrilineal rule of descent. Ambil anak marriage, on the other hand, is matrilocal, involves no brideprice (or groomprice) and is associated with a matrilineal rule of descent. Frequently associated with *jujur* marriage was a principle known as the *tali kulo.* According to this principle a small portion of the brideprice (usually ⅛ or less) was intentionally left unpaid. As long as the *tali kulo* remained unpaid a "tie of relationship" (an anthropologist might say an alliance) was said to exist between the two local descent groups contracting the marriage. This "tie of relationship" gave the woman's family certain residual jural rights over the person of the woman but never over her children. Occasionally one finds a similar principle associated with a matrilocal marriage form. By such a marriage the man pays a very small, virtually token brideprice and his family retains certain residual jural rights with respect to his property. Significantly, however, such an arrangement is not usually called *ambil anak* marriage. At the level of the rules *jujur* and *ambil anak* marriage were equal and opposed. However, at the level of practice there was a strong preference for the patrilocal form. As the introduction to the reform law under consideration suggests the preference was often so strong that men would rather emigrate than marry by the matrilocal form.

In addition to this basic opposition and closely associated minor variants there was a variety of marriage forms that represent a compromise or mediation between the two extremes of *jujur* and *ambil* anak. Sometimes this mediating form would be cognatic and at other times ambilineal in its implications. One such form specifically relevant to the present discussion was *semendo baliek jurai.* According to this marriage form a man married matrilocally, paid a moderate brideprice and one of his children was sent back to his own local descent group while the rest remained affiliated with his wife's group.

The reform law has two sections dealing with marriage. One is entitled *"Adat kulo"* and the other is *"Adat semendo ambil anak". Kulo* or *kuloh* is the local term used to describe jujur

marriage. Each of these sections contains four paragraphs or *"fasals"*.[1]

The first paragraph dealing with *kulo* or *jujur* marriage sets out the basic principles of the reform. First, the brideprice was to be set at 120 rupia. The previous amounts that the introduction had mentioned as being excessive ranged from 150 rupia to 240 rupia. Secondly, only 40 rupia were to be paid at once, while the remaining 80 rupia became the *tali kulo.* This represents a radical change from the past when the *tali kulo* represented only a small portion of the total amount. The paragraph then deals with the circumstances in which the *tali kulo* of 80 rupia must be paid. If the "side of the man" *(sabelah laki laki)* wishes a divorce without reason then the 80 rupia must be paid. Furthermore, if there is not a divorce then the unpaid money cannot be demanded by the woman's relatives. If, however, the "side of the woman" *(sabelah perempuan)* wishes a divorce without reason then the 80 rupia is "lost", i.e. it need not be paid. The legal logic involved here is to make marriage cheap and divorce expensive. The paragraph then proceeds to the matter of the children. The text is very explicit, "if there are children they are divided, one share goes to the father and one share to the mother; if however there is only one child, and it is still young, it remains with its mother; when it becomes large it can live where it pleases — either with its mother or with its father". This is the second major reform. In cases of divorce the marriage form loses its strict patrilineal implications and becomes cognatic or ambilineal.

The second paragraph dealing with patrilocal marriage simply states that for a widow or divorcee (i.e. a previously married woman) the initial payment is only 20 rupia while the unpaid *tali kulo* is still 80 rupia.

The third paragraph in this section deals primarily with the repudiation of a marriage agreement before the marriage has been consumated. If an agreement has been made and the brideprice

[1] In manuscript U. B. Cod. Or. 12.200 the division into *numbered* paragraphs has been eliminated. However, the philological study of all the manuscripts of the set indicates that the division into numbered paragraphs was in all probability in the original. Cf. for example TLVK H-813d-ii.

received, and then repudiation comes from the "side of the man" without reason the money is "lost". If, however, the repudiation comes from the "side of the woman" the money is returned. Additionally, there is a fine of 20 rupia imposed. 10 rupia go to the headmen *(khalipas)* and 10 rupia to the man. Finally, the paragraph sets a limit of three months on the engagement.

Finally, the fourth and last paragraph of this section states that if the above rules are not followed a fine of 56 rupia is to be imposed. As said above, the authors of the reform law were seeking to make marriage easier to contract by lowering the amount of money that had to be paid initially. At the same time they were attempting to make marriages more stable by making the consequences of divorce very burdensome. However, since all South Sumatran marriage systems are based on an opposition between patrilineal and matrilineal descent any change in one element of the opposition implies a re-definition of the opposition itself. This fundamental, almost tautological observation was apparently perceived by the authors of the reform because they also reformed *ambil anak* marriage.

The first paragraph of the section dealing with *ambil anak* marriage sets out the basic principles. First, *ambil anak* marriage is defined as a man living in his wife's village. If the "side of the man" seeks a divorce without reason then the full brideprice of 120 rupia is to be paid and all of his children and property remain in the village with his wife. The loss of rights to children and property was a normal aspect of *ambil anak* marriage. On the other hand, the payment of 120 rupia is a totally new innovation. If, conversely, the "side of the woman" wishes a divorce without reason no money is to be paid and the children, if any, may choose where they wish to go, i.e. with their mother or their father. Thus the reform logic here is to make divorce expensive for the man and to seriously weaken the position of the woman and her family if they are responsible for the divorce.

The second paragraph of the section on matrilocal marriage provides for the conversion of the marriage to a patrilocal one. This is the so-called *"sah"* provision. The law specifies that such a conversion cannot be prohibited by the woman's relatives. However, her relatives are entitled to 40 rupia, the amount of the basic

brideprice. Furthermore, the woman's relatives do not have the authority to force such a conversion upon the married couple if they do not wish it. Though this conversion principle is not general in South Sumatra, it is described in an older text for the Manna region (U. B. Cod. Or. 12.205). In that case, however, the amount due was equivalent to the maximum brideprice. Thus the *"sah"* principle was changed, the essential reform being in the amount to be paid.

The third paragraph in the section on matrilocal marriage deals with two matters. The first deals with limitations on the *balik jurai* principle, which traditionally involved the return of a child to the man's village or family in exchange for a moderate brideprice. It states:

> Tidak boleh mak bapak muanai perempuan atau adik sanak laki itu balikkan atau mintak jurai menghendahkan wang diatas orang dua laki bini atau kepada anak dia orang.
>
> The parents and brothers of the woman or the relatives of the man can neither send nor request a *"jurai"* demanding money of the husband and wife or of their children.

The ambiguity of the English reasonably reflects the ambiguity of the original Malay. That is, was just the exchange of money prohibited or was the entire principle of *balik jurai* prohibited? The second matter dealt with in this paragraph concerns rights over property. The law says, "neither the parents and brothers nor other relatives of the woman have authority over the property of the husband and wife; all the property which is earned by the husband and wife 'returns' to these people themselves". This is a modification of strict *ambil anak* marriage principles by which the man has no rights to any property and seems to serve as an introduction to the final paragraph on *ambil anak* marriage.

The final paragraph simply states that a man married by *ambil anak* is responsible for his own debts. This is a radical change from "traditional" *ambil anak* marriage in which the woman's family, and particularly the woman's father, was held responsible for the in-marrying man's debts.

Taken collectively, the reform of *ambil anak* marriage practices can be seen as an improvement in the man's position as long as he is not responsible for an unjustified divorce. First, he has rights

over his earnings and he can contract debts, two things which were impossible in classic or traditional *ambil anak* marriage. Secondly, there is at least the possibility that his children may, in certain circumstances, come to live with him in the event of a divorce.

However, it is only when the two sections are taken together that the full picture emerges. In the first instance, the ideology of reform involves a re-definition of the nature of the opposition. This re-definition involves two principles. In the first a new social order is defined, i.e. the new rules for contracting marriage are presented. The second principle involves the rules for dealing with threats to this new social order, i.e. the new rules governing divorce. At this point it should be noted that in traditioral South Sumatran texts divorce was not normally treated as a threat to or disturbance of the status quo or social order. However, in this law divorce regulations acquire an almost punitive dimension.

Among the traditional features of the *jujur/ambil anak* opposition that are maintained in the reform law are the opposition in locality (one is patrilocal, the other matrilocal) and the opposition with respect to the brideprice (one requires a brideprice, the other does not). In relation to locality the older principle of the *"sah"*, which allows the conversion from the matrilocal form to the patrilocal form, is maintained and continues to perform a mediating function. There are, however, two modifications in the brideprice system. First, the absolute amount of the brideprice has been reduced. Secondly, and more important, the proportion of the brideprice that has to be paid before the marriage is consumated has been drastically reduced. However, though the proportion is reduced the name and principle governing the unpaid portion remain the same. The *tali kulo* is not a new principle but its use as a means of reducing the economic burdens of the brideprice is a new notion. Significantly, in their status quo defining function the changes in the laws reflect an improvement in the possibilities for marriage and in the position of the man. Nothing is explicitly stated concerning the position of the woman. However, it may be inferred that the large *tali kulo* gave the woman's family considerable influence.

Similarly, in the section on *ambil anak* marriage there are a number of changes that reflect an improvement in the social position

of the man. He has the right to his acquired earnings and the right to contract debts independently, both of which were impossible in traditional *ambil anak* marriage. The ability to contract a debt is important in that, at least theoretically, he could borrow the money necessary to change his marriage to a patrilocal one. Thus the reform has made patrilocal marriage easier for a man to contract and matrilocal marriage a less onerous alternative. One effect of this is a decrease in the status generating potential of the opposition. *Jujur* marriage was less of a mark of wealth and *ambil anak* marriage was no longer one of poverty.

As far as one can tell the implications of these two marriage forms in terms of descent remained unchanged *as long as no divorce* was involved. That is, *jujur* marriage is normally patrilineal in its consequences and *ambil anak* marriage is normally matrilineal in its consequences. However, depending upon how one interprets the passage in the text on *balik jurai* marriage the opposition between *jujur* and *ambil anak* marriage may have been re-defined with respect to descent. If, as seems likely, *balik jurai* marriage with its associated rule of ambilineal descent has been abolished, then there is no longer a marriage form which effectively mediates between the strict matrilineal implications of *ambil anak* marriage and the strict patrilineal implications of *jujur* marriage. Thus due to the lack of a mediating form *jujur* marriage can be seen as more patrilineal in its implications and *ambil anak* marriage can be seen as more matrilineal in its implications. This lack of mediation in descent principles also alters the significance of the *'sah'* principle, which allowed changes in marriage locality. Previously, *balik jurai* marriage mediated between the descent implications of *ambil anak* and *jujur* marriage and the *"sah"* principle mediated between the locality rules of the two marriage forms. The reform placed the entire structural burden of mediation upon the *"sah"* principle, and thus entirely upon residence principles.

These changes in the marriage system define a new social order. Divorce situations, however, are apparently viewed as a threat to or a potential disturbance of this planned new order and as such acquire a punitive dimension. While the changes to the basic marriage rules display an easing of the situation for a man, when the man seeks a divorce (that is, "wishes a divorce without

reason") most of the old or pre-reform rules apply. In the case of *jujur* (or *kulo)* marriage this means that he must pay the *tali kulo.* Because the *tali kulo* proportion has been changed, he has to pay more than he would have traditionally. Nonetheless, the old principle still operates, i.e. he must pay all of the brideprice. In the case of *ambil anak* marriage if he seeks a divorce he has no rights in property or his children. This was the old or pre-reform rule which has become all the harsher because the reform had given him rights to his earnings. Additionally, and this is an entirely new principle, if a man married by *ambil anak* seeks a divorce then he must pay a sum equal to the *jujur* brideprice. This rule is clearly punitive but reflects the spirit of the reform, i.e. to make marriage cheap to contract but to make divorce very expensive. However, making divorce cost the same regardless of the marriage form is an innovation, and furthermore a punitive innovation. A symmetrical inversion applies when the woman or her family seeks a divorce. In both *jujur* and *ambil anak* they receive nothing nor may they demand anything. In the case of *jujur marriage* the loss of the *tali kulo* that they might have been entitled to was substantial. One may have expected that the woman or her family might have to pay some direct financial penalty when seeking a divorce in *ambil anak* marriage. However, the absence of such a penalty reflects a structural principle inherent in all South Sumatran marriage systems. That is, marriage payments always flow in one direction, from the man's side to the woman's side. Though in a spatial sense one might wish to speak of "groom exchange" with reference to ambil anak marriage, the absence of a "groomprice" seriously limits the usefulness of the concept. Similarly, with more justification, one might have expected some sort of refund of the already paid portion of the brideprice in jujur marriage. This rule does occur in a more traditional text for the Manna region. Paragraph (fasal) 6 of manuscript U. B. Cod. Or. 12.205 specifies that the "*jujur* money" must be returned and that each side must pay 7 reals (= 14 rupia) to the headmen. The absence of such a provision in the reform is somewhat difficult to interpret but it seems to represent a slight favouring of the position of the woman's family in *jujur* marriage.

However, a more symmetrical situation occurs with respect to "repudiation" *(mungkir)* of a *jujur* engagement agreement.

Repudiation is defined as a break in a marriage agreement after the initial payment has been made by the man but before the "wedding" has taken place. In this case if the repudiation comes from the man his money is lost. But if it comes from the woman or her family the money must be returned *and* a fine paid. Though more symmetrical than the divorce situation, the repudiation situation is not perfectly symmetrical in that the amount of the fine is equal to only half of the amount that a man might lose and only one half of this amount actually goes to the man. Thus the trend towards perfect symmetry, though stronger than is the case in divorce situations, nonetheless appears to be retarded by the general principle that money flows in one direction and women in the other.

One major implication of the reform is related to this general rule of asymmetry in the flows of money and women. By lowering the amount of the brideprice the exchange of women in *jujur* marriage was greatly facilitated. However, there is evidence that other peoples in South Sumatra, when they saw this reform, were concerned that the exchange of women had become too easy. In a reform law from Kauer dated 1 June 1844 (nearly two years after the Manna text) one finds a curious amendment to the Manna law. This later law is found in three manuscripts (TVLK H-813d-i, U. B. Cod. Or. 12.200 and U. B. Cod. Or. 12.225). It reproduces in detail all of the material on marriage in the Manna reform law and maintains the same basic structure although there is some variation in vocabulary. However, this law adds two paragraphs to the section entitled *"Adat kulo"* (i.e., to the section on *jujur* marriage). These two paragraphs are inserted between the third and fourth paragraphs of the corresponding section of the Manna text and thus require a renumbering of the text so that paragraph 4 of the *"Adat kulo"* section of the Manna text becomes paragraph 6 in the Kauer text.

The first of the added paragraphs deals with foreign men (i.e. men from outside the region) marrying local women. Provided that they remain in the region such men pay the same brideprice as local men. However, if a foreign man should wish to take his wife away he must pay the entire brideprice (i.e. 60 reals = 120 rupia). This reform of the reform reflects the concern of another set of

local leaders (living further down the coast) with the possibility that the original reform had made the exchange of women too easy to be exploited by outsiders.

The second of the added paragraphs deals with abduction, or more properly, elopement. If a youth abducts a girl without her parents' consent they must be married and the youth is fined 40 rupia which are not to be considered as part of the brideprice. Half of this fine goes to the village leaders and half to the regional leaders. While the first of these added paragraphs reflects a specific concern with the implications of the reform, the second reflects a more general anxiety about the unrestricted exchange or movement of women. Thus not only does this reform to the reform indicate a concern in another part of South Sumatra about the implications of the original reform but it also helps to place the original reform into perspective. Thus it is not unreasonable to argue that the punitive dimension of the financial payments that must be made in cases where a man seeks divorce is in part a counterbalance to the ease with which marriages could be contracted, and by implication, the ease of the exchange of women.

Another major aspect of the punitive dimension of the rules governing divorce involves the disposition of the children. Unlike the situations involving financial payments there are only three and not four rules mentioned in the text. In the case of *ambil anak* marriage it is relevant to know who is seeking the divorce, while in *jujur* marriage, at least according to the text, only one rule applies irregardless of who is seeking the divorce. *Ambil anak* divorce rules are apparently clearer. If the weaker party to the marriage (in this case the man) causes the divorce he has no rights to any of the children of the marriage. This is the traditional rule governing *ambil anak* marriage and divorce. In light of the reform the rule might be rephrased as follows: if the weaker party to an *ambil anak* marriage seeks a divorce he has nothing to gain with respect to rights in his children. If, however, the stronger party to the marriage (i.e. the woman and her family) seeks a divorce without reason then the children have the choice as to whom they will be affiliated. Thus, if the stronger party to an *ambil anak* marriage seeks a divorce then there is a possibility that they could lose some rights in children that they normally would have had.

This is a reform of the traditional situation in which with respect to all *ambil anak* divorce situations the children belonged to the woman and her family. Accordingly, with respect to *ambil anak* divorce neither party would have anything to gain in descent terms from a divorce while the stronger party would potentially lose something.

In *jujur* marriage, however, the situation is somewhat different. According to the text the same rule applies no matter who seeks the divorce, i.e. the children are divided or, if there is only one child, he or she decides. Normally, one might expect that in this case there may have been a scribal error omitting a second rule. However, all three manuscripts from Kauer (TLVK H-813d-i, U. B. Cod. Or. 12.200 and U. B. Cod. Or. 12.225), which for the most part involve a verbatim copying of the relevant portion of the Manna text, indicate that in all probability there is no mistake on this point in the Manna manuscripts available. However, this is not to say that the lack of symmetry with the *ambil anak* divorce rules went unnoticed by all native thinkers. In a law text from Seluma, which is philologically and historically related to the Kauer text and through that ultimately related to the Manna text, one finds a textual change which brings the *jujur* rules into a more perfect symmetry with *ambil anak* rules.

This text dates from 27 July 1844 and was written in Seluma, a community further up the coast (i.e. to the northwest) from Manna. The manuscript is included in U. B. Cod. Or. 12.200. Line by line analysis indicates that though the text is substantially different from the Kauer and Manna ones many passages were taken from the Kauer text. Of particular significance is the fact that although there are some changes in amounts of money, the *ambil anak* rules of this text are taken from the first paragraph of the section dealing with *ambil anak* marriage which is common to both the Kauer and Manna laws. Thus the analysis of the disposition of children in divorce related to *ambil anak* marriage given above applies for this law as well. However, the rules for the disposition of children in divorce related to *jujur* marriage are different than either the Manna or Kauer text. The Seluma text specifies that if the woman is the cause of the divorce then the man cannot demand his 20 reals (= 40 rupia) back and that the

children and property remain with the man. If, however, the man is the cause of the divorce he cannot claim any money back and the children and property are divided. If there is only one child it stays with the mother but can go with the father if it wishes. The latter cannot be prevented. This is perfectly symmetrical and opposite to the *ambil anak* rules described above. If the weaker party to the marriage (in this case the woman) seeks a divorce she has no rights in children or property. This is the traditional rule for jujur marriage. If, however, the stronger party to the marriage (in this case the man) seeks the divorce then the weaker party "gains" rights in children and property. Thus in both *ambil anak* and *jujur* marriage the weaker party has nothing to gain by divorce and the stronger party has something to lose.

This passage of a law from Seluma demonstrates that in this part of South Sumatra the pressure for legal symmetry operates, at least occasionally. In another work (Moyer 1975) I have demonstrated at length and in detail some of the extremes that this demand for formal symmetry can take. Thus the lack of symmetry in the original Manna reform law with regard to the disposition of children in case of divorce is apparently a social fact that needs explaining.

As the analysis of the Seluma text indicated, the provision in the Manna law that if a man in jujur marriage seeks a divorce without reason he ceases to have an unrestricted claim on his children is symmetrical and opposite to the position of the woman in ambil anak divorce situations. In both cases the strict unilineal principle implicit in each marriage type has been replaced by another rule. However, the rules are not *exactly* the same. In the case of ambil anak the choice of residence and thus affiliation is left to the child. In jujur divorce the children are divided unless there is only one child, who then decides. Taken individually, one might argue that the jujur rule (when there is more than one child) is the stricter in that the man *must* lose some children, while in the ambil anak rule the woman *might* lose some children. Taken together the rules indicate that in divorce situations a non-unilineal rule applies. Such a rule may be called ambilineal or cognatic in its implications but the significant feature is that strict unilineality is no longer present.

The more anomalous portion of the jujur divorce provision in the Manna law is that even when the woman seeks a divorce she has a claim on her children. This is a radical departure from tradition and from the spirit of the reform in that apparently the person in the weaker position (the woman) in jujur marriage has something to gain from the divorce. First, it should be noted that this is the only portion of the reform law in which the position of the woman (and/or her family) can be viewed as being an improvement over the traditional situation. However, this "improvement" must be seen in light of the fact that according to the financial rules of a divorce a substantial amount of money has been lost, i.e. the tali kulo. And, according to the reform, the proportion of the total brideprice that this tali kulo represented has been greatly increased. Thus the right to the children that she apparently acquires could be seen as compensation for what would otherwise be an unbalanced exchange.

Recalling that the Kauer law reform of the reform reflected a concern about the exchange implications of the reform, the Manna laws seem to have the same problem. If a woman married by *jujur* sought a divorce and if the children were entirely assigned to the man then the man would have acquired all the patrilocally born children for only 40 rupia with no residual debts. Apparently this was too unbalanced an exchange and thus the rule was that the children be divided. Support for this argument can be found in fasal 8 (paragraph 8) of a pre-reform traditional Manna law text (U. B. Cod. Or. 12.205). This paragraph deals with a *balik jurai* provision associated with *ambil anak* marriage. "If the man has not returned to his own village then a child must be sent back to 'maintain his father's house'. If there is only one child then it jointly maintains the house of its father and the house of its mother. The value of a male is 30 reals [= 60 rupia] and the value of a female is 40 reals [= 80 rupia]. And if the child is sold the price is divided and half returns to the family of its father and half returns to the family of its mother which receives it." Though the significance of the reference to selling is obscure the amounts are interesting. The compensation for or value of one child which goes to the child's mother's family is 30 to 40 rupia which is approximately equivalent to the value of an acquired child in the Manna law. Though not conclusive the passage suggests that

the man getting all of the children for 40 rupia would have been too unbalanced an exchange.

Taken in their entirety the reforms of the Manna law involve two major processes: a re-definition of the oppositional structure of the marriage system; and the introduction of the concept of status quo disturbance into the marriage system. As mentioned above the prohibition on *balik jurai* with its ambilineal or cognatic dimensions makes the *"sah"* conversion principle the only mediator between *jujur* and *ambil anak* marriage as long as normal or non-disturbing situations are involved. Not only is the conversion principle the only mediator but it is solely concerned with residence problems. This is not to say that ambilineal or cognatic descent, which serves to mediate between the descent oppositions implicit in *jujur* and *ambil anak* marriage, is banished entirely from the marriage system. In contrast to the normal, social order defining aspects of the marriage system, divorce has come to be viewed as a threat to this new social order. Significantly the cognatic and ambilineal descent rules are used in the reform to mediate between the extremes of the basic marriage forms in divorce or disruptive situations. Thus the reform involves a re-definition of the mediators between the basic marriage forms. A residence mediator operates in status quo defining situations; a descent mediator operates in status quo disturbing situations.

Thus in an area where explicit oppositional structures are the basis of much social thought (Moyer 1977), the ideology of social and legal reform involves the re-definition of the oppositional structure of the social system. Particularly significant is the fact that in this case from South Sumatra there are no new oppositions present but a rearrangement of an existing oppositional structure. This rearrangement is used to accomplish a relatively simple social goal, i.e. to make marriage cheap and divorce expensive. This is the first ideological structural principle of the reform. The second ideological structural principle is that the reform use as many existing oppositional patterns as possible in transforming this general goal into a set of empirically realizable rules. In the introduction the problem of verisimilitude was introduced. Law must appear to be true. In the case of social reform the problem of verisimilitude is transformed into the problem of reform appearing

to be realizable. To appear realizable, and I believe this to be a general principle, a reform must make as much use of existing legal structures as possible. The first level of the ideology of reform requires that the spirit and goals appear to be desirable or right, i.e. a matter of *droit* or *droit moral.* The second level of the ideology of reform requires that the manner in which the reform is to be achieved is realizable and perhaps even legal, i.e. a matter of *loi.* Both involve problems of verisimilitude, i.e. the reform must appear to be right and true or legitimate. When verisimilitude and continuity cease to be valued concepts operating together it is appropriate to speak of an ideology of revolution rather than an ideology of reform.

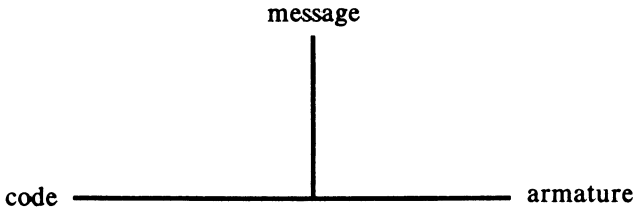
These problems of the re-definition of oppositions and of verisimilitude can be analysed further in terms of Lévi-Strauss' "Inventions à trois voix", i.e. *armature, code,* and *message.* His definitions of these terms are as follows: 1) armature = "un ensemble de propriétés qui restent invariantes dans deux ou plusieurs mythes"; 2) code = "le système des fonctions assignées par chaque mythe à ces propriétés"; and 3) message = "le contenu d'un mythe particulier" (Lévi-Strauss 1964, p. 206). Using these terms it is quickly apparent that armature and code provide a key for untangling the complexities of the process by which oppositions are re-defined in the various reform laws. On the other hand, the "message" is the locus of the notion of verisimilitude. The requirements of verisimilitude in law in general and reform law in particular demand that the message be unambiguous or, at the very least, less ambiguous than would be allowable in myths.

The interrelationships between code and armature in South Sumatran legal codes are not immediately apparent when one only examines the reform texts considered in this article. When one considers a larger corpus, however, the image becomes clearer. The most invariant principle in South Sumatran marriage laws is the opposition between two marriage forms which in the first instance involves an opposition between patrilocal marriage and matrilocal marriage. If one were to limit the corpus to "traditional" (i.e. non-reform) texts then the invariant properties would include an opposition between a patrilineal and a matrilineal rule of descent. By extending the corpus to include both "traditional" and "reform"

texts then the invariant aspect of the opposition between the rules of descent would have to be limited to non-divorce situations. On the other hand, the rules of descent in divorce situations would become an aspect of the code of the various individual laws. Furthermore, with respect to code one could argue that the payments associated with the oppositional structure, though having their own internal rules of order, are the most consistently variable aspect of the marriage forms. Significantly, it is just these aspects of the code that are most responsive to local situations such as relative wealth and general economic position.

In this use of Lévi-Strauss' three part system a significant pattern emerges. The opposition between "message", and "code and armature" taken together, appears to be much stronger and much more meaningful than the opposition between code and armature. This in turn suggests that the distinctions between armature, code, and message are part of a three part structure like the vowel triangle proposed by Jakobson (1968) and used by Lévi-Strauss (1965).

The following is a representation of this structure.




The structure is interpreted as follows: as the message component of a myth or myth-like structure becomes more important or more apparent the potential significance of the code/armature opposition decreases.

In political myths in which the message plays an important legitimizing role and verisimilitude has a significant place, code and armature are often confused. In fact one successful technique of creating and/or using political myths involves taking traditional mythical structures and turning part of the armature into part of the code and vice versa.

In all forms of secular law the message component is quite strong. And in reform laws the message component is stronger than in other forms of descriptive laws which serve to "rationalize" the status quo. In the above example of a South Sumatran marriage reform law the structural significance of the rules of descent associated with the two opposed marriage forms has changed. Traditionally each marriage form was invariably associated with one rule of descent. In the reform law this aspect of the armature has been changed and the invariability of the association is restricted to non-divorce situations. In other words, in divorce situations, that which was part of the armature has become part of the code. Furthermore, as long as social knowledge of the pre-reform situation persists there is an essential, dynamic confusion of what is code (i.e. specific) and what is armature (i.e. general).

In conclusion, therefore, it is worth noting that although Lévi-Strauss himself has been primarily concerned with mythic structures in which the distinction between code and armature is important, he has provided a framework (one might even say *armature)* that allows us to deal with other types of myth (or law) in which the message becomes extremely important.

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| U. B. Cod. Or. | 12.225 | — Oendang Oendang Kauer; cf. U. B. Cod. |
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