Christianity, Colonization, and Gender Relations in North Sumatra

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Christianity, Colonization, and Gender Relations in North Sumatra

A Patrilineal Society in Flux

Ву

Sita T. van Bemmelen



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Preface and Acknowledgements

This book tells the story of how kinship and marriage have influenced the lives of Toba Batak men and women during the colonial period in North Tapanuli, on the island of North Sumatra, Indonesia. The selection of this subject was based on historical treasures found in several archives which resonated with my fascination with gender studies in the domestic sphere and my personal experiences in a Dutch-Indonesian marriage.

The Toba Batak adhere to a patrilineal kinship system. The question that naturally arose was how the Toba Batak reproduced that system in the eighty years between 1861 and 1942. This research question led me beyond a functionalist approach, as historical developments took place as the result of dynamic interaction between the Toba Batak themselves and two other protagonists, German missionaries and Dutch colonial administrators. A large part of the discourse between them concerned Toba Batak customs and customary laws. In this process the Toba Batak male elite proved a formidable partner, who successfully defended the basic rules underpinning the kinship system, while accepting several adjustments advocated by their foreign partners and, in the last instance, by Toba Batak women. It has indeed been my purpose to bring Toba Batak men and women into the story as actors instead of submissive victims of colonial rule.

To make sense of the subject matter of this study I have made use of various strands in scholarship, using insights from global history, in particular the concept of modernity in colonial societies, which I found to be multifaceted, and studies on the impact of Christian missionization and legal change on colonized people. Dealing with a patrilineal society with very specific rules, insights from symbolic, functionalist, and legal anthropology proved illuminating. The influence of feminist scholarship in all these fields is evident throughout this book.

This book is an unabridged version of my Ph.D. thesis, defended in 2012. I want to thank my supervisor, Prof. Dr. Heather Sutherland, for her always mind-joggling questions: her persistent probing over the years has forced me to go far beyond what I thought I was able to achieve. I am also grateful to Dr. Elsbeth Locher-Scholten. She urged me to write the thesis at a time when I had already given up and has faithfully and with admirable patience fulfilled her promise to assist me during the writing process. To Dr. Jur van Goor I am indebted as well: without his confidence in my capacity to become a researcher, I would never have enjoyed the intellectual challenge of writing this book, an endeavour which has tremendously enriched my life.

I like to thank Prof. T.O. Ihromi-Simatupang, my sponsor from the University of Indonesia, for her help in finding me suitable interviewees and for her interest in the research subject, and the late Prof. Adrian Lapian from Lembaga Ilmu Pengetahun Indonesia (LIPI) Jakarta, for institutional support. As my research has drawn me into two fields that I was not familiar with—structural and legal anthropology—I thank Prof. Dr. Reimar Schefold, Prof. Dr. Keebet von Benda-Beckmann, and Dr. Freek Colombijn for their comments and suggestions on relevant chapters.

To the Toba Batak women I interviewed I am grateful, not only for their generosity in giving me their time but also for their patience explaining the intricacies of Toba Batak kinship rules, and above all for their sharing many personal stories. If I have misrepresented these in this thesis or infringed on their privacy, I sincerely apologize to them and their families. I would like to make special mention of the late Prof. Abbas-Manoppo in Medan and Mrs. A.S. boru Gultom and her husband in Tarutung who were so kind as to have me stay as a guest in their homes during the period I did research in 1985 in Medan and North Tapanuli. They have shown that Indonesian hospitality is deep and genuine. I thank the late Sitor Situmorang and Mrs. M.D. Tambunan for the uplift they gave me in believing that I had grasped the issues predominant in late colonial Toba Batak society, when they were young. I thank Mies Grijns for her feedback on my work and friendship during general tribulations in life, through long letters and occasional visits over the past quarter of a century.

Many others have helped and encouraged me in one way or another. I do not mention all of them here by name, but they can be assured of my appreciation. Most of them belong to one of the following feminist discussion fora: the Working Group on Indonesian Women Studies (WIVS) in the Netherlands; colleagues at the University of Indonesia where I worked between 1991 and 1996 for a project strengthening gender and development studies; the members of the Association for Legal Aid Offices for women (LBH-APIK); and many other women scholars and activists in Indonesia whom I met during the many seminars and workshops I have been privileged to attend since 1991. They have provided me with research ideas and invaluable insight into the role of customary law and state regulations in determining the lives of Indonesian women and men. I would like to thank in particular Luh Putu Anggreni and Riniti Rahayu, my activist friends in Bali, for making me more aware of the importance of in-depth analysis of women's problems related to customs and customary law in Bali, a patrilineal society which has much in common with the Toba Batak one. Indirectly this has helped me to understand the trials and tribulations of Toba Batak women better.

My research has been made possible by a generous research grant from the Foundation for Scientific Research of the Tropics (WOTRO) during the years 1984–1986. The Free University of Amsterdam gave me an additional grant in 2011, which has enabled me to finalize the thesis. Through the endeavour of Prof. Dr. Adriaan Bedner I received a grant from the foundation for Adat Law (Adatrechtstichting) for the preparation of my thesis for publication. I thank him for this and for his endearing enthusiasm about the worth of this study. I would also like to express my gratitude for Dr. Roy Jordaan's initial corrections of the English of my thesis and Diana Darling who has painstakingly edited the manuscript for publication. I thank Julia Besten at the Archiv- & Museumsstiftung der UEM in Wuppertal and Jan van Rosmalen at KITLV, Leiden, for providing me with most of the illustrations. For their assistance and patience during the preparatory phase for publication of the manuscript I am grateful to Gert Jager, Nienke Brienen-Molenaar from Brill publication house and Pierke Bosschieter for making the index.

Funds make research and publication possible, but another requirement is essential as well: time. Domestic help has provided me with just that. I am particularly indebted to Kadek Wangi, who has assisted me taking care of the children and the household for more than fifteen years.

'Family matters' is the underlying theme of this book, and this also figures in its production. I thank both my late parents who have always been proud of me and my achievements, and my husband, Oka Pidada, because he never stopped urging me to finish the thesis and this book. Although understandably impatient because the work seemed un-ending, he has never made an issue of this. My daughters, Amba and Bika, both young adults, occasionally tell me that they are afraid of becoming just like me. I attribute this in part to my being engrossed in the work for this thesis. Therefore, I dedicate this book to them.

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CHAPTER 1

Introduction

[Husband's uncle]: May all of us, family and friends, be blessed with happiness and prosperity. May lots of children, wealth, and prestige be ours in the future. Stars in the firmament, clouds gathering. [...] This is already the seventh daughter born to our son. And although we are happy with the daughter, our heart longs for the great joy, for a son, so there will be someone who can reign over his sisters. [...] Glad we are that you can bear this cross with patience. We hope that you will not lose heart, because the sun still stands high in the sky [= you are still young and can have many more children]. One day, we are sure of it, God will fulfil our wish.

[Mother of the baby girl, muses]: Slowly the joy evaporates—perhaps I will never learn to remain calm when hearing such words—indignation and disappointment take over. Little Elsa smiles at me, I try to get a grip on myself and smile back at her. Yes, my little darling, we don't care a bit that you are—again—a girl. Mother wouldn't even want to swap you for a son. [...] O, how I hate this pious, heathen talking.

SARUMPAET-HUTABARAT 1954c:8–9

Julia Sarumpaet-Hutabarat felt deeply hurt at the occasion of the common Toba Batak ritual celebration for a newborn, in this case her seventh daughter (ill. 1).¹ Her account of this event lays bare a fundamental incongruity between the two major sources of Toba Batak identity: their customs or *adat*, rooted in a society based on a patrilineal kinship system, and Christianity, a religion brought to the Toba Batak by German missionaries in 1861. For Julia Sarumpaet, the choice was clear: she believed adat was unjust to women, and argued for change, because "in Christ everything has become new" (Sarumpaet-Hutabarat 1954a:9).² But she

Julia Sarumpaet-Hutabarat was the daughter of Renatus Hutabarat, a *demang*, the highest office open to Toba Batak men in the colonial civil service. She was the first female Toba Batak graduate of the Christian teacher-training college in Solo, Java and became the first Toba Batak headmistress of a primary girls' school in 1936 in Pematang Siantar, but stopped teaching in 1940 when she married a pastor. After Indonesian independence she became the chairperson of a Christian women's organization affiliated with the Christian party *Parkindo* and the editor of the local Christian women's magazine *Melati*. Several of my informants acknowledged her as the most prominent spokesperson for Toba Batak women's emancipation.

² The quote is taken from the article "The adat in the light of God's Word" consisting of a speech she gave for leaders of the church and the government in 1954. It was meant to enlist



ILLUSTRATION 1 Julia Sarumpaet, husband, and six daughters at the time of Elsa's baptism (1954). SOURCE: SARUMPAET 1954C:8

also realized that many of her own and the older generation still "stood between two worlds" and could not break with the past (Sarumpaet-Hutabarat 1954b:11).

The tension between adat and Christianity was confirmed for me when I interviewed thirty-two other Toba Batak women during a field visit to Indonesia in 1985. Armed with a questionnaire drafted on the basis of J.C. Vergouwen's authoritative work, *The Social Organisation and Customary Law of the Toba-Batak of Northern Sumatra* (1964), I soon discovered that many customs and values which I had assumed would have become obsolete, were still very much alive. Questions which I had reformulated to encourage my interviewees to choose between 'adat' or 'Christian' points of view were often answered hesitantly, perhaps because they felt cornered. One interviewee exclaimed, exasperated, "We are Christian, but we are also Batak!" This reaction reflected the acknowledgment that although she identified herself as a Christian, on some points she chose to hold on to Batak norms contravening Christian ones.

Julia Sarumpaet's feeling of alienation when confronted with Batak norms and the feelings of ambiguity experienced by other interviewees are typical of the process of change in ideas and practices related to the Toba Batak patrilineal system of kinship and customary marriage. This book explores that process, which took place during the approximately eighty years of missionization

their support for the new marriage law which was in the making at the time (the marriage law was promulgated twenty years later, in 1974).

and the shorter, sixty-five year period of Dutch colonial rule (1861–1942). Why might this subject be of more general interest?

1.1 Grand Narratives: Where Do Kinship and Marriage Fit In?

One reason to pay due attention to kinship, family, and marriage is the need to correct the Eurocentric character of the established 'grand narrative' of world history. Most of its themes-from the Enlightenment to the emergence of the nation state, industrialization, and the spectrum of political-ism's-had little or no relevance for colonized peoples around the globe before the twentieth century.3 Kinship, on the other hand, constructed through descent and marriage, was vital in these societies. It determined a person's social support system, status, and access to economic resources. The rights and obligations of social groups-whether based on gender, class, religion, race, or ethnicitywere shaped by the prevailing kinship system as well as political, economic, and social conditions, which are always in flux. Marital alliances (encompassing life events from courtship to inheritance) were of paramount importance, and not only for the political elite of rajas, sultans, tribal chiefs, and entrepreneurial families maintaining transnational trading networks.⁴ For the Sumatran Toba Batak, the focus of this study, economic, political, and social relations in all strata of society were to a considerable extent channelled through marital alliances. This must have been the same for many other non-Western societies.

Generally, the relevance of kinship to the history of colonial imperialism and broader narratives on world history has been underestimated. For example, C.A. Bayly, author of the bestseller *The Birth of the Modern World 1780–1914*, ignores the role of differing kinship systems in the colonial encounter. He only refers to "the structure of the family", a very general term.⁵ In so doing, he conveniently avoids examining how colonial rule affected indigenous kinship systems, which determined rules of descent, marriage, and the varying status of men and women. This is surprising, because marriage customs and the status of women were of particular concern to nearly all colonial governments.

³ Sutherland 2007:492.

⁴ The importance of forging marital alliances has been posited by Day (1996), but his article concerns only the interests of royal and aristocratic families in Southeast Asia. See also Boomgaard et al. (eds) 2008.

⁵ Bayly (2009:399) says about this that "[m]ost historians of the family, looking from the outside, see few major changes in the structure of the family across the world in the course of the nineteenth century". Whether indeed few major changes occurred or preconditions were shaped for major changes in the twentieth century are still relevant matters to look into.

Moreover, it is far from true that colonial regimes left marriage unregulated. Overall, colonial states were more preoccupied with interracial conjugal unions, concubinage, 'mixed bloods', and prostitution than marriage within indigenous groups.⁶ But they did issue regulations governing indigenous populations, or parts thereof. The colonial government of the Netherlands Indies, for example, issued a regulation on marriage for a specific group of Indonesians the Christians—as early as 1861.⁷ Around the turn of the nineteenth century, that same government debated the possibility of a uniform legal code for all Indonesians for over two decades, a debate involving the highest levels in the Netherlands and Batavia, academia, and many regional administrators. A grand narrative of world history should reserve a larger place for such developments which affected the lives of millions of the colonized.

The kinship system of European colonizing nations was bilateral.⁸ Although there were strong patrilineal overtones—women were never considered full legal subjects—these societies were less highly structured than patrilineal or matrilineal societies. One might therefore assume that colonial regimes accommodated some kinship systems more easily than others and that consequently those most different from their own became the target of outspoken civilizing missions intended to make them more congenial. We should ask if there are common patterns to be found in the way societies with different types of kinship systems changed under colonial rule. Did particular patrilineal and matrilineal societies develop in the direction of bilateral ones?⁹ The findings of this study concern one patrilineal society only, that of the Toba

⁶ This preoccupation has to be understood within the framework of colonial state's concern to maintain 'white prestige', considered jeopardized by these practices or conditions. This preoccupation has fascinated researchers, and the number of studies on the theme far exceeds those on colonialism and marriage institutions of indigenous populations. For research on the subject pertaining to Indonesia in the colonial period, consult Taylor Sutton and Winichakul 2009, Pollmann 1986, Cooper and Stoler 1997, Locher-Scholten 2000, Stoler 2002 [1992], Ramusack 2005:127–8, Buchheim 2009.

⁷ In 1828, Indonesian Christians were already nominally subjected to a colonial decree (Staatsblad 1828, no. 50), followed by more specific decrees in 1861 and 1868 for indigenous Christians in the Moluccas, Manado (Minahasa) and Ternate (Staatsblad 1861, no. 38 and Staatsblad 1868. no 13) pertaining to the conclusion of marriage and divorce. For regulations issued by other colonizing countries see Lind, A. and S. Brzuzy 2008:88; Ramusack 2005:111–2.

⁸ Kinship systems are divided in three broad categories based on differences in importance of the descent line and concomitant inheritance rules: bilateral, patrilineal and matrilineal, with differences within each of these categories.

⁹ On such developments in matrilineal societies, see Oppong, 1981; for middle-class matrilineal Akan in Ghana. For a recent example of rural Vietnamese patrilineal society giving membership to women in the patriliny, see Nguyěn Tuân Anh 2010.

Batak, but might yield useful insights for comparative research about societies with similar social organizations and customs.

Grand narratives are not confined to world history: nations have their own versions. That of Indonesia is still dominated by the emergence of great Hindu and Muslim kingdoms, heroic acts of resistance by regional rulers against the Dutch followed by the rise of the nationalist movement since 1908, and the struggle for independence between 1945 and 1949. Linking these themes in this chronological order conveys two messages: all Indonesians share a glorious past and so had to become integrated in one nation-state. In this highly political narrative there is no place for regional histories of ethnic groups or studies of kinship and marriage: remnants of old societies do not fit this vision. Meanwhile the issue of cultural difference, always sensitive, had become toxic since the regional revolts of the 1950s. After 1945, President Soekarno started relegating ethnic tradition to the field of culture (*kebudayaan*). Stripping ethnic tradition of its religious and legal dimensions and reducing it to the level of ceremony and folklore intensified throughout President Suharto's rule.¹⁰

Due to this perspective on national history, historians have long bypassed the fact that marriage was a hot topic since the rise of the Indonesian women's movement in the early twentieth century culminating in the debate about the Indonesian marriage law after 1950 which was finally accepted in 1974.¹¹ They probably also lacked interest because they regarded marriage as a subject belonging to anthropology and, perhaps, because they assumed that as social institutions family and marriage are not susceptible to profound change. Anthropologists have paid little or no serious attention to historical or long-term changes in traditional marriage customs as well, even when marriage is the main topic of their research.¹² The new marriage law itself has stimulated research on its relationship with local marriage customs, but mainly in the years

¹⁰ This comes to the fore in the numerous publications on the marriage customs of different ethnic groups, which were part of a project by the Ministry of Education and Culture during the New Order, including North Sumatra (*Adat dan Upacara Perkawinan Daerah Sumatera Utara*. Jakarta (1977/8), PN Balai Pustaka). In regions not possessing an elaborate artistic tradition, dances, costumes, and music, such cultural expressions were sometimes 'developed' to conform to the image of regional culture promoted by the state on the basis of the culture of Java and Bali.

¹¹ Blackburn (2008) demonstrates how prominent issues related to marriage were for the Indonesian women's movement since its birth in 1928 when the first women's congress was held.

¹² Anthropological studies (PhD theses) on marriage of Indonesian groups with limited reference to historical change, but not connected to discourse in the past are: Bolyard 1989 (Buginese); Bovill 1986 (Toba Batak); Idris 2003 (Buginese). These studies demonstrate,

CHAPTER 1

prior to and following its promulgation, its impact in the longer run therefore remaining obscure.¹³ In sum, changes in kinship and marriage during the colonial period have not been explored.

There are also practical reasons why a more profound understanding of the role of kinship and marriage is needed. Indonesians live in a culturally and religiously extremely diverse, if unified, nation, expressed in the slogan "unity in diversity" (bhineka tunggal ika). As inter-religious and inter-ethnic conflicts in the post-Suharto era have shown, repressive nationalist strategies have failed to foster a genuine rapprochement between parts of the population that differ on ethnic and religious lines. The generally still-limited knowledge of the way of life, religious belief, and rituals of ethnic groups other than the one to which one belongs, contributes to this.¹⁴ This is also true for one realm where Indonesia is especially diversified: that of kinship and marriage. Lately, some Indonesian feminists have voiced the idea that a review of the 1974 marriage law is overdue.¹⁵ This would require more in-depth knowledge about what marriage means for men and women in the different societies making up Indonesia today, and how the current situation developed. 'Ancestral' values and surviving customary law, as well as norms and regulations acquired during the colonial period, still profoundly influence the lives of Indonesians in happy and unhappy ways. This book highlights these matters for the Toba Batak in the colonial period.

1.2 The Toba Batak

The Toba Batak originated in the mountainous interior of the island of Sumatra in what is now the Republic of Indonesia. Around 1800 they were not yet a distinct ethnic group but belonged to a wider cultural universe, which also encompassed the territories inhabited by what are known today as the Mandailing, Angkola, Dairi, Pakpak, Simalungun, and Karo Batak (Map 1).¹⁶

however, how creatively the groups researched adapted their customs to a changing environment. See for this also Russell and Cunningham 1996.

¹³ Conclusion based on consulting library catalogues on the subject of the 1974 Marriage Law. This exploration also reveals that much of the recent literature on the Marriage Law deals with its relationship to Islamic law, without specifying it for a particular region.

¹⁴ Remark based on my observation during participation in numerous seminars and workshops in Indonesia.

¹⁵ This is probably fostered by, among other factors, the prohibition on inter-religious marriages in Indonesia stipulated in the Indonesian marriage law (Jones, Leng and Mohamad 2009; Aritonang 2004:423–9).

¹⁶ For an extensive and critical discussion about the similarities and differences between the different Batak subgroups, see Viner 1979:85–94.



MAP 1 The regions populated by Toba Batak and other Batak ethnic groups (North Sumatra, Indonesia). AFTER WINKLER 2006: 409



ILLUSTRATION 2

The village of Huta Raja, Toba Plateau (ca. 1910). A sarcophagus for ancestral remains is placed in the centre of the village square. SOURCE: COLLECTION ROYAL NETHERLANDS INSTITUTE OF SOUTHEAST ASIAN AND CARIBBEAN STUDIES (HENCEFORWARD REFERRED TO AS KITLV), NO. 78570

The Toba shared an ancestral belief combined with Hindu elements, a clanbased village organization and patrilineal kinship system, as well as a common language and script with these other 'sub-Batak' groups. Contact was maintained by way of rituals and trade routes connecting the big markets in the valleys of the interior. Local variations existed in dialect, dress code, law, the architecture of their houses, and so forth; but for an outsider the common traits were more striking than the differences. In the course of the nineteenth and twentieth century the identities of the Batak gradually ramified and hardened as the result of the intrusions of outside forces.

The Toba Batak are the largest of the different Batak groups, now numbering well over one million in their region of origin.¹⁷ The main sources of livelihood are subsistence agriculture, irrigated wet rice cultivation, animal husbandry, and, in the Samosir district, tourism. Since the early twentieth century, Toba Batak peasants have been moving out of their homeland in search of

In 2000 the combined population of the four districts of the province North Sumatra covering the Batak homeland (Tapanuli Utara, Humbang Hasundutan, Toba and Samosir) counted 991,442 people (http://id.wikipedia.org/wiki/Sumatera_Utara) The 2010 census reports a population increase for the entire province of North Sumatra by 13%, implying that the population of these four districts has risen to around 1.12 million in 2010 (http://en.wikipedia.org/wiki/North_Sumatra).

fertile land elsewhere, while the better educated sought jobs in the Residency East Coast of Sumatra, where the rubber plantation economy was booming. By 1930 the Toba Batak were the ethnic group in Sumatra with the highest percentage living outside their native region.¹⁸ Today, Toba Batak can be found not only in North and East Sumatra but also—in large numbers unknown—in Jakarta and other cities of the archipelago.¹⁹

The Toba Batak share a similar history with two other large upland ethnicities in Indonesia, the Toraja in Central Sulawesi, and the Dayak in the interior of Kalimantan.²⁰ These three ethnic groups were often classified as 'stateless' or 'acephalous' in the nineteenth century, which is correct in that they lacked a royal dynasty integrating political authority and military power. The colonial literature depicted their societies as riven by internal warfare between rival chiefs, and as primitive because of practices such as headhunting (Toraja and Dayak) and cannibalism (Batak).²¹ These upland societies were all flanked by Muslim polities which had developed since the sixteenth century in lowland and coastal regions. The Batak homeland, for example, was located between the sultanate of Aceh in the north, various Malay sultanates in the east, and the Minangkabau to the southwest. The Batak, Dayak, and Toraja chiefs maintained contact with the Muslim polities by way of trade and sometimes (marital) political alliances positioning the highlanders as vassals of the more powerful coastal rulers and lineages.²²

- 18 The Toba Batak with the other Batak groups formed the second largest ethnic group (15%) in Sumatra after the Minangkabau (25,6%). Both ethnic groups were known for the high number of people who lived and worked outside their native region, with the difference that the Minangkabau more often migrated outside the district of which their native region was a part than the Toba Batak. The main destination for migrants of both ethnic groups was the Residency East Coast of Sumatra, where the Toba Batak outnumbered the Minangkabau (Volkstelling IV, 1935:19, 37, 167, 180–4).
- 19 The Indonesian censuses do not provide demographic data per ethnicity. A number of academic studies on Toba Batak in urban settings (Cunningham 1958, Bruner 1959 and 1961; Bovill 1986; Irianto 2003) demonstrate that outmigration continued after Independence.
- 20 A smaller Batak sub-group, the Karo, were missionized much later than the Toba Batak and after their region had been occupied by planters. The number of Karo converts by the end of colonial rule was small.
- Stereotypes about people living in the hilly and mountainous interiors of Indonesia's large islands of Indonesia as primitive, ignorant, backward, and more conservative or traditional than those living in the lowlands and urban centers are very tenacious (Kahn, J.S. 2002:125–6). Interestingly, the Toba Batak may be seen as conservative in the sense of being content with their customs, but also have gained the reputation of being ambitious, a 'modern' epithet.
- About central Sulawesi Toraja: Aragon 2000;90–99; Waterson 2009:11–30. About the Dayak: King 1993:237–40 (head hunting); 227–31 (relation coastal state/Dayak).



ILLUSTRATION 3 The grand centre of the Batak Mission in Pearaja, Silindung (1910). In the centre foreground is the hospital. The school is on the left; the church with double steeple is in the centre background. Behind are the river Batangtoru, rice fields, and the hills on the western side of the Silindung valley. SOURCE: KITLV, NO. 101149

It is significant, that the Toba Batak, Toraja, and Dayak peoples remained faithful to the religion they had inherited from their forebears and had no apparent interest in converting to Islam, a token of underlying tension between their chiefs and lowland rulers. This tension induced some clan chiefs of these ethnicities to opt for Christianity, after Dutch and German missionary societies arrived in the second half of the 1800s. The pace of conversion accelerated soon after these upland societies were incorporated into the colonial state around the end of the nineteenth century. Ultimately the Batak Mission—established by the Lutheran Rheinische Missionsgesellschaft or RMG—proved more successful than any other missionary society working in the colony. In 1930 the number of Toba Batak Christians in North Tapanuli started to equal that of the largest Christian community in Indonesia at the time, the Minahasans (on the northern tip of Sulawesi), surpassing it in the next decade.²³ Today, the Toba Batak are still the largest Christian minority in Indonesia.

²³ In 1930, Christian Batak in the district Bataklanden, the homeland of the Toba Batak, numbered 238,401 Protestants and five Catholics, together making up 46% of the total

In terms of social organization, however, the Toba Batak differ from the Toraja and Dayak: like most other ethnic groups in Indonesia, these last two ethnic groups have bilateral kinship systems and were shifting cultivators, whereas the Toba Batak have a patrilineal system and were settled peasants tied to the territory of their clan: its irrigated rice fields, gardens, and parts of the forest surrounding the villages. As far as their patrilineal kinship system goes, the Toba Batak have more in common with smaller ethnic groups in East Indonesia.²⁴

A last prominent characteristic of Toba Batak society was its elaborate customary law. This was both an offshoot of the patrilineal kinship system and a reflection of the need to peacefully regulate conflicts in their stateless society. After colonial rule was established, the legal system in the Toba Batak residency of North Tapanuli did not follow the pattern established in parts of the archipelago which had been colonized earlier.²⁵ A crucial difference was that the colonial state did not introduce a modified version of the Dutch civil code, as it had in directly governed Java (1847) and several other directly and indirectly governed regions.²⁶ Instead it opted in 1886 for the organization of the traditional legal system, followed by a reorganization of the judiciary in 1915. Throughout the period, the government maintained Toba Batak customary law, which was revised on a few points only, mainly due to the influence

Batak population of this district (50% was still pagan and another 4% Muslim). The number of Christian Manadonese in the Minahasa was only slightly higher: 241,504 (227,436 Protestants and 14,068 Catholics), making up 98.3% of the Minahasan population in the Minahasa (figures compiled from Volkstelling 1935:84 and 1936:92). The room for further expansion of Christianity in the Minahasa was thus virtually nil, whereas in the Batak lands it was still very substantial. In the following decade many more Toba Batak converted: in 1938 the Christians belonging to the Batak Church alone counted 416,206 people including those outside the Bataklanden (Aritonang 1994:301).

For the similar kinship systems of these societies, see Van Wouden 1968 [1935].

²⁵ The Toraja, Dayak, but also the Balinese and other 'peripheral' regions and ethnicities incorporated in the last stage of Dutch imperialism in the archipelago around 1900 were also left to 'enjoy' the preservation of their indigenous system of law.

²⁶ Some of the regions outside Java were brought under more or less nominal colonial rule after the arrival of the voc or even earlier, under the Portuguese. Part of these regions' populations gradually converted to Catholicism or Protestantism prior to the midnineteenth century. The changes in the customs and customary law of these Christian groups probably show similarities with those occurring in Toba Batak society. However, because during the period covered in this book these regions were subjected to the government legal system and government law, I refrain from comparison, without denying that that may be a worthwhile exercise.

of Christianity.²⁷ This allowed ample scope for the Toba Batak taste for litigation, which gained legendary status in colonial times. Today the Toba Batak are still associated with the judiciary in Indonesia, where they are numerically overrepresented.

1.3 Discourse, Agency and Modernities

People almost always accept the rules of the prevailing kinship system and use them in daily life, but they must also always consider the wider social, political, and economic context. More or less flexible rules are thus constantly negotiated within the society and with outside interlocutors, as is clearly seen during periods of sustained cross-cultural interaction, such as the colonial encounter. This book focuses on the discourse that evolved between the Toba Batak, the German Batak Mission, and the Dutch colonial state, as they each sought to redefine the rules and practices that sustained the Toba Batak kinship system, a system based on patrilineal descent and marital alliance between exogamous clans. This discourse—the groups involved, and the issues they faced between 1861 and 1942—is the central subject of this book.

The initial impetus for re-evaluating marriage in colonized societies often came from outside. Catholic and Protestant missionaries, as well as representatives of Muslim revivalist movements, have a long history of trying to alter religious regimes, of combating incompatible customs, and of attempting to introduce new practices to replace them. Colonial governments, generally less inclined to intervene directly in local cultures, supported such initiatives at times, but might also oppose them. Indigenous populations were not passive recipients of colonial rule; we must consider to what extent both elites and commoners could influence the outcome by accepting, rejecting, or just evading attempts to change by outside agents.

Such discourse did not develop in a vacuum, but was formed by wider change. In colonized societies the imposition of bureaucracy, reorganization

²⁷ The Dutch colonial state's policies regarding the law applied in the various regions comprising the colony differed greatly, as did the organization of the legal system. For an introduction into that extremely complex situation, see Dekker and Katwijk 1993, and Burns 2004:151–172. In several other regions incorporated after the turn of the century, the traditional legal system was maintained in reorganized form as well (Bali, East and West Kalimantan, Central Sulawesi, Papua, several islands in the Eastern part of Indonesia). This new form became known as 'the indigenous legal system' (*inheemsche rechtsspraak*).

of the system of justice, introduction of Western education, increased means of transportation and trade, foreign capital investment and labour migration, monetization, and the arrival of a new religion or a competing version of an existing one were all significant forces creating new conditions. These also changed the balance of power at the local level. New indigenous groups emerged with their own agendas which differed from those of traditional elites and conservative kin. They voiced new concerns or presented old issues in a new light, including questions related to their own kinship system. They often had new visions and new hopes for the future of their society. Plans for social and cultural development were also formulated by outsiders, regardless of whether they had 'civilizing missions' or sought to exploit the colonized for their own gain, or pursued both objectives at the same time.

The focus of this study on encounter and discourse has a twofold advantage. First, the agency of the colonized cannot be ignored. This reminds us yet again that the colonized were not mere passive victims, and makes it easier to avoid the condescending tone which dominates many sources. Second, a chronological narrative of discourse reveals the development of imaginative trajectories framing a new indigenous future within the context of evolving colonial rule. Changing conditions helped shape the differing views of a desirable Toba Batak future developed by the various stakeholders in the discourse, as they changed over time, leading to new policies and practices. In the concluding chapter, I summarize the points of convergence and conflict between the visions of the Toba Batak and other agents, and what this entailed for the preservation or change of Toba Batak marriage customs and customary law.

In this context, the idea of modernity is useful. Here this popular but also much maligned concept²⁸ refers specifically to how different groups engaged in the discourse about Toba Batak kinship, customary marriage, and gendered rights envisioned a better and brighter future in the context of a changing world. Because missionaries, colonial officers, and representatives of the Toba Batak groups had different visions, there were several versions of 'imagined modernity'.²⁹ As the dominant vision per agent also changed over time, we should speak of 'evolving multiple modernities'. These imagined modernities were inevitably at variance: 'Christian modernity' favoured by missionary societies, generally conflicted with the 'secular modernity' favoured by colonial

²⁸ For a critical and elaborate discussion of the concept modernity, see Cooper 2005:113–152.

²⁹ That Western agents held different views about 'modernity' comes to the fore in Thomas 1994.

governments, themes also discussed.³⁰ Toba Batak conceptions of a society within the colonial context, but of their own making, call for yet another label, for which the term 'alternative modernity' has been proposed.³¹ This term seems less appropriate, as it still evokes the image of Western modernity as dominant. In the discourse on kinship, however, the perspectives of the Toba Batak stood simply on an equal level with those of Western agents and, as I intend to show, equally directed social change. To avoid confusion I will refer to their perspectives as Toba Batak modernities.

There are a few other remarks to be made. New emerging visions did not necessarily follow the linear model of nineteenth-century Western modernization and progress. In an attempt to historicize the concept of modernity, Barbara Watson Andaya (1997) has pointed out that a desire to be modern, 'up with the times', was a common feature of early modern Southeast Asian societies, which were extensively connected by trade networks to other parts of the world. The most potent exemplars for kings and princes at the time were not European rulers, but the emperors of China, India, and Turkey. If Europeans in Southeast Asia had any claim to being 'modern' it was due to the new technological knowledge and implements they introduced. Even after European and American imperialist Western culture became dominant as the source of modernity after the eighteenth century, indigenous visions of becoming or being modern were hardly unusual (Houben and Schrempf 2008). Often these were an amalgam of Western concepts of progress and a local variant of a modernized or revived, even reinvented, tradition. Similarly, Western agents' ideas about the desired direction of change in the societies they ruled rarely consisted of a mere reproduction of the process of change in the West, because particularities of colonized societies were often incorporated. Each group thus made its own selection of available contemporary repertoires of 'newness'. In sum, the sole common denominator of visions of modernity is that all these visions were meant to be, and/or were experienced and evaluated as being 'new' and necessary at the time they were expressed or became discernable. It is in this sense that the term 'modernity' is used in this thesis.

This study illuminates how the 'modern-traditionalist' modernities of the Toba Batak, the Christian versions of the Batak Mission, and the predominantly secular ones of the Dutch colonial state interacted, by zooming in on

³⁰ These perspectives, however, were not entirely opposed to one another: "[secular] law and religion in an abstract, general sense share a common concern with ensuring and affirming a particular sort of individual identity" (Viswanathan 1998:86). This idea is followed in Chapter 8, Section 8.11, and Chapter 10, Section 10.9.

³¹ Referred to by Cooper 2005:114.

the discourse about kinship and marriage. It is therefore not concerned with 'representations' of modernity as visible in changes in the material culture of the Toba Batak, which have been ample,³² although they are occasionally mentioned and have guided the choice of illustrations.

1.4 Kinship: Structure, Process, and Issues

Toba Batak society belongs to a category of societies with patrilineal kinship which is characterized by asymmetric alliance, also called 'circulating connubium'. Societies of this rather rare type share the following features: regular links between patrilineal clans formed through asymmetric exchange of marriage payments between the bridegiving and bridetaking parties, and a preference for matrilateral cross-cousin marriage. These have been studied by many prominent anthropologists, whose works have greatly contributed to structuralist anthropology. This approach, however, has subsequently been criticized for its high level of abstraction due to its emphasis on structural models, lack of connection with empirical reality, neglect of the influence of the social, political, and economic context, insufficient attention to the processes by which a system is reproduced, and ignoring participants' agency. Since the subsequent development of theoretical understanding of kinship has already been covered extensively elsewhere, here it suffices to mention only those outcomes of the debates that are particularly relevant for this study.³³

The first outcome is the need to study kinship systems in process or, phrased differently, the way people (agents) reproduce and perhaps change or adapt the rules supporting the prevalent kinship system. Bovill (1986) fruitfully applied this 'interpretive' approach in her study of decision-making about partner choice within middle-class Toba Batak families in Medan in the early 1980s, which focuses on the process of negotiation between parents, children, and members of the wider kin group. A historical study cannot duplicate Bovill's approach, as it is impossible to reconstruct processes within the main locus of decision-making, which—as she shows convincingly—is the nuclear family.

For an overview of the theoretical approaches of British, French, and Dutch anthropologists in the structuralist tradition (C. Levi Strauss, E.R. Leach, L. Dumont, and R. Needham, W. Van Wouden and others) and critics of this approach (R. Firth, F. Barth, C.E. Cunningham), consult Bovill 1986:12–25 and Aragon and Russell 1999.

³² About changing architecture of Batak houses, see Schefold 2008:675; about changing the form of tombs for ancestors, see Reid 2002. Niessen (1993, 2003) covers changing clothing styles of men and women from the colonial period until the present day.

Historical sources just do not provide sufficient data of this kind, which can be uncovered only by in-depth interviews and participant observation.

But a historical study can explain social change, the need for which has been recognized as well. I do not intend to explain how the kinship system itself changed, but wish to demonstrate how Toba Batak ideas about the rules and practices supporting their kinship changed to the extent that this can be deduced from the discourse with outside agents, contextualised within their changing society. In contrast to Bovill, I therefore examine the wider discourse over a long time span, focussing on concrete issues of kinship and marriage emerging during the colonial period. These issues concern in particular the rules and related practices that supported the perpetuation of the patrilineal line on the one hand, and the formation of marital alliance between exogamous clans (*marga*) on the other. The main rules and practices as they are mentioned in the colonial sources and contemporary literature are summarized below. For brevity's sake, ambiguities are left out: these are discussed elsewhere in this book.

The rules supporting patrilineal descent encompassed the necessity of couples to produce a son—preferably more than one—to avoid a rupture in the connection between a man and his ancestors and to create the precondition for the continuation of his descent line in the following generation(s). The need for male offspring could lead to bigamy, a practice followed if a marriage remained childless or without male issue. Patrilineal descent also prescribed the rule of inheritance, the sole prerogative of male offspring. The importance of the descent line was acted out in the mortuary rites held in honour of the soul of each deceased person.

Rules, customary laws, and practices pertaining to marital alliance were far more numerous. The necessity to perpetuate the lineage implied the obligation of each individual Toba Batak to get married. Marriage with someone from the same clan was prohibited. The preferred marriage partner was, as mentioned above, a matrilateral cross-cousin (from the male point of view), which perpetuated an already existing marital alliance with another clan. Marriage had to be concluded through the exchange of marriage gifts or payments, including the brideprice (*sinamot* or *tuhor*) given by the bridetaking party, which was reciprocated by other gifts by the bridegiving party. This exchange served not only to legitimize the conjugal union; it completed a couple's incorporation into traditional society. Only after marriage could a man become a member of the village council; he and his wife were then entitled to represent their family at rituals hosted by others and to host rituals themselves. Through a marital alliance, families and the lineages involved also defined their relationship to one another as bridegiver and bridetaker. Without the exchange of marriage payments, a sexual relationship between a man and a woman was considered a criminal offence. In pre-colonial times, the Toba Batak desire to continue existing alliances was supported by the custom of the levirate and sororate: a deceased husband was replaced by preferably a younger brother and a deceased wife by a younger sister. The provisions in customary law for divorce also reflected the desire to preserve a marital alliance: heavy fines were stipulated for the party breaking off the alliance.

During the colonial period all these rules and practices, and others at one point or another, became the subject of debate. This does not mean, however, that challenging these always brought about change in the views of the Toba Batak and in their life practices. Although it is hazardous to draw firm conclusions, the concluding chapter offers a tentative explanation of why some rules and customs were upheld and others changed to a more or less significant extent. This is followed by an evaluation of the impact of all this on the lives of Toba Batak men and women by the end of the colonial period.³⁴

Finally, relevant research on Toba Batak society after Indonesia's independence throws light on the long-term influence of concerns and developments emerging before 1942. Post-independence developments also suggest a continuum in the way the Toba Batak reproduce their patrilineal kinship system within an increasingly multi-ethnic urban environment. This raises questions for further research, presented in the last section of the conclusion.

1.5 Composition

This book consists of two parts. Writing about change, one needs a point of reference in time, a baseline, from which to measure change. The first part, consisting of four chapters, provides just that. The second part is a more or less chronological narrative, in eight chapters, covering the discourse on marriage customs and the evolving practices informed by relevant theoretical insights.

Chapter 2 introduces to the reader the intricacies of the Toba Batak patrilineal kinship system as understood by the Toba Batak around 1850. The main source used for this is the Toba Batak myth of the origin of the earth and mankind; the first handed-down version originates from that period. The analysis

³⁴ For a useful early post-colonial evaluation of changes in Toba Batak women's position due to mission and colonial rule, and challenges still prevailing due to the influence of the patrilineal kinship system, see Kruyt 1946:71–5. The article is written from the perspective of the Mission, however, and does not pay much attention to the role of Toba Batak men and women in the process of change.

of the myth centres on agency: who are the main male and female characters in the myth, and what is the nature of their relationship? While the most commonly found gendered opposition in myths around the world is that between husband and wife (Moore 1988:19), I conclude that in the Toba Batak origin myth, the father-daughter opposition is pivotal. My analysis also questions the negative evaluation of 'women's subordination', because in the myth female resistance to patriarchal authority is not presented as destructive but as the necessary precondition for the origin and perpetuation of human life.³⁵ The chapter also discusses the overlap and discrepancies between norms expressed in the myth and behaviour of men and women in real life and the gendered perspective from which the myth is written.

A historical ethnography of Toba Batak marriage is presented in the next three chapters, divided according to 'the life of a marriage'. This starts with the tooth-filing ritual as a *rite de passage* for girls and boys allowing them to start courting and the various ways a marriage could be concluded (Chapter 3), followed by the husbands' and wives' expectations and disappointments in the conjugal union (Chapter 4), and ending with the dissolution of marriage by divorce or death (Chapter 5). This historical ethnography should be read only as an account of conditions prevalent in Toba Batak society in the decades immediately prior to and after the penetration of the Mission and the colonial state. This cannot be otherwise, as available sources do not allow going back any further.

Each of these three chapters revolves around specific problematic themes. Chapter 3 contains a description of Toba Batak customary marriage, refuting the idea that daughters were powerless in the process of marriage transactions. The importance of fertility is the subject of Chapter 4. Both sons and daughters were important and needed, because they offered fathers the opportunity to forge economically and politically advantageous marital alliances with bridegiving and bridetaking clans. But is the need to perpetuate the descent line of the father the only explanation for the relative preference for sons? The Toba Batak conceptualization of life in the hereafter adds a complementary perspective. Chapter 5 takes issue with the assumption that a clear jural construction

The dichotomy between patriarchal power versus women's oppression and resistance was one of the most pervasive paradigms of much feminist academic work in the 1970s and 1980s. This idea has been criticized as being too simplistic to explain all relations between men and women, because these are also determined by other categories, such as race, ethnicity, class, and so forth (Geller and Stockett 2006:5–6). Nevertheless, I felt drawn to use a dualistic analytical framework for the first chapter precisely because in the Toba Batak myth this dichotomy is so apparent.

of the individual is absent in many kin-based societies (Hirshon 1984:3). I will argue that in Toba Batak society, certainly kin-based, a clear jural construction of the individual did exist, defining men as legal subjects in their own right and women as legal minors.

The second part of the book starts with a chapter devoted to the three waves of intrusion disrupting the Batak world between roughly 1825 and 1895. Although the Batak region was peripheral from a global perspective and even within the Dutch colony, it was caught up in three worldwide trends in the following order: the expansion of Islam in the first half of the nineteenth century; the expansion of Christianity in the non-Western world by European (and American) missionary societies; and the gradual incorporation of remote parts of the archipelago into the colonial state in the last quarter of the century, the Dutch version of late nineteenth-century European imperialism. The main question answered in this chapter is how divisions based on religious affiliation between Batak sub-groups hardened during the nineteenth century. These divisions included the one which evolved between Batak who embraced Islam and those who opted for Christianity, as well as another division-often forgotten in the contemporary literature-between Toba Batak who became Christian and others who continued adhering to their ancestral faith.³⁶ A secondary question dwelt upon is whether the arrival of missionaries in the Toba Batak region can be regarded as an example of a *divide et impera* policy on the part of the colonial government.37

Chapters 7 and 8 cover the discourse between the Batak Mission and the Toba Batak elite of clan chiefs, the rajas, on the future of Toba Batak society based on patrilineal descent and marital alliance. The missionaries were not content to just introduce a new faith: they also endeavoured to recast indigenous society in a new, Christian mould, implying the abandoning of not only the old faith but also many traditional customs. The debate between the missionaries and Toba Batak Christian chiefs on the abolition of the brideprice between 1884 and 1886 is singled out for a separate discussion in Chapter 7. Why did feelings on both sides run so high in this debate? This can be explained

³⁶ This process has been described in detail for Java by Ricklefs in his book *Polarising Javanese Society: Islamic and other visions* (*c. 1830–1930*). It appears that in Tapanuli a similar process took place around the same time with some important differences, which I will not discuss here.

³⁷ Even an authoritative historian such as Bayly uncritically disseminates this strategy as usual for colonizing nations, including the Dutch (Bayly 2004:222; 227). Indonesians are also instructed that the Dutch deployed the *divide et impera* strategy through generations of schoolbooks on Indonesian history. That this image implies a denial of the agency of Indonesian rulers in the regions goes unquestioned.

only by the different interests of the parties and the wide gap in understanding and valuing the custom. Why the missionaries had to back down in the end should not come as a surprise. As has been found by other researchers, missionaries lacked the power to impose policies and practices they favoured on unwilling rulers as well as on their flock.³⁸

Their failure to have the brideprice abolished with consent of the rajas induced the Batak Mission to find other ways to engineer a Christian version of Toba Batak marriage, the details of which are presented in Chapter 8. For this they made use of two instruments. The first was a Church Ordinance, patterned on the custom of missionary societies to set rules for young Christian congregations around the globe, but with some adaptations to local conditions. The second instrument was a revision of Toba Batak customary law, which was drafted in cooperation with an inner circle of trusted Christian Toba Batak rajas. The overwhelming emphasis on 'law and custom' in the encounter between indigenous chiefs and missionaries probably can be found in other missionary fields elsewhere as well.³⁹ It is likely, though, that the Toba Batak case is unique because of its outcome in the form of a written codification of Christianized customary law in 1886 that came into being without the colonial authorities being involved. Why did the rajas go along with this project, and how far were they prepared to accommodate the missionaries' ideas for change? Close reading of the text of this set of regulations, the Christian By-laws, provides some clues. The extraordinary emphasis in the policies of the Batak Mission on the regulation of Toba Batak marriage customs, which continued into the first decade of the twentieth century, also calls for an explanation. The concept of Christian modernity (Keane 2007) in its various manifestations sheds light on this.

Despite the ardent support of the Batak Mission and the official endorsement of the regional colonial government in 1892, the Christian By-laws were never put into practice as intended. Why this was so is told in Chapter 9 on

Comaroff and Comaroff (1991:1998–2006), for example, tell a vivid story about the tug-ofwar between Chief Mothibi of the Thlaping tribe in South Africa and the first missionary to arrive in his region, R.U. Moffat, about the location of the missionary's station (which is reminiscent of the encounter between missionary L.I. Nommensen and the Toba Batak rajas, described in Chapter 7. Their fascinating account of the battle over the control of other material resources (water), language, and symbolic values demonstrates the resistance of common people but at the same time a growing consciousness of the difference between them and Europeans, which the Toba Batak also acquired in the long run.

³⁹ Comaroff and Comaroff (1991:247) mention the "extreme legalism of the Tswana Christianity of all types", which they attribute to the particular "historical conditions of two cultures that placed complementary weight on rules and conventions in establishing membership in, and shaping the life of, any community".

the changing balance of power in the triangular relationship among the Toba Batak rajas, the Batak Mission, and the regional colonial administration. It also describes the wider context—the debate at higher levels of government on the legal position of Indonesian Christians. Seeing their legal project thwarted, the Batak Mission embarked on new strategies to reform domestic life, conjugal relations, and the elevation of Toba Batak women in the 1890s: consolidation of the Toba Batak Christian elite and single-sex education for girls.

As elsewhere on the islands outside Java, the last independent areas in the Batak homeland were incorporated into the colonial state around the turn of the twentieth century. After the new Residency of Tapanuli was established in 1906, colonial rule intensified in all areas, including that of the administration of justice. If anyone assumes colonial policy to be well-coordinated and consistent, the debate on the legal provisions for Indonesian populations covering the period 1891–1938 presented in Chapter 10 refutes that assumption. This debate led to the appointments of the Dutch legal scholars J.C. Kielstra in 1913 and J.C. Vergouwen in 1926 to advise on improving legal security through the Toba Batak indigenous legal system. How their work reflected shifts in the colonial perception of secular modernity from the turn of the century until the 1930s is a question discussed in the concluding section.

Chapters 11 and 12 focus on the implementation of customary law as it was understood after 1915. Chapter 11 zooms in on the 1916 decree about the registration of marriage and marriage payments and what this decree intended to achieve. Remarkably, the regulation started to lead a life of its own, inspiring a tense debate among government officials. It also led to the erosion of Toba Batak customary marriage, which was not at all the purpose of the regulation. Here I explain how and why the Batak Mission and the Toba Batak rajas serving in the courts as judges were implicated in this process. This development illustrates how colonized people were affected not only by the codification and revision of the content of their traditional law, but also by the way justice was administered.⁴⁰

In Chapter 12, I return to the topics of women's legal status and options discussed in Chapter 5. After 1925 women's options were both enlarged and

⁴⁰ This point has been made by Kugle (2001). His line of argument on the recasting of Islamic law under British rule explores the effect of codification which eroded the way Islamic judges came to a decision, which used to allow considerable room for debate, analogue, and so forth. Batak judges proceeded in the same way. In contrast, Toba Batak customary law was never encapsulated in a fixed and applied code of law by the Dutch, but they considerably changed the way justice was administered, including the sources and use of evidence.

restricted by the colonial government, as is demonstrated in the analysis of five 'dynamite disputes' brought to colonial courts. These disputes evolved around heavily contested legal issues, in which Dutch officials at various levels, Toba Batak bureaucrats, chiefs of clans, and in some cases the Batak press took position. Although the outcomes of the cases were varied, one common feature stands out: Toba Batak women did not behave as legal minors nor were they expected to do so by Toba Batak judges. The chapter ends with an analysis of the agency of the stakeholders involved: who were the actors pushing for change and who were opposed to it?

Toba Batak customary marriage was transformed by more than the recasting of the legal system and Toba Batak customary law. How Western education for sons and daughters also led to shifts in the preferences for partners in marriage after 1920 is explained in Chapter 13. This development took place within the wider framework of the Batak Mission's contraction of influence and the Toba Batak's own quest for progress (*hamajuon*), reflecting their own late-colonial perception of a desired modernity.

1.6 Sources

The availability of a wide variety of sources helped determine my choice of the subject of this study. Yet although the sources are rich and abundant, they still have their limitations. One particularly complex issue is the use of vernacular accounts which

usually [are] only given value either as 'authentic' voices offering glimpses of a lost culture or as sources to be mined for illustrative material, by plucking anecdotes out of context and fitting them into an acceptably scholarly narrative.

SUTHERLAND 2007:503

Another is the undeniable range of biases—orientalist, sexist, or otherwise—marking the sources.

As mentioned above, the Toba Batak myth of origin and other minor myths are employed to familiarize the reader with the Toba Batak kinship system. Of course in the past myths had a different function for the Toba Batak; they were primarily meant as moral tales about proper and improper conduct. Scholars have used the Toba Batak myths for other purposes. Some viewed these as examples of a literary heritage, looking for comparable stories in other South and Southeast Asian regions (Voorhoeve 1927; Braasem 1951); theologians have searched for roots of monotheism in the myths (Tobing 1963, Stöhr and Zoetmulder 1965), whereas the anthropologist Niessen (1985) looked for those structural themes and binary oppositions in the myths that are also visible in Toba Batak products of material culture—woven cloth and traditional architecture. I have also looked at the binary oppositions between male and female, but from a different angle, putting the main mythical characters and their agency centre stage.

Writing a historical ethnography of Toba Batak customary marriage as in the Chapters 3, 4 and 5 was no easy task, because Western sources on the subject prior to 1861 are scant and exhibit common nineteenth-century biases.⁴¹ Another problem with this body of texts is an often complete lack of insight into the kinship-based social and economic organization of Toba Batak society. This inevitably led to misinterpretations. The few manuscripts on their customs and customary laws produced by Toba Batak themselves written close to the turn of the nineteenth century pose other problems.⁴² Used extensively are two treatises: Customs Regulating the Social Life of the Batak (Ruhut parsaoron di habatahon, 1898, henceforward referred to as Ruhut), and Laws and Regulations of the Batak People (Patik dohot uhum ni halak Batak, 1899, henceforward referred to as Patik). Although for the most part unmistakably 'Batak' in terminology and outlook, these texts cannot be accepted as entirely authentic, because their authors were not free from a 'new-convert' bias, denouncing former Batak traditions as immoral and attributing social changes evaluated as positive to the influence of Christianity. Fortunately this bias is relatively easy to detect. More inconvenient is that the authors did not take the trouble to explain the underlying principles of their society, taking these for granted.43

⁴¹ A few examples: Westerners who wrote about the Batak in the first half of the nineteenth century were invariably fascinated by their 'cannibalism', the 'chaos' due to inter-clan warfare, the practice of polygamy of the rajas, and the 'deplorable' status of women who were 'sold' at marriage to the highest bidder and were observed to work as 'slaves' of their husbands (See Chapters 7 and for missionary (mis)interpretations about various customs Chapter 8).

⁴² Of the first treatise it is known only that the author was a Batak *pandita*, a pastor (*Ruhut* 1898 [tr. Meerwaldt] 1904:273). The second one was based on information of the village chief of Pearaja, Raja Jacob [Lumbantobing], who died in old age around 1925. The manuscript was written by his son Wilhelm, a teacher in the service of the Batak Mission (*Patik* 1898 [tr. Vergouwen] 1932:1). The importance of these two manuscripts was realized by the Mission and the colonial administration, resulting in different summaries and translations of the texts.

⁴³ For them, these underlying principles belonged to the realm of uncontested cultural phenomena not made explicit (doxa, Bourdieu 1977). The Toba Batak began to write about their customary law in a more explanatory way after 1920 in the Batak press and

Despite these drawbacks, there is no reason for despair: a workable reconstruction of customary Toba Batak marriage as it was practiced in the past is possible.⁴⁴ The early nineteenth-century accounts of travellers and explorers, missionaries, and colonial civil servants contain a wealth of descriptive details that make sense when interpreted with the accumulated knowledge about the Toba Batak after 1900 in mind.⁴⁵ After Indonesia's independence, theologians and social scientists—foreign and Indonesian—have also made valuable contributions.⁴⁶ I have also taken the liberty of using texts produced after 1861, because the Toba Batak continued to cling to traditional customs and customary laws pertaining long after the first missionaries settled in the region.⁴⁷ Included as well is information on traditional marriage among the Angkola or Karo Batak when these threw more light on specific customs. As always, this is a matter of judgement, best made explicit.

As the historian Ginzberg (1992:20) has posited optimistically, historical texts always tell us something about past realities that can be used as 'evidence' of that past, but texts must be situated in their historical context. For example, Warneck's volume *Die Religion der Toba Batak* (1909) clearly was written with

45 Vergouwen's work (1930, 1933) is undoubtedly considered the most elaborate and authoritative source on Toba Batak customary law (earning him a separate discussion in Strijbosch 1980:104–13). Several publications of other colonial administrators are also valuable sources (De Boer 1914, 1920, *Patik* 1921, translation; Ypes 1932 and Drijvers 1941) and of persons in the service of the Batak Mission (Warneck 1909; Winkler 1911, 2006).

occasionally published books (Salomo 1938; Siahaan 1938; for a list of publications on other subjects, see *Collectie Korn* OR 435.464). This phenomenon was directly related to the intervention of the colonial administration, which demanded descriptions of customary law for the legal process, and genealogies for the appointment of Batak chiefs (*kepala negeri*).

⁴⁴ The heyday of critical postmodernism outlawing a reconstruction of the kind I have in mind has passed. For an in-depth discussion of the epistemological problems for historians and anthropologists, see Comaroff and Comaroff 1992:3–49.

⁴⁶ On the history of the Batak Mission and its encounter with the Toba Batak, popular works are: Schreiber (1899), J. Warneck (1898, 1912, 1925, 1936a), H. Warneck 1939; W. Schreiner (1927), whereas academic books include Stöhr and Zoetmulder (1965), L. Schreiner (1972), Hutauruk (1980), Aritonang (1994) and Aritonang and Steenbrink (2008:527–638). The most valuable anthropological studies for this thesis proved to be Niessen (1985) and Bovill (1986).

⁴⁷ For example, even after the colonial army annexed the remaining "independent Bataklands" in the northern and eastern parts of the region in 1904, the populations on the island of Samosir and in the outskirts of Uluan and Habinsaran still continued to maintain their ancestral faith. It took another two decades before they too began to experience the influence of colonial policies on marriage.

the purpose of showing the degradation and inferiority of the Toba Batak ancestral faith and of identifying customs the Batak Mission had to counter. But Warneck's descriptions of myths, sayings, and rituals also provide a wealth of information on the importance attached to fertility and on the concept of a blessed versus a cursed life, picturing a world 'too Batak' to attribute to Warneck's personal imagination. The same applies to those descriptions of customary Toba Batak matrimonial law which were compiled to be used as guidelines for the colonial administrators supervising the administration of justice by Batak judges. These included Batak legal concepts differing fundamentally from those common in Western law.⁴⁸

There are other pitfalls in reconstructing the past of Toba Batak customary marriage. First, there is the problem of imposing an order that suits the purpose of this study but does not necessarily reflect the experiences or priorities of real people. Was the choice of a marriage partner really a much contested issue? Were fertility and male progeny indeed a prime concern of the Toba Batak? As indications of a more general validity, I have relied on the sheer repetitiveness of these themes in a wide variety of Batak sources: proverbs, sayings, lamentations, Batak and European descriptions of ritual, and anecdotal stories. Articles published in magazines for the general public in Germany often contained vivid stories of the latter type, which give insight into the way Toba Batak individuals acted or were treated according to custom and customary law.⁴⁹

Another problematic matter is whether Toba Batak society was regulated by a coherent symbolic order. The overall picture presented in Part 1 points in that direction, but it should be noted that this symbolic order was not undifferentiated. It was flexible, allowing space for conflicting interests and ambiguity and pointing the way to alternative solutions for differences.

Archival material is the main source for Part 2. The reports or minutes on the yearly missionary conferences held in Sumatra, which were sent to the Board of the Rhenish Mission (*Rheinische Missionsgesellschaft* or RMG) in Barmen/Wuppertal, Germany, made it possible to trace the Batak Mission's policies

⁴⁸ Burns in his book *The Leiden Legacy: Concepts of Law in Indonesia* (2004), suggests that the concept of customary law was a construct of a group of scholars of which C. van Vollenhoven was the most prominent exponent, and did not really exist. This argument has been refuted by K. and F. von Benda von Beckmann (2011). I only wish to confirm their point of view here.

⁴⁹ The magazines for the general public containing many descriptions of this type were Der Allgemeine Missionszeitschrift and Berichte der Rheinische Mission, the one meant for children, Der Kleine Missionsfreund, and the one for women, Der Meisters Ruf.

on Toba Batak marriage customs.⁵⁰ Hardly a year passed, especially in the nineteenth century, without a discussion about one or another relevant issue, often mentioning Toba Batak reactions or referring to a specific case posing a particularly thorny problem. Every year one of the missionaries gave a talk about a specific topic, which was several times devoted to Toba Batak marriage customs and customary law or to church discipline in relation to marriage. The yearly reports and these papers form the backbone of Chapters 7 and 8, and are also used for some sections in later chapters. A valuable characteristic of the reports is that the sentimental and biased images of the primitive, superstitious, and pitiable Toba Batak so current in missionary magazines is far less pronounced.⁵¹ Occasionally mention is made of instances of even open defiance of the Christian elite or members of the flock, and of internal differences of opinion among the missionaries themselves and between the Board in Germany and the missionaries in the field.⁵² For certain sections in the later chapters other files were used, such as the ones about the missionary activities of female missionaries (Schwestern), schools for girls, and the correspondence on customary law issues between the Batak Mission and the Consul for Missionary Affairs (zendingsconsul), who represented the missionary societies working in the Netherlands Indies in Batavia.

The archives of the Ministry of Colonies (MK) in The Hague were consulted for the colonial government's policies on three matters: the unification of the law for Indonesian Christians; the ensuing controversy about a single code of law for all Indonesians versus the preservation of customary law, which varied among regions; and subsequently the controversy about the introduction of a universal system for the administration of justice versus the existing indigenous systems.⁵³ I already knew from previous research on Minahasan marriage (Van Bemmelen 1987) that a single code for Indonesian Christians had been

⁵⁰ These reports are kept in the archive of *Rheinische Missionsgesellschaft* in the same place, now known as the archive of the UEM (United Missionary Societies).

⁵¹ These images in missionary magazines clearly intended to arouse the sympathy of the German churchgoer for the cause of conversion, in order to generate financial support for the Batak Mission.

⁵² Reading the reports of the first fifty years was time-consuming: until 1910 most reports and papers were handwritten in Cyrillic script which I had to transcribe to understand the contents. Not consulted for lack of time was the private correspondence of the missionaries, although I realized that particular letters of those who worked for decades in Sumatra probably contain a wealth of relevant factual information.

⁵³ For a detailed description of the type of sources to be found in this archive, see Stoler (2010:10-5).

hotly debated; the piles of documents on this and the two other issues revealed just how intense the debates had been, which resulted in the installation of several state commissions leading to multiple research projects. This material made it possible to place the developments within North Tapanuli in the wider framework of debates and decisions taken at higher levels of government. Interestingly, it also yielded an insight into the significant contributions of the Residents of Tapanuli themselves to those debates and decisions. This material has been used for several sections in Chapters 8, 9, and 10. On the basis of these sections, the development of the relationship between the regional versus the central administration in Batavia can be traced, if only for the decision-making process on the topics mentioned.⁵⁴

The collection of manuscripts of the Roval Netherlands Institute of Southeast Asian and Caribbean Studies in Leiden (KITLV) yielded an unexpected treasure: records of disputes, hundreds of them. These records are part of the personal archive of Vergouwen, the official in charge of the indigenous administration of justice in North Tapanuli (1926–1930), which ended up in the archive of the Foundation for Customary Law (Adatrechtstichting), inaugurated in 1909, and the collection of V.E. Korn, Resident of Tapanuli (1936-1939). In these records ordinary Toba Batak men and women appear for the first time speaking 'in their own voice'.⁵⁵ I have selected the records of all disputes in which women were involved, the only major source in which they expressed their views and hardships. Vergouwen's archive also contained many dispositions on lawsuits which were sent to the Resident of Tapanuli for approval, and correspondence on various subjects that led to controversy between officials, including the controversy about the 1916 regulation on the registration of marriage and marriage payments, discussed in Chapter 11. The two archives also yielded four out of the five 'dynamite disputes' analyzed in the following chapter. Filed newspaper clippings and additional official correspondence indicated that the lawsuits had been of particular significance. Documents in

⁵⁴ The use of Dutch literature and sources implies that a choice had to be made about the (Dutch) spelling used during the colonial period and modern Indonesian. I have retained the old spelling for personal Batak names used in the older literature and sources. Place names in the text use the current spelling unless they appear in the names of older documents. Otherwise, the current Indonesian spelling is used.

⁵⁵ The records were written in Malay by the court's clerk, whereas the majority of the contestants and witnesses must have spoken in Batak, so some distortion must have coloured these. Nevertheless, the testimonies of the contestants and witnesses reflect typical Batak norms and ways of thinking. Helpful also was that Batak legal terms were often not translated in the records.

Korn's archive made it possible to follow some of the legal issues raised during the years Vergouwen was in office.⁵⁶

The use of lawsuits is not without complications. The first question concerns the relationship between cases and general processes of social change. Fortunately, it was easy to make this connection for the last two decades of colonial rule.⁵⁷ Second, were trouble cases representative of more frequently occurring problems? This is more difficult to verify for some lawsuits than for others, for reasons explained in Chapter 12.

Interviews with Toba Batak women held in 1985 are the most important source for Chapter 13. Criteria for selection were that the interviewee had to be a graduate of a secondary general or vocational school, in either Malay or Dutch, before 1942 (I came by their names by snowball method). There were not many women still alive who met the last criterion.58 Moreover, more of them lived in Medan and Jakarta than in North Tapanuli itself, evidence of the continuing outmigration of the Toba Batak elite to the more bustling urban centres after Indonesia's independence. The information gathered during the interviews varied in terms of topics and depth, because the women's capacity to remember past events and experiences differed as did their willingness to share them with me. Asking for the genealogies of their families, listing years of birth, education, and marriage of parents and siblings, as well as those of the husband and his nearest kin, proved a neutral but fruitful start for the interviews. These data form the skeleton of the chapter: the flesh and nerves come from the stories told by the women and their information and comments on marriage customs. The image emerged of a society in restless flux, starting with the generation of the interviewees' fathers and the effort of that generation to seek new niches for their children by way of formal Western education and

⁵⁶ A part of the documents from these archives were published in the series on the customary law of Indonesian ethnic groups (*Adatrechtbundels*), consisting of 41 volumes.

⁵⁷ I have thus followed the 'extended case method'. For further explanation of this methodological approach, see Irianto (2003:27–9).

I also interviewed well-educated Minahasan women in 1985 who were much easier to find, both in Jakarta and the Minahasa, because many more Minahasan than Toba Batak women had enjoyed a secondary education (some Minahasan women even had a tertiary education). The number of possible Batak interviewees was limited also because I selected only one woman per family, even if a sister or sisters also fitted the criteria for selection. A sister-in-law however, was eligible. For the names of the interviewees and other relevant details, consult the list of interviewed women.

new marital alliances. Another source, used partially and reflecting the same hunger for progress, is the Batak press of the last two decades.⁵⁹

Another source used are visual representations: photographs and a few maps. In particular the search for photographs yielded a wealth of information illustrating how the appearance of the Toba Batak and their environment changed throughout the colonial period. Photographs do not always speak for themselves and for that reason I have occasionally included descriptions providing relevant background.

It would be dishonest to deny the influence from personal experience. In 1988 I married into another patrilineal society in Indonesia and since then have experienced what it means to be a wife, mother of two daughters, and member of a clan-like extended family. This has heightened my sensitivity to the implications for men and women of what I have come to believe is the greatest disaster for people living in patrilineal societies: the lack of a son. Life in Bali has also fostered my understanding of how gendered differences are perpetuated through ritual and customary law. These personal experiences and observations have infused and hopefully sharpened both the focus and content of my analyses.

⁵⁹ The first printed media in Batak was *Immanuel*, a missionary magazine, which I have not used because it is written in Batak. A limited selection of articles published in the *Soara Batak* (the Batak Voice), were translated for me on request. Several articles from newspapers in Malay also contained relevant information.

PART 1

A Historical Ethnography

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CHAPTER 2

The Construction of Toba Batak Gender

The construction of gender in any given society is an elusive process. The norms and ethics that shape men and women throughout their lives into human beings, with a specific gendered identity and certain rights and obligations, vary across time and space. "Other folks, other strokes", goes the saying, and therefore we encounter different sorts of men and different sorts of women whenever we cross societal borders. The construction of gender is subject to discourse stretching over time. In the colonial period, Toba Batak gendered identities, roles, rights, and obligations that had been commonly accepted became contested. This raises two questions: which were these earlier gendered identities, roles, rights, and obligations? And how were these intertwined with the Toba Batak kinship system and its perpetuation? Toba Batak mythology provides answers to these questions.

This chapter introduces the most potent symbolic images of men and women in Toba Batak society as they were known to members of that society in the mid-nineteenth century (2.2.). Those images appear in the Toba Batak myth of the origin of mankind and the creation of the earth, which is well known to this day.¹ There are numerous versions of this myth, but the essentials hardly deviate significantly from one another (Tobing 1963:41). The version used here originates from Raja Darius Sibarani, which has been published in Toba Batak and with English translation (Niessen 1985:16–69).² Details from other versions of this myth recorded in Tobing (1956),³ Angerler (2009),⁴ and other sources

¹ For example, Sangti (1977:286) wrote that his grandmother told him the myth as a bed-time story.

² Niessen presents the myth of the origin of mankind and the one of the creation of the earth separately, but in other versions the story flows from the first into the second.

³ Tobing (1963:41–71) presents three versions of the myth: by Guru Ruben (part of the collection of Winkler, no date), and two others told by *Guru* Pandingjing Pandjaitan and Raja Ebang Siagian and recorded by Tobing himself.

⁴ Sorbajati (2009:236–61) discusses no less than eight versions of the origin of mankind and the earth, either as part of a ritual prayer or as a separate text. In five of these the main female character of the myth is the same: Si Boru Dayang or Si Boru Deak Parujar, and the storylines show many similarities. The oldest version came into the possession of Van der Tuuk in the 1860s, the second one, originating from *datu Guru* Sinangga, was recorded at the request of missionary Nommensen in 1872. Three other versions, probably derived from these older versions but with some deviations, were written between 1926 and 1955, by

are included when relevant. Occasionally proverbs and folk sayings (*umpama*) are inserted when these throw more light on certain themes.⁵

Niessen's study *Motifs of Life in Toba Batak Texts and Textiles* (1985) is also instructive because of the insight it gives into Toba Batak gender relations. Her work, situated in the tradition of structural anthropology at Leiden University, highlights the opposition between male and female principles—binary oppositions—within Toba Batak society (Niessen 1985:115). Binary oppositions evoke an image of complementary gender relations in a yin-yang like fashion. According to the anthropologist Harriët Moore (1988:19), it is most commonly assumed that the opposition between the sexes is constructed as the opposition between spouses, while little mention is made of other sets of gendered relations such as brother/sister, mother/son, father/daughter. This leads to two questions discussed in Section 2.3. Is the gendered relationship between spouses the most prominent one in the Toba Batak myth of origin or is it another gendered relationship? And is that relationship of an equal nature or a hierarchical one?

The force that regulates all life, including that of the mythical ancestors of the Batak, is custom or *adat*. The nature of adat is explained in the first Section (2.1). Adat is not explained in the myths: it is taken for granted.⁶ This also includes the first characteristic of Toba Batak kinship: patrilineal descent. The most important theme that emerges from the myth of origin concerns the roles of men and women in the perpetuation of society through marriage, in particular the role of a woman as intermediary between patrilineal clans, or *marga*, at the time and after she marries (2.4). The myth of origin also contains information about the negative and positive rules regulating the choice of a marriage partner in Batak society, albeit indirectly (2.5 and 2.6). The importance of the payment of a brideprice for a daughter is another, and very prominent, theme in this myth (2.7). The following section discusses procreation and fertility as themes emerging in myths (2.8). A common ethnological approach followed here is deducing practical rules for social conduct and moral

Waldemar Hoetagalung (1926:11–26); by R.H. Domitian Nadeak in the 1930s (published in Korn 1953:112–6); and by Tobing, who recorded the story told by Raja Ebang Siagian in 1956. In a sixth version the main female character has a different name (Nang Gorga di Portibi, or Boru Si Basopaet), but, like Si Boru Deak Parujar, she refuses marriage and her father is Batara Guru (called Sutan Batara Guru Doli). In yet another origin myth (Voorhoeve 1927:23–5), it is again a woman, Si Dajang Putri Lindung, who makes the earth habitable.

⁵ The Toba Batak possess a very rich reservoir of proverbs (Warneck 1902a; Braasem 1951).

⁶ In Bourdieu's terms, this is the realm of doxa: "that which everyone knows so intuitively that no one needs to, or even could, put it into words" (Bourdieu 1977).

guidelines from concrete events told in myths (Schefold 2004:124). These rules and guidelines, however, are not necessarily upheld in the practice of every day life: there are some significant differences (2.9). In the last section I discuss whether the myth of origin reflects the interests of women and men in a balanced way or demonstrates a gender bias.⁷

2.1 Batak Adat and Its Divine Origin

Like fruits that fall around the trunk, humans follow the ways of the father.

WARNECK 1902a:85⁸

Customs were and are commonly referred to as *adat*. As in many other languages in the Indonesian archipelago, this word of Arab origin entered the Batak language as a loan word. Probably it became en vogue first in the southern part of the Batak world through Muslim influence and from there travelled north. By 1850 it was also commonly used in Silindung. Junghuhn, who visited the Batak region in 1841–42, used the word 'hadat' in his work on the Batak, probably in accord with the way *adat* was pronounced locally (Junghuhn 1847:144). The Batak language had various other terms that refer to custom, such as *ugari*, which apparently passed into disuse around that time, *patik* (laws and commands), *uhum* (the Batak word for the Malay equivalent *hukum*, which means the law), and *ruhut* (ways or customs).⁹ *Patik*, *uhum* and *ruhut* were still used in the titles of the first treatises in Latin script by Batak authors at the end of the nineteenth century (*Ruhut* 1898; *Patik* 1899).

As these three words indicate, adat covers customs in a general sense and also folk law, but it meant much more than that.

⁷ Schefold (2004) has found that on the island of Siberut, men emphasize the element of descent in the myth of origin whereas women emphasize the element of alliance. In the versions of the origin myth told by Toba Batak men, on the other hand, the alliance theme is paramount (there are no female versions recorded).

⁸ This and following translations from German (and from Dutch and Malay) into English are mine. For brevity's sake, I include the original text only if particularly evocative or otherwise relevant.

⁹ Translations based on J. Warneck's Dictionary (1977). Only the word *ugari* I did not find in this dictionary, but the word is used in the myth of origin and translated as 'customs' in Niessen 1985:40.

Adat, similar to the concept 'Law', is an almost unfilled concept.¹⁰ The word signifies innumerable occurrences. Everything which has a habit possesses an adat, either a group or also an individual. Habitual inclinations as well as impulses are spoken of as adat too. Beyond that the meaning extends to physical occurrences, such as for example the menstruation of a woman, and also to animals and plants living in close interaction with mankind. For example, the tiger has his adat, and so has the banyan tree. But also with the stars there is a mutual dependency filled with power which makes ancient peoples talk about the adat of the sun and the moon. Yes, the course of the world is the adat, in which the human race is born. So in the end the expanse covered by the word adat envelopes the unity of life. A person does not lose his adat after death. Rather, adat cannot be lost. The dead preserve and look after the adat, by doing so they remain joined with the living.

SCHREINER 1972:87

Schreiner's description of adat aptly brings across that adat literally fills the universe in the old world view of the Batak.¹¹ Another way to understand the indefinite and infinite scope of adat is that "man does not know of an adat-free time or adat-free realm" (Schreiner 1972:89).

Adat is not only the way of life prescribed by and inherited from the ancestors. Adat is of divine origin. According to Batak mythology the ancestor of all Batak, Si Raja Batak, is a descendant of the gods and he has passed on the adat he inherited from his divine ancestors to his descendants, who have maintained it over the generations. As a gift from the gods and ancestors, adat embodies not only the power which rules over the life of the community, but it also enables the community to sustain itself as it guarantees the material and spiritual welfare of its members in this world and the salvation of the soul in the hereafter through the observance of its rules (Schreiner 1972:96).

The divine and ancestral origin of adat also implies that transgression or negligence of the prescribed way of doing things is considered an affront to the gods and ancestral spirits. Therefore, transgression cannot but bring disaster. Disaster can be avoided only by restoring the natural order of things

¹⁰ Original text: "ähnlich wie der Begriff >Recht< is Adat ein zunächst ungefüllter Begriff".

¹¹ Schreiner (1972:15) refers to the Batak as belonging to the category of "ancient peoples" (*Altvölker*), populating the Malay archipelago and adhering to indigenous religions hardly influenced by any of the great world religions.

by appeasement of the offended deities and ancestors through ritual and offerings. The community can also mete out punishment to or even expel an individual found guilty of violating the adat. Change is also anathema: whoever alters the tradition has to face the wrath of the gods and/or ancestors. The religious force of adat makes people fearful and timid when they feel a need or a wish for change. For example, this religious aspect of adat came prominently to the fore in the mid-nineteenth century when the Batak stood face to face with an awesome dilemma they had never encountered before: to convert to another religion, Islam or Christianity. Would the ancestors take revenge?

The organizing principle that underlies adat is the Batak patrilineal kinship system based on the *dalihan na tolu*, the three-cornered cooking pot symbolizing the relationship between the clan (*marga*), its bridegiving clans (*hulahula*) and bridetaking clans (*boru*). Just as adat is a gift from the gods, so, too, is the Batak patrilineal kinship system. Batak mythology provides many examples of how adat, kinship, and the relationship between the gods and humanity are intertwined.¹² The presentation of the following beautiful and intriguing mythical stories intends to foster the reader's understanding of these intricate connections.¹³

2.2 The Origin of Mankind and the Creation of the Earth

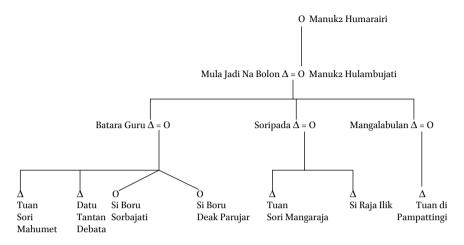
The myth of the origin of mankind as recorded in Niessen's work (1985:16–33) opens with the visit of the bird or chicken Hulambu Jati to the highest god of the Batak pantheon, Mula Jadi Na Bolon. His name means "the great and powerful one, the origin of genesis".¹⁴ The bird tells him that she has hatched three enormous eggs.¹⁵ In this miraculous way Mula Jadi Na Bolon receives his three sons: Batara Guru, Soripada and Mangalabulan. They are called 'humans'

¹² Stöhr and Zoetmulder (1965:61) formulate this as follows: "[T]he idea about God and the creation of the Toba is entwined in extraordinary multiple ways with ritual and the social order".

¹³ Not discussed are the possibility that Mula Jadi Na Bolon indicates a pre-existing Batak monotheism and the Hindu influence on Batak religion. Consult Stöhr and Zoetmulder 1965:47–60.

¹⁴ For a more elaborate description of the capacities of Mula Jadi Na Bolon as the supreme god and the various names by which he is known, see Tobing 1956:35–7.

¹⁵ The egg is well known as a symbol of potential life, the promise of fertility, and the force of life. (Sorbajati 2009:181).



GRAPHIC 1 Kinship Relations of the characters in the origin of the earth.

in the myth of origin, although they are generally regarded as deities—*debata* (from the Sanskrit word *dewa*)—in the old Toba Batak religion.¹⁶ When they have come of age, Mula Jadi Na Bolon gives each of them a wife, and each of the three couples produces children. Batara Guru has two sons and twin daughters, Si Boru Sorbajati and Si Boru Deak Parujar.¹⁷ His brother Soripada has two sons, Tuan Sori Mangaraja and Si Raja Ilik, the latter also called Si Raja EndaEnda.¹⁸ His second brother Mangalabulan has one son, Tuan di Pampatinggi.

In the next episode Batara Guru is visited by his younger brother Soripada, who proposes the betrothal of his son Si Raja EndaEnda with the eldest of the Batara Guru's twin daughters, Si Boru Sorbajati. Batara Guru is not immediately pleased with this proposal and objects to it: "How can that be,

¹⁶ Perhaps in this myth they are presented as human because here they are the first to begin acting according to the adat that they will bequeath on humanity. For the realm each of them reigns and their main characteristics and attributes, see Tobing (1956:47–53) and Stöhr and Zoetmulder (1965:49).

¹⁷ In the version of Guru Sinangga, Si Boru Sorbajati and Si Boru Deak Parujar are also twins. In the version of the myth by Guru Ruben (Tobing 1956:59) Batara Guru has five sons and only one daughter, Si Boru Deak Parujar. In Hoetagaloeng's version Batara Guru had six daughters, number four Boru Sorbajati and number six Boru Deak Parujar (Sorbajati 2009:238). For the different family trees of the pantheon see Sorbajati 2009:480–4. I have displayed the simple version by Niessen.

¹⁸ Ilik means lizard. In the Guru Sinangga version Soripada's son also is called Si Raja Odong and Si Raja Endapati. The lizard is a symbol of the underworld (Sorbajati 2009:237).

younger brother? Perhaps the union will be infertile if contracted that way". But Soripada tells him to go through with the betrothal, arguing that the girl and boy have no one else to marry. Si Boru Sorbajati is urged to go to the village of her fiancé Si Raja EndaEnda, who puts her through various trials. When Si Boru Sorbajati is finally allowed to see him, she is horrified: her groom has the skin of a chameleon, looks like a lizard, walks on four feet and has a pointed tail. Desperately she tries to postpone the marriage by various ruses, but to no avail. At dawn on the day the wedding is to take place in the village of her husband-to-be, she performs her farewell dance for her parents and siblings in the customary way.¹⁹ Suddenly she gives them a terrible surprise: she runs up the stairs of the house, throws herself off the balcony, and then sinks 'seven times the height of the sugar palm'. She is never seen again. This episode ends with the narrative that after a long time she grows into a sugar palm.²⁰

In the next episode Soripada, Si Raja EndaEnda's father, visits Batara Guru and says to him:

Hey, what is going on, oh our Raja Ompu Tuan Batara Guru [...] What is one becomes two, what is three becomes six, the debt of wayward women. The broken lengths of *ruji*, the finalization of the contract, the meal of appeasement, Drumsticks of the *gordang* drum, the divorce²¹ will exacerbate the conflict, our dear Raja, To say nothing of the brideprice.

Then Batara Guru answered:

"When wooden shingles crack, wooden shingles replace them, when the elder sister dies, the younger sister replaces her. And so Si Boru Deak Parujar is her replacement"

¹⁹ I assume that she took her leave in the customary mourning style, see Chapter 7, Section 7.6.

²⁰ In the version of Guru Sinangga, certain plants also grew out of the corpse of her rejected fiancé, Raja Endapati: some types of bamboo, grass, and rattan varieties (Sorbajati 2009:237).

^{21 &}quot;Divorce" here means the dissolution of the betrothal contract (*sirang*). The concept of *sirang* is discussed in Chapter 5, Section 5.2.

"Fine, our Raja, persuade your daughter", said Ompu Soripada. NIESSEN 1985:31

Si Boru Deak Parujar, the younger twin sister, is subsequently put under pressure by her father and brothers to take the place of Si Boru Sorbajati as the bride of the unbecoming Si Raja EndaEnda. After all, as Ompu Soripada says in the verse above, her father had already received the brideprice (*tuhor ni boru*) for her sister at the time Si Boru Sorbajati was betrothed. So if Batara Guru wants to maintain good relations with him, he had better provide another bride. But, like her sister, Si Boru Deak Parujar refuses to marry her ugly cousin. Even after her father warns her in his final argument to coax her into submission—"you may not refuse, daughter, because we shall all be sold into slavery"—she does not budge. Again like her sister, after a long time, she pretends to consent to the marriage and performs her farewell dance, but then:

She threw herself down to the village square. From there she ran to the connecting rock, to the hole of insight, to the observation point, she drove in the end of her thread, she slipped down it to the gods below, she arrived in the middle of a sea to her spindle, on which she stood. NIESSEN 1985:33

The myth subsequently mentions that after a while Si Raja EndaEnda died, and it closes with the moral that the whole process of arranging the marriage was faulty from the very beginning. It is not fitting for a woman to seek a man in marriage as in the case of Si Boru Sorbajati and Si Boru Deak Parujar, who had been commanded by their father to go to Si Raja EndaEnda's village. It is the man who must go to the village of his future bride and court her. This is expressed in the closing sentence of the myth: the sugar palm (a female symbol of fertility) is not to be brought to the ladder (symbolizing the male), but the ladder must be brought to the sugar-palm.

In the myth of the creation of the earth, we meet Si Boru Deak Parujar again. Once she has arrived in the middle world, she suffers, tossed by the waves of the sea into which she has fallen from the upper world. Through the mediation of a swallow and two bumblebees, she pleads with her grandfather, Mula Jadi Na Bolon, to help her. She asks him to give her a fistful of soil to create the earth. He has pity on his granddaughter and gives her what she wants. Several times she has to ask him the same favour again before she finally succeeds in subduing the dragon Naga Padoha and a dolphin²²—creatures that live in the underworld and who destroy the earth she has shaped each time by shaking their bodies.²³ After the earth is finally firm and stable, she requests water from her brother Datu Tantan Debata—and from the lord of nature, Ompunta Tuan di Rimba, all sorts of plants that support human life, including 'golden' rice to be planted in the earth. Finally she gets help again from Mula Jadi Na Bolon in choosing the place for the first settlement on earth and the first house to be built. After this, Si Boru Deak Parujar has finished her great work creating the world, which is now fit for human habitation. Here the myth as narrated by Raja Darius Sibarani ends.

In several other versions, however, there is a sequel. Some myths tell us that after Si Boru Deak Parujar finished creating the world, her father exiled her to the moon, because she refused to marry. One can still see her there at night, busy spinning and weaving to her heart's content (Tobing 1956:61; Stöhr and Zoetmulder 1965:51). In another version, Si Boru Deak Parujar indeed marries a cousin—not the son of Soripada but of Mangalabulan. Her husband's name in this myth is Tuan Rumauhir, who has the same physical characteristics as Raja EndaEnda. Because of his ugliness, Si Boru Deak Parujar flees the house immediately after marriage and returns to her father's village. Forced by her own family to return to her husband, she runs away and—as in the previously narrated version of the myth-descends to the middle world, sliding down a thread where she creates the earth. After that she does not retreat to the moon, but continues to dwell on earth. After a long time, Mula Jadi Na Bolon conveys the message to Mangalabulan to cut his own son, Tuan Rumauhir, into pieces and put the pieces of flesh in a bamboo container. The bamboo container is then thrown down through a hole in the upper world and lands on earth. The container bursts and miraculously Tuan Rumauhir arises, like a phoenix out of his ashes, reincarnated as a beautiful young man called Bulu Gading. One day, while chasing a bird, he passes the village where Si Boru

In the Guru Sinangga version, apart from the dragon and dolphin, other animals living both in water and on land (that is, creatures of the underworld) also make it difficult for Si Boru Deak Parujar: a crab, a tortoise, an otter (Sorbajati: 2009:237).

Ködding (1885:405) gives a different twist to the myth, robbing Si Boru Deak Parujar of her role as creator of the earth. An (unnamed) hero sent to her by her father Batara Guru succeeds in locking the dragon Naga Padoha in an iron block after Si Boru Deak Parujar has failed to subdue him. This hero, who reminds Ködding of the Hindu god Krishna, marries her, and together they beget the first human children. Perhaps this clear deviation from other versions, presenting Si Boru Deak Parujar as a weak woman and the prize of a successful hero, is due to Ködding's male perspective.

Deak Parujar lives. She recognizes her husband, and the couple resolve to stay together. They produce seven sons, the last one of which is Si Raja Ihat Manisia, one of the forebears of Raja Batak, the ancestor of all the Batak (Tobing (1956:61,68)).

There is a different story about Si Boru Deak Parujar's offspring, in which her husband goes by the name of Siraja Uhum or Raja Odapodap (Stöhr and Zoet-mulder 1965:53). Their marriage is blessed with male–female twins. The boy is called Raja Ihatmanisia, and the girl, Boru Itammanisia. When the children grow older, a great ceremony is held, attended by their divine ancestors who have come down from the upper world for the occasion. At the end of the ceremony Mula Jadi Na Bolon tells his great-grandchildren that they can maintain contact with the upper world through offerings, and he instructs them how to prepare them. After the ceremony, the gods, including the twins' parents, retreat to the upper world, and the thread connecting the upper and middle world is cut.²⁴ The twins marry and become the ancestors of mankind, named after the couple *manisia* (Malay: *manusia* = a human being). The couple establish a village—Si Anjur Mula-Mula—on the slope of the holy mountain Pusuk Bukit on the western shore of Lake Toba. After three generations Raja Batak is born.²⁵

Although the various versions of the origin of mankind and the creation of the earth contain many elements that differ rather substantially from each other, the myths have at least the following main points in common: Mula Jadi Na Bolon generates the gods; Si Boru Deak Parujar, his granddaughter, leaves the upper world to enter the middle world where she creates the earth, whether with the assistance of her reincarnated husband or not; and both of them become the divine ancestors of mankind for which the earth is created. The message conveyed is that the path of the woman Si Boru Deak Parujar in creating the world and procreating was long and arduous.

Procreation, another theme of this study, is given a specific dimension in one of the myths recorded by Tobing. In this story the bird Mandoangmandoing lays four eggs instead of three. As in the version of the myth presented above, out of the first three eggs come the gods Batara Guru, Soripada and Mangalabulan. Out of the fourth egg comes yet another god. Mula Jadi Na

²⁴ The thread used by Si Boru Deak Parujar to slip down to the middle world?

²⁵ Stöhr and Zoetmulder 1965:53–5. Here the authors also refer to other less well-known myths on the origin of mankind.

Bolon gives him the name Debata Asiasi or Hasihasi, the god of compassion.²⁶ Mula Jadi Na Bolon tells Debata Asiasi that he is disadvantaged in many ways compared to his brothers Batara Guru, Soripada and Mangalabulan, because he is not entitled to particular and regular offerings like his three siblings. He is therefore truly to be pitied:

You have no share, no relations, no choice, [...]. When there is somebody who is willing to give you something, you will not accept it. When you are willing to accept, there is nobody to offer you something. [...] When there is somebody to eat food, you have no food; when there is food, there is nobody to eat it. [...] When you have a mother, then you have no father: when you have a father, then you have no mother.

TOBING 1956:53

Debata Asiasi, who is the only one among the gods who is not married and has no children, is displeased with his lot. But he is pacified when Mula Jadi Na Bolon tells him that the people "shall call on you every morning of the day". Debata Asiasi may not be entitled to a share of meat, but—as Mula Jadi Na Bolon assures him—his share consists of 'words'. He will always be remembered by the blind, the deaf, the crippled, the invalids, and the sick: they will either curse him or appeal to him. But foremost, Debata Asiasi will be called upon by those who desire offspring. Mula Jadi Na Bolon reminds him of this:

[...] when there is someone who has only one son, he shall tell you so in a melancholy voice and shall entreat you fervently to grant him more children. When, however, he has many descendants he shall tell you so, smiling. [...] In short, all that shall happen to man later on, comes from you; but (now) you must go into the midst of the angular branches of yonder tree. Just look at the young leaves of the banyan tree; as long as they are turned upwards, it is a sign that there are not any men yet. As soon as the leaves are turned to you, however, you will know that there are already men. Look at the young leaves. As soon as they begin to curl up, [...] men have already got sons and daughters. They shall give their sons and daughters in marriage, and on that occasion those who are born and have the good luck (to become husband and wife) shall call you by

²⁶ See for a list of historical references to this god and his characteristics Stöhr and Zoetmulder 1965:50.

your name in the following terms: 'Oh, Ompung, Debata Asiasi; Debata, on whom mankind has pity, Debata, who is invoked, Debata to whom nothing is given, Debata, to whom no sacrifices are made; it is you who makes the head round, who opens the eyes, who makes the ears and opens the mouth, who makes the liver large, the heart round, who intertwines the bowels, who splits up the fingers, who makes the crown of the head for us, humans [...]. Give me sons and daughters that my husband over there may find pleasure in me'. The husband will ask the same thing for his wife. Form my characters, the nineteen characters which are complete; look at the leaves which are curling up: as long as they are not yet withered, a woman shall get a first born, but when they are withered, then she shall lose her child, unperceived by other women; this shall be, in the future, a woman who loses the charm out of her hair knot (meaning a miscarriage).

TOBING 1956:55-56

Debata Asiasi thus resembles Mula Jadi Na Bolon in his capacity as the creator, in this case the creator of mankind. It is Debata Asiasi who receives the gratitude of couples who are blessed with many children and to whom people turn when their marriage has remained barren. Interestingly, there is a remarkable switch of perspective near the end of Mula Jadi Na Bolon's speech, when he is suddenly replaced by a woman as the speaker. She begs to be blessed with children directly: "give me sons and daughters ... ". The fervent wish for children, by women in particular, will recur as a major theme throughout this study, for reasons explained below (Section 2.8).

Angerler (2009:243) has emphasized that although Si Boru Deak Parujar appears as the most prominent female personage in the myth, she does not figure prominently in Toba Batak rituals staged by the religious community, the *bius*. It is rather her sister, Si Boru Sorbajati, who is revered. After she leaves the upper world, she becomes part of the underworld. As Boru Tindolok, she is the goddess associated with the herds roaming the fields, and with the fertility of cattle. As Boru Na Mora she is associated with wells and streams, providing water, the source of life. Si Boru Sorbajati thus represents perhaps not so much the underworld, but rather nature or 'the wild', the world beyond the village and the cultivated land surrounding it. The ritual held by the *bius* at the beginning of the yearly agricultural cycle celebrates her marriage with Datu Bonar Ni Aji who has the shape of an animal of the forces of the 'wild' which otherwise may not cooperate and might endanger the rice crop which is about to be planted. Si Boru Deak Parujar on the other hand represents the middle

world, which is the world of mankind and culture as opposed to 'the wild'. She is also associated with the organisation of society, including its rules and the law.²⁷ It is probably not coincidental that Si Boru Sorbajati, the older sister, symbolizes the wild, always present before people settle, start cultivation, and procreate.

2.3 Gendered Hierarchies

The two main characters that dominate all versions of the myth of origin are Mula Jadi Na Bolon—the great origin of being—and his granddaughter Si Boru Deak Parujar.²⁸ Mula Jadi Na Bolon represents the figure of the Father, who stands at the apex of the pantheon, who is the creator of the universe, who has neither end nor beginning. It is remarkable, however, that in none of the versions of the myth is Mula Jadi Na Bolon paired with a female deity who performs the role of his wife. It is a bird which hatches Mula Jadi Na Bolon's sons in Raja Darius Sibarani's version. In one of the myths narrated by Tobing, there is a woman by the name of Sorimala Matabun alias Nan Tumpal Hamonangan, who is referred to as 'mother', but she only plants the banyan tree that becomes the home of that same bird. This woman's relationship with Mula Jadi Na Bolon is unclear and she does not reappear in the story.

The wives of Mula Jadi Na Bolon's three sons also seem insignificant characters. In Raja Darius Sibarani's version they have no name, no personal characteristics, and their origin remains vague. On the other hand, in Guru Ruben's version in Tobing's work, we learn that they come out of three ripe fruits of the banyan tree, and that all three of them belong to the same *marga* (Sitompul); but they have different characters, each matching that of their husband (Tobing:58–9). In Hoetagaloeng's version, the wives of the three gods are born out of three bamboo sticks (Angerler 2009:238). Yet again, these women hardly

In an analysis of the Batak pantheon, Ködding (1885:406) sees similarities between Batara Guru and Brahma, Soripada and Vishnu, and Mangala Bulan and Shiva, but he is clearly at a loss what to do with Si Boru Deak Parujar. He sees a resemblance between her and Brahma's wife Saraswati (the patroness of science and the arts) and also with Vishnu's wife, Sri (the goddess of fertility), but does not refer to her as mediator between *marga*, which is a woman's main role in Toba Batak patrilineal society.

²⁸ Stöhr and Zoetmulder (1965:49, 52) confirm this: "The act of creation of Mula Jadi Na Bolon, his fatherhood and priority are confirmed in nearly all versions of the myth; she (Si Boru Deak Parujar) is undoubtedly the most outstanding female figure in Batak mythology".

play a role in the evolving drama and do not come forward as active agents, apart from bearing children. Likewise, many modern Batak genealogies do not include the names of female ancestors or the names of the daughters born to the *marga*, although there are some exceptions (Niessen 1985:75). Is it too far fetched then to say that the Batak creation myth is an expression of the absolute primacy of patrilineal descent in Toba Batak society?

Still, the main female character is hardly unimportant. It is Si Boru Deak Parujar around whom the stories revolve; she dominates the centre of the stage in the drama. Her agency is essential, since without her actions the earth and mankind would not have come into existence. But despite her dominant role, Si Boru Deak Parujar's relationship with her grandfather Mula Jadi Na Bolon is a hierarchical one, which is situated on different but connected axes: god versus human; the upper world versus the middle world; the older generation versus the younger; and man versus woman. On all these levels Si Boru Deak Parujar is situated at the lower end of the scale. Mula Jadi Na Bolon resides in the upper world, is and remains the paramount god, and his sons are deities as well. Si Boru Deak Parujar is related to both upper and middle worlds, tinged by the latter's lesser status. By refusing to marry her fiancé, an obligation she should have honoured after her older sister rejected him, she has fallen from grace, to use a Christian metaphor. She remains divine but she is also human: she is obliged to marry in the middle world, and her children are humans, destined never to see the abode of their divine ancestors.

The other important gender relationship in the myth of origin is the relationship between father and daughter, between Batara Guru and his daughters Si Boru Sorbajati and Si Boru Deak Parujar. The girls' brothers appear on stage as well, but they are little more than the representatives of their father, pleading on behalf of the interests of the lineage, a function which brothers also fulfil in real life towards their sisters. The father is the *parboru*, the man who 'owns' the daughter, and this status is passed on to his sons after he dies. The relationship between a father and a daughter, as well as that between a brother and sister, has great potential for tension, in particular at the time of choosing a husband.

But when considering the father-daughter relationship on this critical point, there is a crucial difference between myth and reality. In the myth, it is Si Boru Sorbajati and Si Boru Deak Parujar who dictate the course of events. They cannot evade their destined roles and must defy their father in order to play them out. If not, neither the wild world of nature nor the cultured world of mankind could come into being. In contrast, there was little room for rebelling daughters after the earth was created and humans had established their society based on the *dalihan na tolu*, the triadic relations between clans forged by marriage. As we shall see in the next chapter, a father preferred an obedient daughter. If she defied him, there could be grave repercussions. Nevertheless, as in the myth, a father should not treat a rebellious daughter as an outcast.

If one compares the attitudes of Mula Jadi Na Bolon and his son Batara Guru toward Si Boru Deak Parujar, the difference is striking. Mula Jadi Na Bolon is not harsh with his granddaughter. He helps her out in her distress, symbolizing the obligation of a woman's father and brothers to support her and her family throughout her life, a subject discussed in the next chapter. Batara Guru, on the other hand, speaks for the *marga*'s immediate interests, which is to maintain an agreed marital alliance, even if this means that a daughter must be coerced into complying with the arrangement.

Let us now take a step back and look at the gender relations that appear in the myth of Batak origin from a wider perspective. Contrary to what is often assumed according to Moore (as mentioned in the introduction to this chapter), the myth does not construct the opposition between the sexes as the opposition between spouses. By far the most prominent symbolic images are those of the grandfather-father-brother versus granddaughter-daughter-sister. As stated above, these relationships may be binary, but at the same time they are clearly hierarchical. This is most pronounced in the benevolent relationship between Mula Jadi Na Bolon and his granddaughter, and the more tense relationship between Si Boru Deak Parujar and her father and brothers. Thus, the often still unequal but intrinsically more egalitarian gender relationship between spouses in origin myths of other societies is not the most revered or sacred one in Batak mythology. In fact, complementary relationships between spouses are absent. Mula Jadi Na Bolon in the version quoted above does not even have a consort; the wives of his sons are inconspicuous. The husband who eventually marries Si Boru Deak Parujar remains in the background and seems to enter the myth almost as an afterthought: he is needed only to sire her children. It was not the chemistry between men and women which regulated Toba Batak society,²⁹ but first and foremost the relationship between father and daughter.

The myth of origin thus underlines the importance of patrilineal descent as a given fact, which remains implied. The forging of the relationship between clans, on the other hand, through negotiation and the mediation of women, is acted out and presented as the locus of tension par excellence.

²⁹ Although not represented in the mythical stories, sexual chemistry is not absent at all in traditional Batak culture. Batak erotic poetry speaks the language of sexual attraction between the sexes (see Chapter 3, Section 3.4.).

2.4 The Woman as the Intermediary between Clans

The mythical stories also reveal other aspects of the status and role of Batak men and women. The realm of the gods can be equated with the *marga* perpetuated through the male line. The male gods, Mula Jadi Na Bolon and his sons, do not leave the upper world. They do not have to endure the trials and tribulations in the middle world which are Si Boru Deak Parujar's lot. But just as the *marga* is dependent on women to forge its relations with other *marga* to become a part of the Batak social order, so are the gods dependent on a woman to become the deities of men. It is therefore not surprising that it is Si Boru Deak Parujar, a woman, who has been assigned the role in Batak mythology to create the earth and give birth to the first human beings, her opposite-sex twins. In order to fulfil her destiny as creator and procreator, she has to leave the abode of the gods and descend to the world below, where she marries and gives birth to her children.

The analogy with the woman's role in the arrangement of marriage is obvious. Si Boru Deak Parujar is the first Batak daughter who leaves her family of origin and the village of her father's *marga* to go to another village in the middle world. All Batak women born after her follow the same trajectory. They 'marry out', leaving their family of origin. It is they who must adjust to a new and unknown environment, the *marga* and family of the husband. They go through a process of psychological alienation and adaptation never demanded of their brothers. Batak women must make this sacrifice in order to fulfil their destiny, to become a wife and mother, just like Si Boru Deak Parujar.

Si Boru Deak Parujar also gives meaning to the status of the bridetaker (*marga boru*) versus its bridegiver (*hulahula*). Here we come across yet another hierarchical relationship. In the eyes of the bridetaking family, the bridegiving family is the 'God that is visible in this world', *Debata ni ida*. The bridegiving family is regarded as having a formidable power called *sahala*, which constitutes the source of blessings for its bridetaker in many ways. Through the gift of a daughter, the bridegiving family makes the perpetuation of the lineage of its bridetaker possible. Its blessings during ceremonies will support its bridetaker in good times and bad times, and its material gifts will make its bridetaker prosper. The elevated status and awesome powers of the bridegiver, the *hulahula*, are expressed in Toba Batak proverbs (Pasaribu 2002:40–1):

Hulahula bona ni ari	The <i>hulahula</i> is the source of daylight
Tinongonni Ompunta Mulajadi	The blessing of Grandfather Mula
	Iadi Na Bolon

Sisuboton marulak loni	He who must be honoured again and again
Sisobaon di rim ni tahi	Worshipped from the bottom of the heart.
Hulahula mata ni ari binsar	The <i>hulahula</i> is the light of day
Sipanumak do tondina	His soul power endows prosperity
Sipanuai sahalana	His authority bestows blessings
Di nasa pomparanna	on all his descendants.

The bridegiver in these proverbs is equated with Mula Jadi Na Bolon, and this image reflects again the generational hierarchy between him and his grand-daughter, Si Boru Deak Parujar. We also see the hierarchy repeated in the imagery of the bridegiver as the older sibling and the bridetaker as the younger. Another metaphor equates the members of the bridetaking clan with workbuffaloes, who can be called upon by the bridegiver whenever he feels the need (Sherman 1987:874). How vital the support of the bridetaker is for his bridegiver can be summarized as follows: a *boru* fights for its *hulahula* in battle, raises money for the *hulahula*'s rituals, cooks the food offered at these rituals, and praises his *hulahula* in ritual speeches (Rodgers 1990:332).

The elevated status of the bridegiver also implies that the bridetaker must take the utmost care not to offend members of his bridegiver's family. The following tale of mythical origin clarifies this. Once, a descendant of the Si Singamangaraja dynasty had betrothed his daughter to the son of his sister, in other words to his closest bridetaker.³⁰ But the marriage did not take place, because Si Singamangaraja lost a game of dice and thereupon married his daughter off to the man to whom he was indebted. His sister was so enraged because of the broken engagement that she refused to serve him, her *hulahula*, when he came to her village. This infuriated the Singamangaraja to such an extent that he fetched an elephant at home and went back to his sister's village, where he let the beast trample her to death (Ypes 1932:32).

In sum, Si Boru Deak Parujar is not only the mythical creator of the earth and humanity, but she also instituted two basic principles of the Batak kinship system: by leaving her family she established the exogamous nature of the *marga* and the hierarchical relationship between *hulahula* and *boru*. Being a woman, she was fit for the role of an intermediary between upper world and

³⁰ An example of the most coveted union between a father's sister's son (*anak namboru*) and a mother's brother's daughters (*boru ni tulang*), explained below (Section 2.6.).

middle world and between bridegiving and bridetaking clans. As the intermediary between these two worlds, she fits neatly into the category of neither the gods nor human beings. Being of divine origin, she remains a deity, yet she also becomes an inhabitant of the earth and gives birth to human twins. Another example of her ambiguous identity is that she has no clear-cut gender identity, which is reflected in her paraphernalia: the weaving and spinning gear normally used by women and the sword (*piso horis*) normally used by men. She uses her ability to spin to make the thread that allows her to descend from the upper to the middle world, and she wields the sword to slay her adversaries from the underworld. In creating the world she resembles the architect of a house, construction being a typically male occupation. She also dabbles in the magical arts, another field reserved for men (Niessen 1985:115).

In real life, a bride, forming a bridge between clans who are related as *hula-hula* and *boru*, has an equally ambiguous identity. She shares with the *hulahula* the ability to bestow blessings on the *boru*: the promise of fertility, material support by her labour, and spiritual salvation. On the other hand, a woman becomes a member of the bridetaking *marga*, and in that capacity she shares the duties of her husband's lineage towards her family of origin, the *hulahula*. In her husband's family it is also her duty to serve. For example, she assists and supports her ageing mother- and father-in-law, not her own parents. In other words, a woman is always on call for work. Did Si Boru Deak Parujar not do all the hard work to create the world to be inhabited by human beings, to the benefit of the gods and mankind alike?

In short, a woman combines characteristics of both *hulahula* and *boru*, and her structural position falls between two *marga*, two well-defined social categories. Niessen makes clear what this entails: "because [a woman] is situated between *hulahula* and *boru*, she is associated with both, and an absolute member of neither" (Niessen 1985:75). Niessen shows that this is also reflected in the way a woman identifies herself.

If someone asks her: "*Boru aha do hamu*?" (You are *boru* of which *mar-ga*?), she replies with the name of her father's *marga*, whether she is married or not.

But if asked: "*Marga aha do hamu*?" (Which *marga* do you belong to?), she replies with the name of her husband's marga.

Another reflection of ambiguity in the woman's position is the way she is referred to after marriage by the members of her family of origin: they call her *boru* in the sense of 'bridetaker', as well as in the sense of 'daughter'. A woman's affiliation with the *marga* of both her father and her husband is her strength and her weakness. Upon marriage she will leave her family of origin—but just as Mula Jadi Na Bolon assisted his granddaughter, a woman will never be fully relinquished by her parents and brothers, as will be elaborated in the next chapter. After marriage she stays with her husband's *marga* until her death, and will be buried in his *marga*'s burial grounds. Nevertheless, she will never be fully incorporated into his *marga*. Her ambiguous status is also reflected in customary law: she has no inheritance rights in either family, precisely because she is an intermediary between patrilineal clans. This is reflected in the following image:

When a daughter is still with her parents, her right with respect to the parents is to aid. After she goes to live in her husband's village, her right to aid is with respect to her husband. Then, if she becomes a widow, her right to aid is directed towards her son. Why? Because as long as there has been adat, the person who aids, may not inherit possessions or heirlooms. Such is the right of a mother or daughter. From her birth until she becomes a widow and then dies, her only right is to aid.

TAMPULON in NIESSEN 1985:77³¹

Niessen points out that these rules reflect the formal power relations between the sexes in Toba society; but while the rules are straightforward, the practice is not. Just as Mula Jadi Na Bolon was lenient with Boru Si Deak Parujar, Batak male relatives are also expected to be compassionate. The ambiguous position of women in the kinship system, which includes their dependence on the good will of their male kin, is a significant safeguard and protection. But it is not always a sufficient shield against adversity in a woman's life, as will become clear throughout this study.

A woman's status as an intermediary between *hulahula* and *boru* implies that a number of rules regarding undesirable and ideal marriage have to be taken into account. These rules are by and large still relevant today and are discussed in the next two sections.

³¹ It would have been more correct if the author spoke of a woman's obligations instead of her rights. Perhaps by using the term "rights" (*hak*), he wished to give the impression that a woman's lot is more palatable?

2.5 Prohibited Marriages

Evidently, Si Boru Sorbajati and Si Boru Deak Parujar had to leave the upper world because nothing good could come of their betrothal to their cousin, Raja EndepEndep. Batara Guru and his brother Soripada had concocted a highly inappropriate marriage and they knew it. When making the proposal, Soripada urged his older brother as follows: "let us roll the rock up the mountain, let us make the river flow upstream", two impossible feats. Batara Guru responded by expressing his worries before agreeing to the betrothal: "How can that be, younger brother, perhaps the union will be infertile if contracted that way". Both deities refer here to the rule that a man and woman of the same marga are not allowed to marry-and if they do, the sanction of the gods might be infertility, the ultimate disaster.³² But apparently both gods felt they must accept the fact that their children had no one else to mate with, and they decided to go ahead with their plans and hope for the best. After all, without this marriage neither the creation of the earth nor reproduction would be possible. Yet the marriage about to take place was destined to evoke the customary punishment, the expulsion of the transgressing couple from their village of origin, in this case the upper world. The marriage could be consummated only in another world, the middle world, created specifically by Si Boru Deak Parujar to serve this end.

We find a similar course of events in 'Nan Jomba Ilik', another popular Batak myth (Braasem 1951:143–82). Nan Jomba Ilik is a girl born to a couple that had been hoping for a child for a long time, and she disappoints them by coming into the world as a lizard. Shortly after birth, she asks her parents for permission to leave the house and the village, because she does not want her abnormal appearance to shame them. Her parents give their consent and her father accompanies her to her place of exile in the woods, where he builds her a wooden shed in a tree.³³ There she turns into a beautiful woman.

33 Being a lizard, she did not belong in the cultured world of humans, but in the wild.

In the Hoetagaloeng version of the myth, there are a few interesting differences compared to the Raja Darius Sibarani version. Si Boru Sorbajati is also betrothed to the son of Debata Sori (Soripada), Raja Indapati, also lizard-shaped, but he dies and therefore Si Boru Sorbajati, having lost her fiancé, commits suicide, jumping out of the upper world. Si Boru Deak Parujar is then betrothed to her uncle, Raja Odapodap (who hatched from the same egg as her father Batara Guru), and she manages to flee to the middle world with the help of her grandfather (Angerler 2009:238). This latter marriage gives the same moral: it, too, is an 'incestuous' (*sumbang*) marriage.

One day she meets a handsome young man passing by, and they fall in love.³⁴ When they return to the world populated by humans, she discovers that this man is the son of her father's younger brother, so they belong to the same *mar-ga* and the union between them is therefore a prohibited one, for which the Batak use the term *sumbang*. This prohibition accords with the principle that a marriage should take place between a man and woman belonging to different *marga*. Although advised against it, the young man insists on marrying Nan Djomba Ilik, even after she has pleaded with him not to do so, to prevent bringing disaster on their families. Finally their fathers—all too happy that their children have returned—allow the marriage to take place, but Nan Jomba Ilik and her husband are commanded to found their own village.³⁵

In a somewhat different way, the theme of *sumbang* is repeated in the birth of opposite-sex twins³⁶ to Si Boru Deak Parujar and the man who finally marries her, another cousin of hers, her uncle Mangalabulan's son, Raja Odapodap. The birth of the twins and their subsequent marriage constitute a two-fold disaster,³⁷ as it is a combination of two forms of *sumbang*: the children marry someone from their own *marga*, and besides that, their own sibling. Of course this unfortunate event is again attributable to the *sumbang* nature of their parents' marriage. This time the punishment is even more severe than the fate Si Boru Deak Parujar had to endure. Already born in exile in the middle world, the twins are forever separated from their divine family as the

- 35 There are several other mythical stories involving incestuous marriage between oppositesex twins. The ancestors of the Lontung and Borbor conglomerates of *marga* both married their sister, causing the fissioning of their lineage into new independent exogamous ones. Some incestuous marriages resulted in the punishment of the couple, who then became mythical ancestors (*sombaon*) residing in remarkable places in the landscape: a lake, a stream or a mountaintop (Ypes 1932:37, 198, 350–1, 388).
- 36 There is yet another myth with a similar narrative, the myth of the *tunggal Panuluan*, the Batak magic staff used by the *datu*, the Batak expert on divination. In this myth the entwined bodies of the married opposite-sex twins are transformed into the first magic staff. For this and other myths involving the marriage of opposite-sex twins, see Niessen 1985:80–1.
- 37 The same theme is found in many Indonesian societies. Opposite-sex twins are considered prone to incest because of their intimate relationship during the gestation period in their mother's womb, and special measures are taken to avoid the disaster this may bring on society. For a discussion of ideas and practices on the islands of Bali and Madura, see, for example, Covarrubias (1937:126–9) and Niehof (1985:283).

³⁴ Note the analogy with the lizard shaped Tuan Rumauhir who could marry Si Boru Deak Parujar only after he transformed into a handsome man.

thread connecting the upper and middle world is severed. Mula Jadi Na Bolon takes this decision, because to him 'the world had a bad smell', reflecting his disapproval of the incestuous union between his great-grandchildren and his intention to shield the divine world from the pollution brought about by the monstrous event.³⁸

Besides the prohibitions against marrying a sibling or someone from one's own *marga*, there are also other forms of prohibited (*sumbang*) marriages. These prohibitions are to be understood within the framework of the *dalihan na tolu*. A woman may not marry into a *marga* that relates to her own as a bridegiving clan, as by doing so that *marga* becomes a bridetaking clan. Following the same logic, a man may not marry a woman from a *marga* that relates to his own as bridetaking *marga*, as by doing so that *marga* becomes a bridegiving one. These marriages are not allowed because they would 'reverse the flow', upsetting the protocol and terms of address between *marga* at the time of negotiations about the brideprice (see Section 2.7). The practical implications for the seating arrangement at ceremonial events would become impossible to deal with and therefore such marriages are out of the question.

Fortunately young unmarried men and women are 'warned' which people of other *marga* they are not supposed to marry by prescriptions concerning terms of address. In any encounter, Toba Batak will first establish the relationship between their *marga* according to the *dalihan na tolu* in order to determine the correct term of address for the other person. If a member of the other sex is from the same *marga* or from another *marga* whom one is not allowed to marry (according to the prohibition to 'reverse the flow') one addresses the person in question with the term *iboto*. One knows then that one cannot marry that person.³⁹ The customary legal sanction for couples guilty of *sumbang* was severe. The union was dissolved and a heavy fine imposed, usually consisting of a ceremony to appease the ancestors, on which occasion a buffalo, or at least a pig, had to be sacrificed. The best thing for the man to do was to leave his village after that, whereas in pre-colonial times the woman could be reduced to the status of a slave (Vergouwen 1964:164; Dorpstuchtrecht 1928:67; Nasution 1943:43).

For other versions of the severance between upper world and middle world, between heaven and earth, see Stöhr and Zoetmulder 1965:54. Warneck (1909:32) gives as the reason for Mula Jadi Na Bolon's retreat his being offended that humans paid less attention to the gods and more to their ancestors. Perhaps this interpretation was infused by Warneck's own Christian conviction that the Batak should pay more attention to the gods and therefore the Christian God—than to their forebears.

³⁹ For other negative marriage rules, see Vergouwen 1964:162–5; Niessen, 1985:89–90.

The existence of negative marriage rules limits the choice of marriage partners, although the range of possible marriage choices remains larger than the range of non-acceptable choices (Niessen 1985:90). In practice, when the choice of partners becomes too limited in a given area, the chiefs of the *marga* may decide to divide the *marga* into two new exogamous entities with at least one given a new *marga* name. After this the members of these two entities are allowed to intermarry.⁴⁰ Such a communal decision cannot be taken without holding a large adat ceremony of the kind mentioned above (Vergouwen 1964:160–1). Today the negative marriage rules are probably less often experienced as a problem than in the past, because greater mobility of young people makes it possible to find a spouse in a much wider circle.

Apart from the negative marriage customs, there is also another rule to be observed. A younger brother should not get married before his older brother, and a younger sister should also not precede her older sister. The following simile is applied: "as the vessel hanging under the cut flower cluster of the sugar palm must be full of sap before the second vessel placed below can be filled with the overflowing fluid".⁴¹ Perhaps it was a matter of fairness that parents had to fulfil their obligations in terms of marriage payments towards the older child before the others could be given their turn. A child desiring to marry before its turn could do so, however, if given permission by the older sibling.⁴²

2.6 The Most Coveted Union

Regerege ni appang	The frame of the basket
Lalak ni sikkoru	The rind of <i>sikkoru</i> grass
Ibebere ni damang	Father's sister's daughter
Anak ni namboru	Son of father's sister (meaning: 'My darling!')
BRAASEM 1951:76	

Toba Batak adat also recognizes positive marriage guidelines, which refer to marital unions considered particularly auspicious. The *dalihan na tolu* consists

⁴⁰ Some marga branched into two or more new exogamous lineages because the sons of the same father but different mothers wanted to split up (Vergouwen 1964:25–7).

⁴¹ Vergouwen 1964:165; Braasem 1951:125. The custom continued to exist after Independence in Lando's research area (Lando 1979:81).

⁴² In line with this prescription was a local custom found in Sibolga: if a young man abducted a girl whose elder sister had not yet married, he had to pay a fine decided upon by the village chief (Dorpstuchtrecht 1928:72).

of relationships between a *marga* and its bridegiving and bridetaking clans; and the Toba Batak have a preference for the renewal of these relations in every generation. There is no strict rule prescribing that a marriage should reinforce a previous marital alliance, but betrothals arranged by parents used to be and occasionally still are based on this consideration. In the rural context, the guideline—put simply—states that a girl should ideally marry a boy from a family in her own or a neighbouring village, who belongs to a *marga* that has received brides from her own *marga* in past generations. This is the Batak variant of marrying the boy next door.

A marriage between full cross-cousins—a marriage between a man's daughter and his sister's son—was considered particularly fortunate.⁴³ This union perpetuates an existing *hulahula-boru* relationship most directly and perfectly. The man refers to his cousin as the *boru ni tulang* (maternal uncle's daughter) and she refers to him as the *anak namboru* (paternal aunt's son), the term used in the fourth line of the proverb in the opening of this section. They address each other with the same term, *pariban*. The maternal uncle of a young man, his *tulang*, will always pay special attention to his nephew, as the latter may marry one of his daughters in the future.⁴⁴ If the nephew plans to marry another woman, he will visit his uncle together with his mother and bring a ceremonial meal to apologize for passing by his daughter and to ask for his permission for the marriage (Ypes 1932:138–9).

Besides marriage between full cross-cousins, a marriage between a man and a woman from any of the *marga* related to his own *marga* as bridegiver in further removed generations is also considered desirable. In such a case bride and groom are related to each other as 'classificatory cross-cousins'. That marriage between actual and classificatory cross-cousins is considered 'ideal' is still reflected in the usual term of address between lovers and married couples: they address each other as *pariban*, even if they are not each other's actual or classificatory cross-cousin.⁴⁵

⁴³ Such a union is known as 'matrilateral cross-cousin marriage' in anthropological terminology.

⁴⁴ Vergouwen 1933:74, 209. The *tulang* also looks after his sister's daughters and at their marriage he always receives a share of the brideprice, the *upa ni tulang* (Vergouwen 1964:173).

⁴⁵ Braasem 1951:268–9, Niessen 1985:90. This is also noted by Kipp (1986:637) for the Karo Batak. Kipp makes an interesting observation that in Karo Batak society before marriage, lovers who are not (classificatory) cross-cousins address each other with the term used for a person of the other sex whom one is not allowed to marry. None of the sources used mentions this for the Toba Batak.

2.7 Reciprocal Marriage Payments

Another conspicuous theme in the myth of origin is the brideprice. Tuan Soripada paid the brideprice to Batara Guru for his daughter Si Boru Sorbajati, the *tuhor ni boru*, literally 'what is exchanged for the daughter'. Receiving the brideprice created an obligation that Batara Guru clearly had to fulfil: after his eldest daughter vanished into another world he had to replace her with her younger sister. The myth thus underlines the function of payment of the brideprice as the sealing of a contract: Batara Guru was reminded by his brother that if he did not provide a new bride he would be guilty of breach of contract, which would only "exacerbate the conflict". What that might lead to is clear from the argument used by the brothers to coax their second sister, Si Boru Deak Parujar, into acceptance of the marriage: their uncle Soripada might sell the whole family into slavery.

The brideprice is part of a wider set of marriage payments or gifts, which are exchanged between the bridegiving and bridetaking parties in a two-way direction.⁴⁶ This is not referred to in the myth, probably because knowledge of this was taken for granted on the part of a Batak audience. The ritual exchange of marriage payments takes place on the day of the marriage. Without exchange there is no marriage and no alliance between *marga*. Phrased differently, in order for a marriage to be accepted by Batak society, it must be concluded by the proper preliminary and finalizing ceremonies, which are always accompanied by the exchange of marriage payments or gifts.

The chain of gifts starts with the negotiations (*marhata*) between a bridegiver (*hulahula*) and a bridetaker (*boru*) starting at the betrothal (*mangoro*).⁴⁷ This leads to binding exchanges of goods until the whole brideprice or a substantial part of it is handed over on the occasion of the marriage ritual (*parunjuhon*) (Vergouwen 1964:170–1; 176–81). On the day the marriage is concluded, not only the two families who become related through marriage as bridegiver and bridetaker are present, but also representatives from each of their

⁴⁶ Comaroff (1980) uses the term marriage payments, while Niessen uses marriage gifts. Neither is a satisfying term. The term payment suggests a transaction that can be concluded by anyone, while the items exchanged at a Toba Batak marriage always have a specific receiver: the term gift indicates that its presentation is voluntary, whereas there is nothing voluntary about the goods exchanged at marriage. For lack of a more appropriate term, I use both terms interchangeably. The Batak themselves use the term *jambar* (see text) which means 'share'. For an early and very influential anthropological work on exchange of marriage gifts, see Mauss (1990 [1923]).

⁴⁷ If a couple takes the first initiative, the chain of gifts starts when they exchange 'tokens of seriousness of their intentions' (*mangalehon tanda hata*).



ILLUSTRATION 4 Negotiations on the marriage payments (marunjuk). Only men sit in the inner circle. The women stand behind the men on the left side of the photograph. Two Europeans wearing a white tropical hat sit in the inner circle. SOURCE: VERGOUWEN 1964 (1933): 176

respective bridegiving and bridetaking clans. This is reflected in the seating arrangement at a marriage ceremony. The two sets of *dalihan na tolu* sit on the village square. The *parboru*—usually the father of the bride, otherwise his substitute—and his brothers who are the host (*suhut*) sit with their bridegivers on their right and their bridetakers on their left facing the rice barn. The bridetaking party and his bridegivers and bridetakers face the host and his house. This party consists of the father of the groom or his representative (the *paranak*), with his male relatives—and the representatives of their bridegiving clans on their right and bridetaking clans on their left side. Representatives of the two groups then express, through the medium of gift exchange, how they are related to each other. This way of contracting a customary marriage is practiced up to this day.

In principle, women are not involved in the negotiations about the marriage payments (*marhata sinamot*). This does not mean that they do not play any role in the process of bringing about a marriage. Mothers may be involved in sounding out the other party to find out whether the marriage is considered desirable or at least acceptable before more formal steps are taken. And they will



 ILLUSTRATION 5
 The bridegiver (parboru) gives an ulos to the bridetaker (paranak).

 SOURCE: VERGOUWEN 1964 (1933): 176

try to further a marriage with the *tulang ni boru* if they consider that marriage desirable. At the time of the marriage ceremony, the mother of the bride is fed by hand (*disulangi*) by the father of the groom, who says to her: "with pleasure I feed thee, aunt, so that thy soul (*tondi*) will always bestow blessings, and thy daughter will soon get pregnant" (Vergouwen 1964:94; Nasution 1943:97).

The gifts exchanged are prescribed by adat. In principle these are unidirectional, meaning that particular goods originate from the *hulahula* to the *boru*, and other goods go in the opposite direction.⁴⁸ The brideprice (*tuhor ni boru* or *sinamot*) from the bridetaking family (*boru*) is exchanged for the appropriate reciprocal gifts (*boli ni sinamot*) from the bridegiving family (*hulahula*). Meat is exchanged for fish, cooked rice for uncooked rice, and so forth.

⁴⁸ The *jambar* is the share one is entitled to in accordance with one's role in the marriage ceremony. There are specific *jambar* for the *hulahula*, *boru*, the raja of the village, and so forth. Niessen (1985:92–102) gives the following categories of gifts: (1) brideprice from the boru (*sinamot*, *pansamatan*); (2) the reciprocation of the brideprice (*boli ni sinamot* or *ulos* gifts) from the *hulahula*; (3) the meat shares (*jambar juhut*); (4) food shares; (5) money shares (*jambar hepeng*).

The brideprice is received by the man who marries off the bride, the *parbo-ru*, who receives the largest share, whereas his brother(s), his son(s) and the representatives of his bridegivers and bridetakers also receive a gift.⁴⁹ Meat and money shares are usually distributed to the wider group of relatives and attending villagers. Up to this day, the master of ceremony calls each person entitled to a particular share of the ceremonial meat loudly and clearly by his name, stating his relation to either *parboru* or *paranak*. If a person is given the 'wrong' share, he will be offended. All the gifts are handed over in public.⁵⁰ The community taking part in the festivities ideally includes representatives of all the *marga* inhabiting a certain geographical area. In this way everyone is informed about the marriage and the new marital alliance.⁵¹

The brideprice is the main component of the marriage payments and used to exceed the value of the counter-gifts. The brideprice is called *sinamot*, but also *tuhor ni boru*, which, as mentioned above, means 'what is given in exchange for the bride'.⁵² The brideprice is part of the category of gifts that go from bridetaker to bridegiver, the *piso* gifts (*piso* means 'knife'). In public address the brideprice is still referred to as 'young cows and old gold' (*horbo na poso, mas na lobangon*), although today it rarely consists of these items. The brideprice is reciprocated by gifts from the bridegiving to the bridetaking side. This category of gifts is called the *ragiragi* or *ulosulos*. These presents always include several Batak woven cloths, *ulos*, the product of Batak women's hands (ill. 5).⁵³ The most important part of the *ragiragi* used to be a paddy field called

52 Another Malay word for brideprice often found in the colonial literature is *jujuran*, but this word was more often used in the sources in the context of the Batak living in South Tapanuli than in the north.

⁴⁹ For details on the division of shares see *Patik* [tr. Vergouwen] (1932)2–4; Vergouwen 1964:177–81 and Niessen 1985:95.

⁵⁰ Such a distribution of meat shares also takes place at funeral ceremonies, where the representatives of bridegivers and bridetakers reconfirm their kinship relationships. I attended such a distribution of meat shares in Balige in 1985 which was conducted in the way described here.

⁵¹ Vergouwen (1964:36) reports that the group invited to a wedding is called the *sapangan juhut*: those who eat the meat together at the marriage ceremony, which may in its most extended form involve representatives from the entire *horja* (cluster of villages in the neighborhood). The circle of persons invited probably depended on the status and wealth of the bridegiver and bridetaker.

⁵³ The gift directly bestowed on the *paranak* is the *ulos pansamot* (probably meaning the *ulos* given in exchange for the brideprice, the *sinamot*), while his brothers receive a type of *ulos* of minor prestige and value. The representatives of the bridetakers of the *paranak* are also entitled to an *ulos* gift.

pauseang, a bridegift for the daughter, primarily meant to feed the family she is going to raise with her husband.⁵⁴ In principle the value of the *ulos* gifts, although less valuable than the *piso* gifts, should nevertheless be in proportion to the received brideprice (Vergouwen 1964:174,181). The value and contents of the marriage gifts depend on the social status and wealth of the families concerned. The economic importance of the gift exchange, however, decreased in the colonial period for reasons summarized in the conclusion.

In the myth of origin, the emphasis lies on the contractual nature of the exchange of marriage payments. But the exchange also served other purposes. Based on the extensive anthropological literature on the subject, Comaroff (1980:17–8) makes a distinction between different functions and meanings of marriage gifts which are relevant in the context of Toba Batak adat prevailing during the colonial period, which I have added in italics:

1. Marriage prestations are essential in establishing the legitimacy of a union, it being assumed that a clear distinction is generally made between regular and irregular relationships. [...]

Without payment of a brideprice, a marriage was considered illegal cohabitation. This was regarded as an offense to the one who 'owned' the woman, her parboru, and the village chiefs for which the culpable man had to pay heavy fines.

2. The passage of bridewealth signals the alienation of various kinds of rights in a woman to her husband and his kind; where it is paid in instalments, the movement of such rights occurs in concomitantly reciprocal stages. [...]

After a marriage with exchange of marriage gifts has taken place, a Toba Batak woman belongs to her husband and his marga. In the past, if the brideprice was not fully paid or the promised counter gifts failed to come forward, the negotiations were renewed or the dispute was submitted to the rajas for mediation.

3. Of these [rights], perhaps the most significant concerns the affiliation of the children: especially in patrilineal systems, brideprice is childprice. *Without exception children belong to the* marga *of the father. A woman has no rights of custody in the case of a divorce. A child born out of wedlock does not become a member of the mother's* marga. *If the mother is married, the child belongs to the* marga *of her legal husband and not to the clan of the natural father.*

⁵⁴ One should keep in mind that gifts from the bridetaker to the bridegiver never involve land.

4. The payment marks a transformation of personal and social statuses, not merely for the couple, but also for the wifegivers and -takers, who become affines, whatever else they might have been before. *This pertains to the Toba Batak context, too.*

Comaroff emphasizes that the jural approach has been central to the established anthropological analysis of marriage payments, in particular of the institution of the brideprice, which is a common characteristic of patrilineal societies consisting of unilinear descent groups. This approach indeed had a pervasive influence in the Toba Batak context during the colonial period:, many disputes related to marriage gifts were brought before the colonial courts. But during the early colonial period, the exchange of marriage payments encompassed far more than establishing the legitimacy of a marital union and a kinship alliance. The exchange at marriage made it possible to channel to a wide variety of economic, political, and social interests of the concerned parties, as will be shown in the next chapter. Toba Batak men arranged marriages as a means to exchange valuable assets like in the case discussed by Comaroff (Comaroff 1980:19).

The first European observers who wrote about Toba Batak society—both travellers and missionaries—were less inclined to pay attention to the jural aspect of marriage: they were far more struck by the economic aspect of the exchange, viewing marriage as a commercial transaction: a brideprice for a bride. This misunderstanding created a huge problem of communication and tension between the missionaries and the Toba Batak rajas stretching over several decades (see Chapters 7 and 8).⁵⁵ Gradually a more sophisticated understanding of the multiple purposes of the exchange of marriage payments took over, which included the following assessment as described by the anthropologist Comaroff (1980:15): "corporate groups [...] create relationships of affinity and debt with each other, affirming their own internal solidarity and mutual interests in the process".

This may still be the case. However, in the concluding chapter I will argue that although the exchange marriage gifts is a custom upheld by the Toba Batak up to this day, it no longer serves the previously wide variety of purposes.

⁵⁵ In 1933, Vergouwen (1964:44) criticized the interpretation of the exchange as a commercial transaction as follows: "It is often said that the Batak 'buys' his wife. With this idea in mind it is rather difficult to understand that relations can still be maintained between two parties after this transaction".

2.8 The Right Marriage is a Fertile Marriage

Ingkon na maraek manang martak do Asa na marrongkap bagot I tu pangindit		The sugar-palm must have sap or wine If it is to be compatible with its tapper NIESSEN 1985:117
Bintang na rumiris, ombun na sumorop, Anak per iris, boru pe torop		Sons as many as the stars of heaven, daughters as many as the heavy, low hanging clouds ⁵⁶ TOBING 1956:80–1
Lakal di ginjang pintu, singkoru nigolomfolom Anak sampulu pitu, boru sampulu onom	The bark of a tree placed above the entrance <i>singkoru</i> corn abounds May you beget seventeen sons and as many as sixteen daughters BRAASEM 1951:61	

Batara Guru and Soripada, as we saw, were afraid that the inappropriate marriage between their children would be subject to the curse of infertility. This anxiety points to what they clearly considered most important: that the marriage of their children would be blessed with offspring. This is confirmed by the presence of a particular deity in the pantheon, Debata Asiasi, who is invoked when a married couple is not blessed with children.

For a marriage to be fertile, the souls of husband and wife must be compatible, for which the Batak use the term *rongkap*. This is suggested in the first proverb quoted above which tells us that the tapper—symbolizing the male—must be compatible with the sugar-palm—symbolizing the female (Symbols of fertility also adorn traditional Batak houses, see illustrations on next pages). *Rongkap* works two ways: the soul of each partner must be favourably inclined towards the other. As long as Si Boru Deak Parujar's husband had an ugly countenance, she refused cohabitation because she did not feel attracted to him. Tuan Rumauhir had to change countenance before Si Boru Deak Parujar was willing to accept him. Only then could she have sex with him and conceive. Mula Jadi Na Bolon apparently understands this, and that is why he asks Mangalabulan to cut

⁵⁶ These verses were used in the address to Julia Hutabarat and her husband (Chapter 1, page 1).

Fertility Symbols



ILLUSTRATION 6 Richly ornamented house of a Toba Batak raja (1890). SOURCE: COLLECTION RIJKSMUSEUM VOOR VOLKENKUNDE (STATE MUSEUM FOR ETHNOGRAPHY), LEIDEN (HENCEFORWARD RMV), NO. A056-10. PHOTOGRAPH BY E. MODIGLIANI



ILLUSTRATION 7 Detail 1. The carved ornament (dila payung) hanging from the tall peak of the roof is a phallic symbol, representing male fertility. SOURCE: COLLECTION TROPENMUSEUM(ROYAL MUSEUM OF THE TROPICS AMSTERDAM, HENCEFORWARD TM), NO. 10017206



ILLUSTRATION 8 Detail 2. The carved wooden breasts (bagot ni ruma or susu ni rumah) on either side of the house entrance are symbolic of female fertility. SOURCE: TM, NO. 1001207

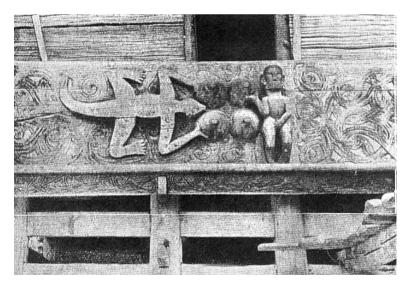


ILLUSTRATION 9 Detail 3. Fertility symbols combined. The lizard is another symbol of masculine fertility (perhaps reminiscent of the rejected fiancé of Si Boru Sorbajati and Si Boru Deak Parujar, who was a lizard). Note the erotic character of the representation: the lizard on the left side and the human figure on the right touch the breasts, with the image of the man clutching his genitalia. SOURCE: WINKLER 2006: 123

his son Tuan Rumauhir into pieces so he can reincarnate as a handsome man. The reincarnated husband, Bulu Gading, is acceptable to his wife, and becomes the father of humankind. The myth appears to emphasize the importance of a man's physical attraction for a woman as a condition conducive to mate. The message of this myth addressed to fathers may be read as follows: if a father wants his daughter to accept his choice of partner, he should find her a groom she is (sexually) attracted to. In this way he fosters the possibility of his daughter's fecundity and a stable relationship with his bridetaker.⁵⁷

The overarching theme of the myth of origin, however, is not women's fertility. The theme is present, but mainly metaphorically in Si Boru Deak Parujar's power to create the earth. Her own fecundity is less obvious and even ambiguous. In some versions of the origin myth, she even remains single, weaving on the moon, a highly unconventional status for an adult woman and far removed from the Toba Batak ideal of a woman's life. Even in the versions where she becomes a mother, her motherhood and her relationship with her children are not presented as important themes.

The myth is also remarkably reticent about the relationship between husband and wife per se. No equivalent of Renaissance romance is encountered, such as that between young Romeo and Juliet, or of the endearing elderly couple Philemon and Baucis, the symbol of everlasting love in Greek mythology. The concept of romantic love was not a prominent theme in Toba Batak mythology, nor was this the case in real life, according to missionaries who worked among the Toba Batak in the nineteenth century. They observed that mutual affection could exist between spouses, but remarked that it was not valued as a necessary condition for marriage. Marriage was predominantly for producing children, which would prove the compatibility of the couple's souls.

Infertility, on the other hand, was the most dreaded fate, as has been related in the tale about Debata Asiasi. In the myth of origin discussed above, however, infertility does not emerge as a prominent theme. But it surfaces in quite a few other myths.⁵⁸ One of these tells the tale of the origin of the offering rack

⁵⁷ The lizard-like shape of Si Boru Deak Parujar's fiancé can also be read as a metaphor for the *sumbang* nature of the marriage, which had to be corrected by his transformation. The suffering of a (skin) disease appears more often in Indonesian myths as a sign that something is amiss in a relationship between spouses or between a ruler and his people (Jordaan and Josselin de Jong 1985).

⁵⁸ Infertility may not have been a major theme in the myth of origin, but it appears in several other myths (Voorhoeve 1927:37, 40, 72, 109).

(ragaraga) (Tobing 1956:78–81). This offering rack has the form of a square basket and was a regular item in a traditional Toba Batak house, suspended from the third horizontal roof beam. The ragaraga served many ceremonial purposes (Angerler 2002:212). According to the myth, the first ragaraga was produced because Boru Si Basopaet, the second wife of Tuan Sorimangaraja, was sad when the ruling raja announced that he wished to give a feast and invited everyone except barren women. Boru Si Basopaet cried, as she wanted so much to assist in the preparations for the celebration. She complained to her husband, Sorimangaraja, who sent for a *datu*, hoping this man could find a way to put an end to his second wife's barrenness and misery. The *datu* ordered Sorimangaraja to make a wide, square rack for Mula Jadi Na Bolon in his role as Lord of the Middle World, Silaon Na Bolon. On the rack should be placed a pot filled with oil and an effigy of Debata Idup (the god of life). When everything was ready, Sorimangaraja invited all his relatives for the consecration ceremony for the new seat of the god, and some time later Boru Si Basopaet gave birth to a child.

This myth indicates not only that barrenness was considered a curse for a woman, but also that barrenness could have painful social consequences for her. In Boru Si Basopaet's case, her craving for a child is fulfilled and she is spared further disgrace by the *datu*'s intervention and the construction of a new device, the *ragaraga*, made especially to remedy her barrenness. In Chapter 4, the traditional ceremony is described which used to be held in the case of a woman's barrenness, and in which the *ragaraga* played a central role.

Thus, having children is the most desired destiny, both for men and women. As the proverb at the opening of the paragraph suggests, the ideal is to have as many children as possible, preferably both boys and girls. This is mirrored in the proverb about sons as many as the stars above and girls as many as the clouds in the sky, and the quite extravagant desirable number of children, seventeen sons and sixteen daughters. No woman can possibly give birth to as many thirty-three children. But are boys and girls treated equally and considered of equal importance? The proverb "one bends over to hand-feed masticated rice to sons the same way as one does to daughters" (tungkap marmame anak, tungkap marmame boru) may give the impression that this is indeed the case. But the saying should be interpreted in the context of the role of sons and daughters in the light of the marga's interests for survival. Sons and daughters are both important to their parents, but in different ways: boys perpetuate the lineage, while girls, by virtue of their marriage, provide their families of origin with bridetaking clans. Needless to say, the first has precedence over the latter. Without perpetuation of the lineage, the relation with another marga mediated by a daughter becomes meaningless, because there is no son who can take

over his deceased father's position as the woman's *parboru* and as bridegiver to her husband's family.

The precedence of sons over daughters is only hinted at in one version of the origin myth in Tobing's book. In this version, Batara Guru wants to know how his younger brothers have fared, so one day he sets out to visit them. He first arrives at the village of his youngest brother, Mangalabulan, who presents his daughters and sons to him. Batara Guru is not pleased, because he thinks his younger brother favours his daughters over his two sons.⁵⁹ When he subsequently visits Soripada, he finds that the latter duly gives precedence to his sons. Is it perhaps for this reason that Si Boru Deak Parujar later in the story goes to visit a daughter of Soripada and not one of Mangalabulan's (Tobing 1956:60–1)?

2.9 Myth and Reality: Recurrent Themes

In this chapter the relationship between Si Boru Deak Parujar as well as her elder sister Si Boru Sorbajati with their father Batara Guru and grandfather Mula Jadi Na Bolon is presented as a hierarchical one. Batara Guru clearly thought he had the right to control the behaviour of his daughters: he tried desperately-to command their compliance in the marriage he had arranged for them. But both daughters chose to act autonomously. In the case of Si Boru Sorbajati, her action resulted in a stalemate: she vanished from the world above and was transformed into a sugar palm. No reconciliation with the pantheon took place. Si Boru Deak Parujar was more successful. Although she made the same choice as her elder sister and defied her father's wishes, she could still exert influence on her grandfather's heart and was assisted by him to survive in the middle world. In the end, after she had married and given birth to twins, all the gods descended to celebrate the good fortune in her family. This reconciliation opened an opportunity for Si Boru Deak Parujar and her husband to return to the abode of the gods later on. Their descendants were left behind in the middle world but continued to maintain a relationship with the gods through prayers and ceremonies—a happy ending for a story that began with a major disaster.

⁵⁹ According to the first myth recorded by Tobing (1956:51–2) Mangalabulan was an impolite, unruly, quarrelsome, boisterous, dirty but also hospitable character, so it is congruent that in the second version of the myth he is also portrayed as the one who goes against custom.

In pre- and early colonial Toba Batak society, the hierarchical relationship between fathers and daughters was constructed by Toba Batak adat in a very similar way as the relationship between Batara Guru and his daughters. This convergence between Toba Batak adat and myth is not surprising: both are social constructions of the same society. As in the origin myth, adat vests the power in a father to make the decisions regarding the marriage of his daughter. But this does not exclude the possibility of a daughter opposing her father and eventually commanding compliance from him. The themes of the father's authority to arrange a marriage, and the room allowed to a daughter to choose her own spouse, are reflected in the different scenarios to conclude a marriage sanctioned by customary law, which are discussed in the next chapter.

There is one other theme that needs to be introduced. If the worst scenario for Batara Guru and his daughters following the failed arranged marriage are compared, one finds a striking difference in what it means to be woman and a man in Toba Batak society. A father may risk the loss of a daughter and the possibility of acquiring a desirable bridetaking *marga* (*boru*) if his daughter opts out of the arrangement. But his status as a human and social being is never really at stake. A daughter, on the other hand, faces the possibility of a much harsher fate. By her refusal to comply, she can become a social outcast, a human being of inferior status. A destiny such as this is spared the son who defies his father. Whatever he does, he remains a member of his *marga*. In everyday life, the different position of women was reflected in their status as legal minors.

All the themes introduced here will recur in the following chapters covering conditions prevailing in the nineteenth century. The second part of this study focuses on the influence of the mission and colonial state pertaining to these themes.

2.10 Toba Batak Mythology as a Reflection of Gendered Interests

The myth of the origin of mankind and the creation of the world is the bestknown story produced by Toba Batak society. The myth is not simply a narrative about the origin of the earth and the Batak people in a mythical past. Essentially, it tells the story of the origin of the Toba Batak kinship system and the way it should be upheld by its main pillars—patrilineal descent and exogamous marriage with the exchange of marriage gifts.

It is abundantly clear from the episodes about the betrothal of Si Boru Sorbajati and Si Boru Deak Parujar that male parental authority is ideally to be respected, not contested. The myth conveys the message that the father has the right to control the destiny of a daughter. But the myth also conveys the moral that even if a daughter resists male parental authority, a father should not reject her out of spite. Si Boru Deak Parujar is not abandoned by her family. Her grandfather is the first to take care of her. And after she marries and has children, she is accepted again by the entire extended divine family. Reconciliation is important from a father's point of view. Acknowledging a marriage forced upon him by a daughter is still a better option than rejecting it. It is preferable to obtain a bridetaking lineage that is not the one of his choice than to gain no bridetaker at all, if she chooses to commit suicide. The myth, when read as a moral guideline for proper and ultimately advantageous behaviour, is a guideline for men on how they should proceed to bring about the marriage of a daughter and ensure the stability of the relationship with the bridetaking party-to-be.

Although the central acting figure, Si Boru Deak Parujar, is a woman, do the myths reflect the interests most central to Toba Batak women in general? Yes and no. Marriage is indeed the central institution in a woman's life, according to the Toba Batak. Phrased by me, the moral of the story addressed by Si Boru Deak Parujar to all Batak women consists of a warning:

Be careful not to act like me! Look, my poor sister, Si Boru Sorbajati, who vanished into thin air, turned into a sugar palm, and lost the connection with our family. Look at me: I nearly drowned in the sea in the middle world! How hard I had to struggle to create the earth in order to survive! It is much safer to conform to your father's wishes when it comes to the arrangement of your marriage!

But Si Boru Deak Parujar's message was not univocal. She had something else to say as well:

But if you have the courage and think that all the hardship is worth it, you may take the risk of going after your own desires. Perhaps, like me, you will be lucky and eventually the family will come around and seek reconciliation. But you cannot count on that, and that is the problem. Look at my sister, she lost her humanity.

In sum, Toba Batak mythology reflects first and foremost the interest of the patrilineage to forge suitable alliances by allocating the role of intermediary to women. It is revealing that the ultimate social disaster—an infertile marriage or a marriage not blessed with a son—does not figure in the myth of

origin. These problems surface only in a few myths of lesser status. Perhaps this reflects the situation that men had more options open to them than women to cope with the problem of an infertile marriage and lack of male offspring.⁶⁰

⁶⁰ This difference is discussed in Chapter 4, Sections 4.5 and 4.6 and Chapter 5, Sections 5.3 and 5.4.

Customary Marriage

The parents of the girl always receive a valuable consideration (in buffaloes or horses) from the person to whom she is given in marriage. [...] The daughters, as elsewhere, are looked upon as the riches of their fathers.

MARSDEN [1783] 1975:382¹

William Marsden, who wrote the first treatise on "the Batta" as early as 1783 as a chapter of his book *The History of Sumatra*, provided his readers with nothing more than the short description above on the contracting of marriage among the Batak. His observation that a daughter was exchanged for a "consideration", meaning a brideprice, was confirmed over and over again by other authors who wrote on Batak society during the nineteenth century. The general view was that Batak women were little more than a commodity, "sold" by their fathers. Present-day historians are better equipped than Marsden and his nineteenth-century successors, who worked as ethnologists *avant la lettre*. Modern anthropologists have produced conceptual tools to analyse kinship, marriage, and gender relationships in traditional societies. The lesson to be learned from this body of literature is that a society needs to be understood on its own terms.

When focusing on Toba Batak views on marriage in the nineteenth century, the first question that comes to mind is: what constituted an ideal marriage? In the previous chapter, the preference for a marriage with a cross-cousin was discussed; but in pre-colonial times and the early colonial period, the conclusion of a marriage was based on many other considerations. Marriage, specifically the exchange of marriage gifts, was the pivot around which pre-colonial Toba Batak society revolved. It was an 'all-purpose' institution that served to preserve and enhance the social status of men and to channel their economic and political interests. Therefore, arranged marriages were a prominent feature of Toba Batak society.

Marsden meant that the practice was also found elsewhere on the island of Sumatra. He did not differentiate between different Batak groups. His description is relatively extensive compared to that of several other Sumatran ethnic groups. He never visited the interior of North Sumatra in person: his sources were among others, three of his brothers who had all served as Resident of Natal in South Tapanuli (Wink 1924:10).

This leaves us with the next question: if marriages were arranged by fathers, did women, in particular daughters, have any power to influence their choice of partner? Renée Hirschon (1984:1,13–4) posits that in the majority of systems where marriage payments are the rule, the exchange of women and property—indeed all transactions—involve only men. It is they who conduct the negotiations and also profit from the exchange, whereas women do not have the power to conduct marriage transactions. Two other features of these societies underlined by Hirschon are the occurrence of forced marriages, and marriage by forceful abduction of the bride. Toba Batak marriage used to be characterized to some extent by these three features. Thus, at first sight, the balance of power seems to have been heavily in favour of Batak men.

But this superficial conclusion leaves the issue of the agency of the bride in the dark.² Section 3.3 discusses the reasons of fathers and daughters for taking each other's interests into account if a marriage was arranged, as well as the perils each faced if they did not do so. The agency of daughters and sons was more obvious when a marriage was not arranged, but the outcome of ritualized courtship (3.4). If one or both families were not pleased with the relationship, the couple was in trouble, but not powerless. Their options are presented in Section 3.5.

Hirschon's statement that men negotiated the marriage payments and profited from them, leaves the impression that the bride's agency was of no consequence to the outcome of these negotiations and that she had nothing to gain or lose. In the last section of this chapter, I argue that as far as the Toba Batak context is concerned, both inferred conclusions are mistaken.

3.1 Hypogamy: The Ideal and the Practice

Men and their families generally tended to look for a marital alliance with a family more powerful and wealthy than their own. In other words, the ideal marriage should be hypogamous: a man should preferably marry a bride from a family of higher status. This is consistent with the ritually higher position

² Feminist anthropologists have added the perspective of women as active agents as a reaction to the influence of structuralism in anthropology (Moore 1988:38–41). This chapter does justice to this perspective, as well as to the structural features of Toba Batak kinship, because both perspectives complement each other. We cannot know how structures are preserved without knowing the agency of the individuals involved, nor can we understand the agency of individuals or groups (motivations and actions) unless we know the social structures and dominant rules regulating their society.

of the bridegiver (*hulahula*) versus his bridetaker (*boru*), a point already discussed in the previous chapter. The principle of hypogamy certainly played a role in situations where there was a real or perceived difference in status or power. It was quite common for a daughter of a ruling *marga* to marry a man from an in-living clan in the village of her father, in particular if his ancestor had assisted in founding the village.³ More often than not, such a marriage was a repetition of earlier marriages between the two *marga*, the bride and groom being related as cross-cousins. The economic reasons for such hypogamous marriages will be explained below. In only one case was hypogamy out of the question: a daughter of a free Batak would never be married off to a man of slave status (*hatoban*).

Hypergamy, the opposite of hypogamy—a woman marrying 'upwards' with a man from a family of higher status than her own—also occurred.⁴ For example, if a poor man was unable to settle a debt with a raja, he could offer a daughter in marriage and forego the brideprice. Such a marriage was of course not considered ideal by the bridetaker, because who would want to have a poor bridegiver? Another instance of hypergamy was as a result of the pregnancy of a girl from a lower status family who had been courted by a boy of a more prominent family. From the point of view of the bridetaker, this might be yet again an undesirable marital alliance. In sum, hypergamy was not an ideal option.

For the majority of marriages, the principle of hypogamy must have been irrelevant, since most marriages linked *marga* of approximately similar status and wealth. Nevertheless, the vocabulary consistent with a hypogamous marriage was meticulously maintained during marriage negotiations and afterwards: the bride's family was always positioned in the ritually higher position of the bridegiver (*hulahula*).

3.2 Reasons for Forging Marital Alliances in the Nineteenth Century

In the myth of origin, Batara Guru and Soripada betrothed their children without informing them. The marriages were arranged with the best interests of the children in mind: they needed mates and there were no alternatives. Batara Guru and Soripada hoped the children would go along with their arrangement.

³ If the raja of a village had taken with him a bridetaker to assist him at the time the village was founded, the descendants of this bridetaker—the in-living *marga*—had more authority in the village council and more secure rights to land than bridetakers who came to live in the village in later generations.

⁴ The terms hypergamy and hypogamy are used in accordance with the explanation by Kloos (1981:241–2).

Not surprisingly, no mention is made of any other motive on either side: the myth revolved around the themes of creation and procreation.

In contrast to Batara Guru and Soripada, fathers in the nineteenth and early twentieth century had more in mind when they arranged a marriage for their children than merely getting them married. First of all, the rules for prohibited marriages had to be upheld; and, second, if considered desirable on both sides, a continuation of an existing marital alliance would be sought. As we have seen in the previous chapter, the ideal marriage, the most coveted union in Toba Batak society, was a marriage between cross-cousins—the father's sister's son marrying the mother's brother's daughter. But even these marriages were often not contracted for that reason alone.

Access to Land and Labour

In Toba Batak society where the majority of the people lived off the land, marriage had the function of channelling the main assets required for agricultural production: land and labour. Land was still relatively abundant in the nineteenth century. Whether it could be put to use for the cultivation of subsistence crops depended on the availability of labour.

A common way for a raja or other member of the ruling clan to obtain labour was to offer his daughter to an outsider, a man from another marga, who would be willing to come and live in the village. For the raja, this arrangement had several advantages. The population of his village would increase and more land in the vicinity could be tilled, which would make the village more prosperous, elevate his own status, and increase his strength in case of a conflict with a neighbouring village. The bridetaker had the advantage of gaining access to a part of the village's rice fields in the form of a bridegift given to the bride by her father. In particular, the descendants of a bridegiver who had assisted the ancestor of the ruling family when founding the village were often highly respected and allowed a say in village affairs. A man from a longstanding in-living bridetaking clan had a vital interest in maintaining the affinal relationship, since his assets were tied up with the village. If he had a son, he was inclined to obtain a wife for him from his old bridegiver, and it would be improper for the latter not to honour his request.⁵ Thus, the preference for a marriage between cross-cousins had a strong economic basis.

A man without a son, or having sons who were still too young to work, might seek a son-in-law because he was in need of male labour. In particular, young men from poor families were attracted to this arrangement, because it was

⁵ Vergouwen [1933] 1964:216; Ypes 1932: 6–8. The motivation of men to gain access to farm land through marriage was still found in the village of Lintong ni Huta in the 1970s by Lando (1979:187).

difficult for their families to pay the brideprice for a wife. The young man would earn the brideprice by working for his father-in-law during a certain period of time.⁶ However, the position of 'a son-in-law who is fed' (*sonduk ni hela*) by his wife's family had disadvantages. He had no say whatsoever in the household of his bridegiver, and his father-in-law could exploit him by keeping him at work for an indefinite period.⁷ He could only hope that one day his wife's father felt that he had earned his wife by hard work and allow him to take her to his own village.⁸

A family could also be in need of female hands to work in the fields and the household—for example, if the mother could not cope with the workload because she had no daughters, or her daughters had married and left their parental home. If there was a son, a wife would be sought for him, even if he was still under age, in which case the marriage would be consummated later. Such a daughter-in-law was called a 'bride at the rice mortar' (*parumaen di losung*). If she gave birth to a child sired by her father-in-law, it would be passed off as the child of his son.⁹

Other relations of an economic nature could also be channelled through marriage. A father might offer the builder of his house a daughter in marriage in return for the latter's labour and the wood for the construction.¹⁰ Traders from different regions could betroth their children in order to obtain a reliable business partner.¹¹

- 6 Missionary Meerwaldt (1894:537) recorded that parents often badly needed hands to help them out and were even prepared to marry off a daughter for a low brideprice for this reason. The *sonduk hela* relationship existed in Silindung at the end nineteenth century (*Ruhut* 1898 [tr. Meerwaldt 1904/5:103 en 104]). But apparently the custom became less common: late colonial sources say that it was less common in the Toba Batak region than in the coastal area of Barus, and Mandailing and Angkola in South Tapanuli. (κ1TLV, Korn OR, 435. 432. 435.434, 432.435; *Pandoe* 1936:6:58–9).
- 7 The possibility of exploitation is implied in the proceedings of the missionary conference held in Sipirok in 1885, which advocated the drawing up of a clear agreement in the presence of elders on how long a young man had to work to meet the brideprice (UEM, F/b 1 KP 1885, Sipirok p. 2).
- 8 *Ruhut* 1898 [tr. Meerwaldt] 1904/5:103–4; Grondenrecht 1915:43; Ypes 1932:205, 248, 283, 320, 327, 374, 402, 460, 511; (Vergouwen [1933] 1964:216–7).
- 9 Raja Jacob, the author of *Ruhut* (1898 [tr. Meerwaldt] 1904/5:275) called sexual abuse of a girl by her father-in-law "something evil". Vergouwen [1933] (1964:188) stated thirty years later that such abuse still occurred in Toba Holbung, but was considered unworthy elsewhere. See also Ypes 1932:27.
- 10 Ruhut 1898 [tr. Vergouwen 1932: 128–9] and Vergouwen [1933] 1964:189.
- 11 Interviewee 12, Tiambun Tobing, mentioned that she had been betrothed by her father for this reason. Eventually she married someone of her own choice, and her younger sister married the former fiancé.

The Need for a Political Alliance

One seeks power and honour. That is why one always seeks out the daughters of the rajas and the powerful, in order to have support against the enemy, against robbers, adulterers and bullies, because in the past one needed to seek protection against the likes of those. That is what one kept in mind when choosing a bride.

(*Patik* 1899 [tr. MEERWALDT] 1904/5:276)¹²

As the quote above indicates, the daughters of rajas were much in demand. This was due to the need for marital alliances between powerful men in the context of the fragmented political constellation of the region in the nineteenth century. A detailed map of political alliances in pre-colonial North Tapanuli is not available in the literature, but the following example of the marriage strategy of the last priest-king, Si Singamangaraja XII, also known by the name of Patuan Bosar (circa 1855–1904), suffices to demonstrate the importance of such alliances. He obtained allies by his marriages with many clans throughout the entire northern part of Toba: he badly needed their support for his efforts to counter the intrusion of the Batak Mission in the mid-1870s and to fight the Dutch colonial army in the following decades. This probably explains why he had a much larger polygamous household than any of his predecessors. Whereas the latter had only two or three wives, he had six (Situmorang 1993:213).

A new marital alliance was forged by the choice of his first wife, a woman from the *marga* Simanjuntak of Lintong ni Huta on the Humbang plateau.¹³ Like his own *marga* Sinambela, this clan belonged to the Sumba conglomerate of clans. The Simanjuntak clan rallied behind him during his first attacks on the missionary posts in 1878 and 1883.¹⁴ His second marriage was not surprising: it repeated the old marital alliance of his own dynasty with the *marga* Situmorang from Lintong on the eastern shore of the island of Samosir. His own mother originated from this *marga*. The Situmorang clan belonged to the Lontung conglomerate of clans, which ensured him the support of at least some clans

¹² Bruch (1912:15) wrote in a similar vein: "The fact is that the heathens seek wealth, power, and glory".

¹³ The Singamangaraja married this woman around the time the Batak Mission set up the first missionary station in Bahal Batu (Humbang) in 1876, which would explain the reason for the marriage.

¹⁴ Sidjabat (1983:182) mentions two short-lived marriages ending in divorce with women from his home village Bakara after his defeat in 1883 (not mentioned in Situmorang), after Patuan Bosar married his first wife and before he married *boru* Sagala.

of this group.¹⁵ The alliance with the Situmorang clan was also advantageous because that family had connections further north, even as far as Aceh, and with the kingdom of Purba on the western shore of Lake Toba, its raja being a bridegiver of the Situmorang clan. When Patuan Bosar was forced to flee his residence in Bakkara in 1883 because Dutch colonial troops were hunting for him, he took refuge with his father-in-law on Samosir, who continued to support him until the Dutch occupied the island (Situmorang 1993:106).

Patuan Bosar availed himself of support on the western shore of Lake Toba through his third marriage, with a woman from the *marga* Sagala—another clan from the Lontung group. His fourth marriage followed the pattern of his first marriage, a marriage within the Sumba group, with a *boru* Nadeak, from Tanjungbunga in 1883 (prior to his second attack).¹⁶ His fifth marriage may not have been inspired primarily by political motives. The woman in question, from the *marga* Siregar from Muara on the south shore of the lake, was his elder brother's widow, whom he took in levirate (Sidjabat 1983:456–7). But the marriage served him well, securing the loyalty of this bridegiver, as proven during the first two expeditions he launched against the Dutch in 1878 and 1883.¹⁷ Patuan Bosar's sixth and last marriage was with a woman from the Berutu clan from Dairi, the region north of Lake Toba. It was in this region that he hid before he was finally shot by the Dutch colonial army in 1907.

Patuan Bosar's marital alliances clearly covered a far more extensive area than those of his predecessors. This reflected not only his need for political and military support, but also his embattled position, which is most obvious in the case of his last marriage and that of his daughter Rinsan.¹⁸ Another influential raja who created a wide network by marriage alliances at the end of the nineteenth century was the raja of the small island Pulo Sibandang. He married

¹⁵ Castles (1979:74) noticed the importance of the Singamangaraja's marital alliances with marga belonging to the Lontung conglomerate of clans, but did not give details on the marga involved.

¹⁶ He abducted this woman (*mangabing*), who was betrothed to Ompu Palti Raja from Urat (Lontung group), Samosir, which cost him dearly: the latter sided with the Dutch against him (Situmorang 1993: 186–7).

¹⁷ Like the rajas of Lintong ni Huta, the rajas of Muara only paid lip service to the allegiance forced on them by the Dutch after the defeat of the Singamangaraja's troops in 1879, and shifted allegiance immediately when Patuan Bosar marched against the Dutch again, in 1883 (Chapter 6, Section 6.4).

¹⁸ He married off his daughter Rinsan to Opu Ni Onggung from Muara in 1907, prior to his death, but his son-in-law proved disloyal (Situmorang 1993: 188). The author does not give information on the marriages of the Singamangaraja's other children.

Photographs of Toba Batak People and Their Culture in the Northern Part of the Toba Batak Homeland. The Photographic Collection of the Italian Ethnographer and Photographer Elio Modigliani

Elio Modigliani visited the northern part of the Batak lands in October and November 1890. At the time this area was still outside the region already occupied by the Dutch (Giglioli 1893:11). His photographs form the largest and best collection of images of Toba Batak people and their society prior to Western intervention. His photographs are mainly of Toba Batak people, men and women, young and old, rich and poor. Like other photographers of his time, Modigliani intended to show their distinct 'racial' features, often taking pictures of the same person from the front side, in profile and full posture (photo's of Nai Muara and Guru Somalaing (profile) on the cover of the book and no. 10 front side). Modigliani also photographed houses of the rich and poor (no. 6 and no. 14), and people busy with work and religious ceremonies. The majority of the photographs in the first part of this book are taken from his collection.

Raja Hutsa, photographed by Modigliani in 1890 (Ill. 10), accompanied him to the village of Singamangaraja XII which was destroyed by the Dutch in 1883. According to Modigliani, Raja Hutsa was the greatest chief of the southern basin of Lake Toba (Reid 1995:200). He apparently enjoyed the advantage of many marital alliances with influential chiefs in the region. In this photograph Raja Hutsa does not appear to be a person of high status. He wears a simple hip cloth, probably has a dagger or other weapon tucked in the back of his hip cloth, and over his shoulder wears on a string what appears to be a pouch for tobacco. Perhaps this was his daily clothing. Compare this photograph with Modigliani's photograph (no. 17) of the regal-looking rich young man sitting next to his wife. Compare this, too, with the photographs of a raja from Balige and another from Silindung by A.A. Bierens in the same year (no. 51 and 52).



ILLUSTRATION 10 Raja Hutsa of Pulo Sibandang (1890). SOURCE: RMV, NO A 56–14. PHOTOGRAPH BY E. MODIGLIANI

off his seven daughters to seven rajas as powerful as himself from all over the Batak region, as far as Silindung. $^{\rm 19}$

Sometimes marriages were concluded between clans who lived quite far removed from each other but were united in a longstanding federation called *janji* (Malay: promise or agreement). The federation between the *marga* Sipaettua in Laguboti, on the southeastern shore of the lake, and a religious community, or *bius*, on the island of Samosir was called *janji pariban* (the term for a person of the opposite sex whom one is allowed to marry). This gave young men of the *marga* Sipaettua the opportunity to court women from the *marga* Sinaga.²⁰

To Settle a Debt

Are you unable to pay, point out one of your daughters so she can become the one to be burdened with the debt.

(*Patik* 1899 [tr. vergouwen 1932: 57])

Life was harsh and insecure in pre-colonial times, and remained so well into the early twentieth century. Crops failed, cattle died, wars left families destitute. Disease and death could befall a family and cripple its capacity to survive.

¹⁹ Vergouwen [1933] 1964:189. Another political marriage was concluded by Opoe Potjoeroengan, a raja in the area east of Baros around 1880, who married off his daughter to Potjoe Hotoeran in Dolok Sanggul to gain the latter's support for his scheme of expansion in the region (*Verslag* 1917:260).

Federations were formed for a variety of other reasons as well: to unite two lineages living far removed from each other; to provide mutual support in war; to guarantee safe passage in each other's territory; and to guarantee a fair trial for a member of the other *marga* (Ypes 1932:8, 162, 223, 302–5, 343, 384, 437, and 504; *Sejarah negeri Dolok Sanggoel* KITLV, Korn Or. 435.453, p. 16; [Schröder] 1922:28–30; Salomo 1938:34–43). Relations between *marga* united in a *janji* were kept alive by mutual visits (KITLV, Adatrechtstichting, H 1051, 87, "De hoelahoela op bezoek", *Palito Batak* 5 July 1928).

CUSTOMARY MARRIAGE



ILLUSTRATION 11 Young woman, Si Suralaga (1890). SOURCE: RMV, NO. A 056–40. PHOTOGRAPH BY E. MODIGLIANI



ILLUSTRATION 12 Young man, Si Managin (1890). SOURCE: RMV, NO. A 056–61. PHOTOGRAPH BY E. MODIGLIANI



ILLUSTRATION 13 Young Batak woman (1870). SOURCE: KITLV, NO. 10507. PHOTOGRAPH BY K. FEILBERG (CA.1867–1870)

Clothing, Adornments, and Hair Styles: Markers of Social and Marital Status

Photographs 11 and 12 show two young people with no adornments from the northern part of Toba. The girl wears a simple cloth covering her breasts, the marker that she is still unmarried. The young man wears his hair long and has a bare torso. The third photograph (13) from an earlier period, taken by the Danish photographer F. Feilberg, shows an unmarried young woman of a wealthy family. She wears more elaborately woven cloth (including a shoulder cloth) and jewellery (earrings, a necklace and rings). Wearing jewellery was also a marker of the unmarried status of women.

What to do? To whom could one turn? The head of a family had to find a way out. The Dutch Controller W.G.T.M. Dekker, who wrote a detailed report on slavery and debt-bondage in the district Toba in 1904, explained the ways a man could run into debt.²¹ In particular, the head of a poor but large family with limited access to fertile land was vulnerable, as the raja and the more wealthy families usually had the best fields close to the village, leaving the less well-drained plots for him to till. If his plot did not yield enough to feed his family, he was forced to ask the raja of the village or someone else to cover the shortage.

Such assistance was not given for free. The food supplied had to be returned with interest at the time of the next harvest. As this was usually difficult, a man could easily become heavily indebted over time to his 'benefactor'. It seems plausible that in the early and mid-nineteenth century, becoming indebted was more likely than by the time Dekker wrote his report. Interest on debts was extremely high in pre-colonial times and could double within a year, triple in two years, and so forth.²² Th.J. Willer (1846:195), who described the conditions in South Tapanuli several decades earlier, wrote that "for even one sack of *padi* (harvested rice), over a certain period of time, a whole family could become enslaved".

There were various other ways to run into debt. The mere death of an ox that a man used to plough his fields—*rinderpest* was a recurrent plague—could make a commoner dependent on a wealthier person. Illness could deplete a

²¹ Letter to Assistant Resident of Toba and Silindung, Balige 29-5-1904, КІТ, doss. nr. 36. С 146а.

²² Junghuhn (1947:152) wrote that the rajas were very willing to give loans in order to obtain slaves who could work their paddy fields.

family's resources, as the services and medicine of the *datu* were expensive. The death of a wife sometimes left the widower no other choice than to ask the raja's assistance if he had no money to pay the brideprice for a new wife, whom he needed badly if he still had small children. Custom prescribed that the family of his deceased wife would give him another woman, but that did not always happen. His relatives, who would have already helped him to amass the brideprice for the first wife, might be unwilling or unable to help him out a second time. Thus, sheer bad luck was enough to make a man dependent on a creditor.

There were also men who brought misfortune upon themselves. Batak men frequently ended up in deep trouble because of their addiction to gambling. In particular, when the rajas gambled, the stakes could be very high.²³ Apparently a substantial loss did not always imply debt-bondage. A generous winner could sometimes be satisfied by his adversary "killing a horse, and making a public entertainment" (Marsden [1783] 1975:382). But if the winner insisted on payment, the loser was put in the block²⁴ until a relative came and paid his debt.²⁵

The rajas dealt with cases of indebtedness by suggesting that an indebted person burden a daughter with his debt, as the quote above demonstrates.²⁶ The daughter was henceforward known as 'a girl with a debt on her head'.²⁷ Usually the brideprice for the eldest unmarried daughter was promised as security to the creditor. According to Dekker, this was still the usual way of dealing with debt in Toba in 1904.²⁸ Sometimes a creditor was too impatient to wait until the girl was married off, or afraid that the debtor would cheat on him, and therefore demanded that the girl be handed over to him so that he could make use of her labour. Although technically the father could still settle his

²³ Ruhut 1898 [tr. Vergouwen 1932: 132–3], (Vergouwen [1933] 1964:333).

²⁴ The block was a wooden device with one or two holes in it to lock a captive's feet.

²⁵ Van Kessel 1856:71; Vergouwen [1933] 1964: 314. Missionary Hanstein (1886:171–2) narrated a story about a passionate gambler, Ama ni Tiala from Sipahutar, who lost his mother's potato field, her dog, and his sister's brideprice. His dying daughter was the first baptized person in Sipahutar, the parents following later.

²⁶ Vergouwen (1930:136) mentioned a dispute about a rice field in 1913 on Samosir (Parbaba) in which the matter was settled by the court by burdening a daughter of the debtor with the debt.

²⁷ The terms for a girl 'with a debt on her head' were *boru sihunti utang, boru garar* or *boru hepeng ipu utang* (Vergouwen [1933] 1964: 186). For cases of daughters of the first converts with a debt on their head, see Chapter 6, Section 6.3.

²⁸ Letter to Assistant Resident of Toba and Silindung, Balige 29-5-1904, KIT, Batakinstituut doss. 36, C146a, p. 4. In other parts of the Batak region this may have been the case as well. For a lawsuit mentioning a girl with a debt on her head dating from 1909 adjudicated in Silindung, see Adatvonnissen 1936:52–3.



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ILLUSTRATION 14
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The house (or rice barn) of a poor family. It lacks the elaborate ornamentation of houses and rice barns of wealthy chiefs (see photograph 6) and the roof is in disrepair. The woman standing in front of it is threshing rice in a large stone mortar using a long wooden pestle (1890). SOURCE: RMV, NO. A 056–12, PHOTOGRAPH BY E. MODIGLIANI

debt and redeem his daughter, often he was not able to do so. With the girl in his power, the creditor could decide what to do with her once she became of marriageable age. Sometimes a creditor agreed to a marriage between the girl and one of his sons, in which case the girl became 'a daughter-in-law at the rice mortar (*parumaen di losung*)'.²⁹ However, if the creditor was not interested in becoming the bridetaker of his poor debtor, he married off the girl himself and took (part of) the brideprice paid for her.³⁰ The condition of a girl 'with a debt on her head' who lived with the creditor of the father was evidently a form of disguised serfdom. If a man had no (unmarried) daughter, he could hand over

²⁹ The Batak author of *Patik* (1899 [tr. Vergouwen 1932: 83]) refers to this solution suggested by the judges: "become each others affines (*martondong*), so that you can become friends again".

³⁰ However, the creditor could never bypass the girl's father entirely, as the latter was still the girl's *parboru* who had to consent to her marriage (UEM, F/b 2 Ref. Brakensiek 1911: 2). Vergouwen ([1933] 1964:188) reported otherwise: in particular, if the girl was an orphan handed over by her father's heir to settle a debt, the creditor arranged her marriage.

a son as collateral for his debt.³¹ If that was no option either, he might become a debt-bonded serf himself and eventually become a slave (*hatoban*).³² A wife did not always follow her husband into slavery. If the brideprice for her had not yet been paid, or had been paid only in part, she was considered still under the authority of her *parboru* and could not serve to pay her husband's debt.³³

Did debt-bondage of men—and, more likely, of women—occur frequently? According to Willer (1846:113–4), no less than a fifth to one third of the population in the southern part of the Batak region (Angkola and Mandheling) were bound in service, comprising outright slaves (*hatoban*) and debt-bonded serfs. In the Toba Batak region, slavery and debt-bondage were probably not as widespread. The first cohort of missionaries working in Silindung and Pahae (in the 1860s and 1870s) mentioned only the custom of giving a daughter as collateral. In 1883, the Controller W.A. Henny made a similar observation for the region between Baros and Silindung, finding few slaves but many debt-bonded women (*Verslag* 1917:264). Missionary Brakensiek mentioned a particularly interesting case as late as 1911 on his station in Samosir. The rajas, who according to government regulation had to free a family of slaves, took advantage of the situation by demanding their first-born daughter as collateral for the family's debt.³⁴ In sum, the custom of burdening a daughter to redeem a debt seems to have been common for the entire Batak region.

Slavery and debt-bondage were abolished officially by the colonial government in 1859, a policy vigorously implemented in the southern part of Tapanuli from 1862 onwards and gradually in later decades in the Toba Batak region.³⁵ Debt-bondage of young girls seems to have continued well into the twentieth

- 34 UEM, F/b 2,1, Ref. Brakensiek 1911: 2.
- 35 According to a report by the Governor of Sumatra's West Coast, 7,088 'slaves' were freed in Angkola and Mandheling in that year, probably including slaves as well as debt-bonded

³¹ Verslag 1917:264-5.

Willer (1846:191–4) explained the process. During the first years, a debtor would retain the right to pay off his debt, during which period he had the status of a serf (*persingiran*) and had to till the fields of his creditor. If he was unable to pay his debt out of the fruits of his labour or out of an inheritance, or if his relatives paid the debt, the village council could declare him a slave on the request of his master after a period of five to ten years. Henceforth he had lost the right to redeem himself and the status of slave would be passed on to his children. Dekker (KIT, Archive Batakinstituut doss 36, 147a) also reported that a debt-bonded slave (*schuldslaaf*, Willer's *persirangan*) would require the status of a slave (*hatoban masak* or *batoe ni roema*) only over time; but even a slave could redeem himself. Interesting is the term *hatoban batoe ni roema*, a slave who is 'a brick of the house', inferring that he or she was a permanent member of his or her master's household.

³³ Willer 1846:173. This accords with the condition that the *parboru* retained certain rights vested in the daughter as long as the marriage payments due to him had not been transferred.

century, probably because—disguised under the cover of a betrothal or marriage—it was less apparent.³⁶

Material Gain?

The family of the bride asked, for example, for eight male slaves, eight female slaves, ten horses, six cows, three hundred *ringgit* and a number of cloths. Responding to this, the family of the groom exclaimed: "Oooh, we cannot live up to that. It is unheard of!" Consequently, negotiations were started which took hours and hours until the parties had come to an agreement.

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Traditionally, the brideprice consisted of cattle and gold dust or gold jewellery, as one finds in Toba Batak ritual speech, which referred to "young cows and old gold" (*horbo na poso, mas na lobangon*). The gifts from the bridegiver to the bridetaker always consisted of several pieces of cloth and a bridegift in the form of land for daughters of the rich. In pre-colonial times these girls might also be given one or more slaves who would assist them in their new home.³⁷ The negotiations about the marriage payments quoted here obviously concerned a marriage proposal for a daughter of a wealthy raja, because the brideprice demanded was extraordinarily high.³⁸ It included not only a significant amount of money and livestock, but also many slaves. The process of negotiation reminded G. van Asselt, one of the first missionaries working among the Toba

serfs (*Koloniaal Verslag* 1877, Bijlage L, no. 13: 1877–1880). A comprehensive study on slavery and debt-bondage in the Batak region is not yet available.

The practice survived until the late colonial period, as is clear from several contracts and lawsuits (KITLV, Adatrechtstichting, H 1051, 82: D.A.10. 28-9-1910 and D.A.11. 13-10-1913; H 1051 81 Vonnis Grote Rapat Balige 3-8-1927, no. 110; Vergouwen 1930: 127–9).

³⁷ The slaves were usually the playmates of a bride of good standing when she was a child. (Ypes, *Oorsprong van slavernij*, Goenoeng Tua, 10 juni 1914, p. 11, KIT, Batakinstituut doss 36, C. 147). Missionary Van Asselt (1906:44–5) told a sad tale about an elderly female slave of a raja household in Sipirok, who was depressed because her three children had been given away by her master as part of the bridegift for his daughter, who had moved to Padang Bolak. Missionary Schreiner mentioned the same custom (UEM F/b 1, Letter Schreiner 1868:54), and missionary Brakensiek specifically for Samosir (UEM F/b 2,1, Ref. Brakensiek 1911: 2). Vergouwen (1930:129) mentioned a dispute about a female slave given as part of the brideprice.

³⁸ Elsewhere Van Asselt mentions a brideprice he paid for the bride of a young man in his care who had converted to Christianity: the family of the girl had asked for 500 guilders, but finally could be satisfied with 200 guilders' worth of cattle (Van Asselt 1906:134–6).

Batak, of "horse-trading". But was the concern of a bride's father really to 'sell' his daughter for the highest possible price to the highest bidder? Of course not.

Negotiations about the brideprice between prominent and rich families were basically about status. By asking a high brideprice at the onset of negotiations, the spokesman of the bridegiver indirectly informed the family of the groom that the family of the bride was important, rich, and able to provide the daughter with a lavish bridegift. This information was vital for the side of the bridetaker (*paranak*), as it implied support from the bride's father for the family she would raise with her husband. The author of *Ruhut* (1898 [tr. Meerwaldt 1904:275]) explains the *paranak*'s point of view: it is much better to make the sacrifice of giving a substantial brideprice for the daughter of a rich man than to pay less for the daughter of a commoner, because it will pay off in the long run, since a wealthy family will endow its daughter not only with a bridegift, but also with other gifts throughout her married life. As stated before, the brideprice was usually higher than the sum of the counter-gifts; but a high brideprice had to be balanced by a considerable bridegift.³⁹

Another purpose of the negotiations was to inform the other party of how well the family was connected. The brideprice that a bridetaker could afford mirrored the extent of his kinship network, as he depended on the contributions (*tumpak*) from his kinsmen and affines. A bridegiver could organize a lavish wedding party only if his bridegivers provided rice, and his bridetakers labour. By stretching their resources to the limit, the parties made possible an impressive wedding ritual, doing justice to their high status. In this way, moreover, each party expressed how highly they appreciated the new or renewed affinal relationship. The exchange of substantial gifts also reflected how much both parties cared about their children's future.

By paying a high brideprice, the bridetaking side hoped to give the groom a wife who could assist him in providing for their family. A bridegiver also had the interests of his daughter in mind: by endowing her with a lavish bridegift, he made sure that she would be respected by her husband and in-laws.

Of course, many young people were betrothed and married off by fathers incapable of exchanging the substantial gifts common among the rich and powerful. Significant differences existed in the value of brideprice. On Samosir, the brideprice around the turn of the century varied from a hundred *ringgit* for daughters of distinguished families to twenty or thirty for those of the poor. Vergouwen, describing the situation in the 1920s, gave a figure of several tens of guilders as the brideprice for girls of common families, whereas marrying a daughter of a raja could amount to as much as a thousand. But he added, tongue in cheek, that a brideprice of that size also might include items

³⁹ See Chapter 2, Section 2.7.

whose actual value was overrated "for the sake of honour and to dazzle the crowd" (Vergouwen [1933] 1964:197). In sum, throughout the colonial period the rule was that, apart from the physical health of a daughter,⁴⁰ the amount and composition of the marriage payments depended on the status and wealth of the bride's and groom's family.

Overall, brideprices were not so high as to become an obstacle for men to get married.⁴¹ The consulted sources make no mention of a large number of men who were forced to remain single because their families could not afford the brideprice. Most likely, the obligation of relatives to contribute to the brideprice made it possible for a young man of a common family to marry.⁴² He could also avail himself of a wife by working for her father as an in-living sonin-law, a custom already mentioned above. The custom of marriage between cross-cousins also helped to keep the brideprice low. An uncle from the mother's side (*tulang*) was often willing to accept a modest brideprice for his daughter if the suitor was his own nephew (*Ruhut* 1898 [tr. Meerwaldt 1904/5: 291]).

Although not an insurmountable obstacle for marriage, the brideprice was nevertheless difficult for a commoner to amass. This is evident from a contract on marriage payments recorded in 1911.⁴³ Of the total value of the brideprice of one hundred seventy guilders, the bridetaker paid a hundred guilders in cash; he promised to pay fifty when his daughter married; and he borrowed twenty guilders from the raja. He gave the latter a male buffalo as collateral, with the understanding that if he could not pay off the loan within a period of two months, the raja would become the owner of a quarter of the beast.⁴⁴ Furthermore, his bridegiver helped him out with a gift of four guilders and a loan

- 40 Bruch (1912:15) reported that no brideprice was asked for girls who had become blind because of smallpox. I suppose that this was because they could not be expected to work in the fields. Parents of these girls were probably willing to give their daughter for nothing, because otherwise they had to continue feeding her; and by marrying her off, they at least gained a bridetaker. A sad story indicating that girls with physical defects/deformities were not expected to fetch a brideprice was related by Warneck (1900:242). Five girls, captured in war by their grandfather from mother's side, urged their father not to pay ransom for them. According to the missionary, they had said that they had become worthless, because their feet had rotted in the block.
- 41 The monetization of the brideprice during the late colonial period led to an increase in the brideprice, but not out of proportion as in some other regions such as South Sumatra and the island of Nias (Vergouwen [1933] 1964:197).
- 42 UEM, F/b 2,1, Ref. Brakensiek 1911: 2; Vergouwen [1933] 1964:176, 181, 197.
- 4.3 This contract is not entirely representative of contracts in pre-colonial society, when the values of the different items were not calculated in terms of money. This probably became more common after the introduction of the registration of marriage and marriage payments (Chapter 11, Section 11.1.).
- 44 Shared ownership of cattle was not uncommon (*Ruhut* 1898 [tr. Vergouwen 1932:133]).

of sixteen guilders.⁴⁵ This contract was probably not unique: the brideprice was often not paid in full at the time of wedding. Apparently a *parboru* did not always insist on this if he was pleased with the marital alliance.⁴⁶

Nonetheless it is not difficult to imagine that agreements such as these—in particular because in the past they were not written down—could easily lead to dispute later on if one of the parties involved did not fulfil its promises. If after a while the bridegiver really needed money and the bridetaker could not deliver the promised remainder of the brideprice, the bridegiver might sue him in order to force him to pay up.⁴⁷ In order to prevent disputes later on, the parties were obliged to invite their village rajas to be present at the marriage negotiations, so that the latter could remember their commitments. Indeed, it was considered a violation of the adat if the rajas were not requested to attend.⁴⁸ Notwithstanding, their presence did not always forestall problems: in pre-colonial times, disputes about delayed marriage payments sometimes even led to armed conflict; and during the colonial period, the cases of *hata boru*—literally 'words about women'—piled up in the offices of the colonial courts.

In sum, fathers generally did not marry off their daughters to enrich themselves. More common motives among the rajas and the affluent were the preservation of status by acquiring a prominent bridetaker, and genuine care for the future welfare of the daughter and her family. A commoner had little chance to enrich himself by way of marrying off his daughters, because his bridetakers were often as poor as he was. Moreover, cattle and other items received as brideprice for a daughter were often needed to pay for the brideprice of a son's wife. As mentioned before, hypogamy may have been the ideal, but it is likely that few young men of humble background possessed such exceptional qualities that they would be desirable as a son-on-law in the eyes of the high and mighty. The majority of marriages were thus concluded within the same social group.

⁴⁵ Overeenkomsten 1936:144–5. The next contract for a betrothal from 1913, stating a brideprice of 210 guilders is quite similar: a hundred guilders paid in cash; in place of sixty guilders, a golden earring was given as collateral to be redeemed in four months' time; forty guilders were to be paid at the wedding; and another ten guilders were registered as debt to the bridegiver. The bridegift was a rice field worth eighty guilders. Both contracts originated from Toba.

⁴⁶ Sherman (1987:872) explains the tendency to defer the largest part of a promised brideprice as a way to cement a relationship, because in this manner it constantly called for further expression. He added that even the rich did so.

⁴⁷ KITLV, Adatrechtstichting H 1051, 82. Debt agreement 29 May 1927.

⁴⁸ Parboru and paranak could be fined for this neglect. In one case, a man was expelled (mendurui) by the rajas from his marga, because, among his many misdeeds, he had married off two of his sisters without informing his marga members (Adatvonnissen uit de Bataklanden 1941:190–7; KITLV, Korn OR 435.446: Letter Siborongborong 27-2-1937).

3.3 Fathers, Daughters, and Arranged Marriages

Nineteenth-century missionary literature usually scorned arranged Toba Batak marriage as a social evil leading to pressure on a daughter to marry someone she did not want. This was indeed the dark side of the practice of arranged marriage. On the other hand, an arranged marriage could work out reasonably well for a father and his daughter if they took each other's interests and preferences to heart.

To some extent, child betrothal fostered the compliance of a daughter to her father's wishes. When fathers wished to become each other's affines or continue an existing marital alliance,⁴⁹ or if a *parboru* had become indebted, a betrothal could be arranged when a girl was still very young.⁵⁰ A man could even negotiate a marriage contract before a daughter was born, which would become effective after his wife had given birth to a girl.⁵¹ A betrothal was made legal by the payment of an advance of the brideprice by the bridetaker and an *ulos* gift from the *parboru*.⁵² On the occasion of the betrothal of an unborn girl, the village rajas of both parties received a small compensation for the name-giving of the girl at birth (Salomo 1938:108). Boys were also sometimes betrothed and married at a young age. Missionary Warneck, who worked on the island of Samosir in the 1890s before its incorporation into the residency of Tapanuli, reported that some of his pupils in primary school who were sons of local rajas were already married (Warneck 1894b:28).

A betrothed girl was not supposed to associate freely with young men other than her fiancé. She was 'taken', as is colourfully expressed in the following saying: "one cannot get hold of the hind leg of a horse".⁵³ If another young man showed interest in her, he risked being beaten up by the youngsters of

- 52 The term for an advance on the brideprice was *patujolo ni sinamot*. A contract for the betrothal of a four-year-old girl, for which her father received such an advance and gave the *paranak* a field as 'seat of the girl' (*hundulan ni boru*) in KITLV, Adatrechtstichting H 1051, 82: Soerat Perdjandjian 20-2-1927 contracted at the Higher Court of Tarutung.
- 53 For proverbs about engaged girls see *Patik* 1899 [tr. Boer 1921:81]; (Vergouwen [1933] 1964:168).

⁴⁹ Marriages between the *anak namboru* and *boru ni tulang* (cross-cousin marriage) were often arranged. Nasution 1943:45; Sherman 1987:871; similarly for the Karo Batak (Kipp 1986:640).

⁵⁰ KITLV, Korn, OR 435, 417. *Beberapa adat Batak dahoeloe-kala, jang dipakai didalam satu negeri ketjil* [n.y.]. p. 2.; Vergouwen [1933] 1964:185. Missionary Brakensiek claimed that it was quite common for girls to be betrothed soon after birth, referring to Samosir in the early twentieth century (UEM F/b 2,1 Ref. Brakensiek 1911: 2).

⁵¹ The term for a girl betrothed before birth was *boru tapang* (Vergouwen [1933] 1964:190).

the village (*Dorpstuchtrecht* 1928:86). The wedding usually took place not long after the betrothed girl had her first menstruation and after her teeth were filed (*manghihir*). This was also the normal *rite de passage* for boys, indicating they had come of age and could start courting a girl.⁵⁴

A girl was not necessarily unhappy with her betrothal. If her fiancé was her cross-cousin, she had good reason to be happy about it, because her motherin-law would be her aunt, whom she already knew (Ruhut 1898 [tr. Meerwaldt 1905:124]). The aunt probably would have eved her since she was young and, if pleased with her, been nice to her. This promised a good start for the young bride, as generally the relationship between a mother- and a daughter-in-law had great potential for tension, because the women would live in the same house, where the mother-in-law was the senior woman and demanded deference. Marrying a cross-cousin could also mitigate the alienating effect of patrilocal residence for a young woman, if her husband was a member of an in-living *boru*. She would leave her father's house but still live in the same village, close to her mother and other relatives. A cross-cousin marriage could also benefit the girl from a material point of view. The paddy field once given as a bridegift to her aunt might one day become hers if the aunt could no longer cultivate it herself. However, the close relationship between the girl and her aunt also contained a risk, as the author of Ruhut perceptively pointed out, because the problems would be worse if the women quarrelled.

A father sometimes had to go to great lengths to persuade his daughter to accept the marriage he had arranged for her. In the myth of the origin of mankind, Soripada said to Batara Guru: "persuade your daughter", after Si Boru Sorbajati had disappeared and had to be replaced by her sister Si Boru Deak Parujar. Neither girl was happy with the prospect of marrying the ugly Raja EndaEnda, but they could not easily get out of it. The pressure put upon Si Boru Deak Parujar by her father and brothers was psychological: she was warned that if she refused the marriage, the whole family would be sold into slavery, a horrible fate. There were several other reasons why a girl would be unwilling to go along with an arranged marriage. For example, she might have a boyfriend, or dislike her fiancé because he was an old man.⁵⁵ If she had been spoken for by her cousin, she would have a particularly difficult time evading the marriage,

⁵⁴ Brenner 1894:247; Guillaume 1903:11; 13–4; Vergouwen [1933] 1964:165.

⁵⁵ KITLV, Adatrechtstichting H 1051, 81, Vonnis Kleine Rapat Moeara, no. 122 (strafzaken), 30-10-1926; Vonnis Groote Rapat Sidikalang (civiel) no. 4, 13-7-1926. Missionary Th. Dannert (1922:71–2) told a story of a sixteen-year-old girl in Marbun who was married to a sixtyyear-old man and hanged herself.

because such a betrothal was more difficult to dissolve than a betrothal with someone else (De Haan 1875:44).

A father had various strategies at his disposal to make his daughter comply with an arranged marriage. He might first try to persuade her to accept his choice with a gift of land. If that did not work, he could put psychological pressure on her, arguing that he would not only lose face, but also have to return the advance on the brideprice and pay a fine for breaking off the engagement. If she continued to resist, he could pronounce a curse intended to cause barrenness, which could be lifted only by supernatural means (Vergouwen [1933] 1964: 227). If all this did not have the desired effect, he might resort to extreme methods, such as beating her or withholding food. He could also carry on with the marriage, betting that she would come around. This was risky, as she might sing to him the following morning: "the exhortations of my father I have forgotten after one night of *gondang* music!"⁵⁶ Her enraged father might then decide to put her in the block, throw stinging red ants on her and tell her that he would keep her there until she conceived.⁵⁷ If her newly-wed husband was willing 'to keep her company', while she was held captive, the father would reward him with an *ulos* (woven cloth) as a token of his blessing. How things worked out depended on the mental strength of the girl: either she would eventually give in and settle for married life, or her father would arrange for a divorce because he could not stand to see her suffer any longer.

Several sources demonstrate that such harsh treatment did not always serve the intended purpose. Van Asselt (1906:135) drew a vivid picture of a girl in utter distress because she was forced to marry an old man. She ran to Van Asselt's house hoping to find refuge there. The missionary withheld his protection, as he felt he had no right to supersede her father's authority. He allowed her brothers to take her away, hands and feet tied. Despite this, she managed to put up a hell of a fight, biting off the thumb of one of her brothers on the way back home. She was put in the block, suffering the mockery of her female relatives. After a few days, she promised to be obedient and was set free. In no time she fled the house, ran to the river, and drowned herself. Other missionaries also

⁵⁶ This refers to the traditional orchestra that livened up the night preceding the wedding party.

⁵⁷ Schreiber 1876:267; (*Ruhut* 1898 [tr. Meerwaldt 1904/5:122]). To put a defiant daughter (*mahilolong*) in the block was apparently still done on Samosir in 1918 (KITLV, Adatrechtstichting H 1051 80 II, Civiel Vonnis Kleine Rapat 17-6-1918, Pangoeroeran). Köhler (1913:18) wrote about Habinsaran, that unwilling women were raped in order to make them pregnant, because the Batak said "as soon as she has a child, she will not run away anymore", for love of the child. Dannert (1922:71) freed a girl whose feet were closely tied with an iron chain and lock (in modern times!).

mentioned examples of extreme forms of coercion followed by suicide of the girl.⁵⁸ Colonial officials, who were generally less involved in Batak family life than the missionaries, reported similar cases.⁵⁹ The suicide of young girls who had been forced to marry remained a matter of concern until the end of the colonial period.⁶⁰ Heavy pressure on sons to consent to an arranged marriage, on the other hand, seems to have occurred less often, reflecting the greater say they had in their choice of spouse compared to daughters.⁶¹

Sometimes a father was brought to his senses by the abnormal behaviour of his daughter. Missionary Brakensiek reported that young girls suddenly became possessed out of sheer stress over a planned marriage, or they threatened openly to commit suicide if compelled to marry.⁶² Faced with such a reaction, the father might be willing to count his losses and call off the engagement, afraid he would otherwise lose his daughter.⁶³ This at least left him the option to marry her off to someone else. Another strategy a bride might use was to be completely passive during the first nights of marriage, making her inexperienced husband afraid to have sex with her.⁶⁴ She could then use his impotence as a reason for divorce without her father losing face (Vergouwen [1933] 1964:193).

The majority of daughters probably agreed more or less willingly to the marriage arranged for them, and fathers were willing to take their daughters feelings into account (Schreiber 1876:267). Suicide of defiant daughters was an exception. Usually a father resorted to force against his daughter only if he was under extreme pressure—if, for example, he was heavily indebted, or because he was unable to return the advance on the brideprice with the additional fine for breaking off the engagement.⁶⁵ An orphaned girl was in a particularly vulnerable position. Her bridegiver, in particular if he was a distant relative

⁵⁸ UEM, F/d, 2,1, Ref. Volkmann 1893:7-8 and Ref. P.W. Meis 1904: 291.

^{59 [}Köhler] 1913:18; Vergouwen [1933] 1964:191-3.

⁶⁰ Vergouwen ([1933] 1964:193) reported that one or more such cases were reported each year. However, it was an exception.

⁶¹ Men also sometimes committed suicide, but for other reasons—for example the death of a son (Chapter 4, Section 4.4.). Brenner (1894:259) mentions a difference in the way men and women committed suicide: men usually killed themselves with a knife, whereas women drowned or hanged themselves.

⁶² UEM, F/b 2,1 Ref. Brakensiek 1911:3.

⁶³ The author of *Ruhut* ([tr. Meerwaldt]:1904/5:122) wrote that a father would rather pay the fine for the divorce to prevent his daughter from committing suicide, and become the subject of gossip because his daughter had not obeyed him: "such a man is sold by his daughter, one says".

⁶⁴ Schreiber (1911: 533) reported that impotence of men was not rare.

⁶⁵ Vergouwen [1933] 1964:262. For the fines on breaking off an engagement, see *Patik* 1899 [tr. Boer 1921:97].

of her father, might lack all compassion because he was only interested in the brideprice he would fetch for her.⁶⁶

The occurrence of suicide informs us about the essential lack of bargaining power and support young women in traditional Toba Batak society experienced when confronted with an insensitive bridegiver (*parboru*). Suicide is the ultimate weapon of the powerless, but it can still be regarded as a form of agency to influence the course of events. A Toba Batak daughter would inflict harm not only on herself, but also on those who stood to lose by her death. By committing suicide, she deprived her *parboru* of the possibility of forging a marital relationship through her mediation and the brideprice he might otherwise receive for her. The dramatic actions of mythical Si Boru Sorbajati and her younger sister Si Boru Deak Parujar, who were also forced to marry, underscores that women had a limited say in their own destiny. There was no institution or person they could turn to when in distress.

3.4 Courtship and Premarital Sexual Relations

The girl:

My teeth were filed yesterday You know that it hurts Although my face is swollen Please come close, I am *tang* (ready)⁶⁷ HELBIG 1935:35

The boy:

Butterflies sit in the coconut trees in Siboga The *singkoru* plant stretches upward, I pull it with my left hand My cousin (*pariban*) passes by, I want to address her (and) ask for a leaf of *gambir* and a mat to sleep on⁶⁸ *Ruhut* 1898 (tr. MEERWALDT 1904/5:280)

⁶⁶ According to Vergouwen ([1933] 1964:192) distant kinsmen were still harsh on a girl in the 1920s in the area round Lake Toba, where customs were still "rough".

⁶⁷ Tang means 'ripe' = ready for courting. Helbig also quotes other love poems, likewise Braasem (1951:76–84). Perhaps the tooth filing ceremony is a remnant of the influence of Hinduism in the Batak region (this *rite the passage* is still the custom in Hindu Bali).

⁶⁸ Note the term of address used by the boy for the girl, referring to her as his cross-cousin (*pariban*).

The moment a girl and a boy were considered marriageable and ready for courtship was initiated by the tooth-filing ceremony.⁶⁹ During this ceremony, the teeth were filed to an even length and blackened. This *rite de passage* usually took place at the age of ten or eleven and was led by a *datu*, on which occasion a buffalo or cow was slaughtered (Brenner 1894:247). After this transition into puberty, young people engaged in courtship to find a mate. It was considered improper for a girl to take the initiative in courting. The myth of the origin of mankind conveys this message: nothing good could come of Si Boru Sorbajati's and Si Boru Deak Parujar's betrothal because they went to court Raja EndaEnda in his village, whereas it should have been the reverse: "The ladder should be brought to the sugar palm, not the other way round". The initiative must come from the man's side.

A favourite place for a young man to go and look for girls was the market.⁷⁰ Customs with regard to clothing helped him to know which girls were single. Girls used to wear a jacket covering the upper part of the body, for which reason they were called *bajubaju*, while married women after the birth of their first child wore only a piece of cloth around the hips, leaving their upper bodies bare.⁷¹ Besides the market, weddings and funerals also provided excellent opportunities for young people to meet.

Before taking any further steps, the young man would make inquiries about the girl he fancied. The first thing he needed to know was the *marga* to which the girl belonged. If she was of the same *marga*, it was no use approaching her, because a marriage with her would be out of question.⁷² It was also essential to know whether she was already engaged. If she was, he had also better leave her alone. But if the girl was of another *marga* and not yet engaged, the prospects were good, and the young man might decide to go to her village one day. Usually he took a friend or a couple of friends with him. It was customary for young men to visit a gathering of young girls in the latter's village. This collective prelude to courtship was called *martandang*. Favourite pastimes were to improvise quatrains, play at riddles, tell stories, and make music together.

⁶⁹ A detailed description of a tooth-filing ceremony is given by Guillaume (1903) for the Karo Batak, with a few references to Toba. The main difference mentioned is that in Karo the ceremony was public at the time, while the ceremony in Toba took place in the forest (in the 'wild', Chapter 2, Section 2.2). See illustration 15.

⁷⁰ Vergouwen [1933] 1964: 167; Salomo 1938:18–9.

⁷¹ For this reason the first child was also called the 'opener of the garment' (Malay: *buka baju*).

⁷² On prohibited marriages see Chapter 2, Section 2.5.



ILLUSTRATION 15 A Karo Batak girl whose teeth are being filed (ca. 1914–1918). SOURCE: TM, NO. 60049305. PHOTOGRAPH BY TASSILO ADAM



ILLUSTRATION 16 A rich Toba Batak with filed and blackened teeth (adorned with insets of gold). SOURCE: WINKLER 2006:59

The Tooth-Filing Ceremony

15. The tooth-filing ceremony shown here took place in the Karo Batak region around 1915. The Toba Batak way of filing teeth in an earlier period was probably similar, (no picture available).

16. By 1930, about half of the Toba Batak population had not yet converted to Christianity. Adults who had their teeth filed when young must therefore have remained a common sight until the end of the colonial period, like the man in modern clothes in this photograph. The Batak Mission introduced the rule that Christians should not have their teeth filed (see Chapter 8, Section 8.2).

Sometimes the girls would propose to prepare a meal together the next time, for which they would provide the rice and the boys the meat.⁷³

If a man had made up his mind that he wanted to court a specific girl, he would seek out a go-between (domudomu), usually a female friend of the girl, to find out whether he had a chance to win her heart. His first message would be covert: "There is a plot of forest that I would like to open up, but I am afraid that someone else has already marked it with his knife" or "I would like to buy a pig to fatten it, as long as it is not yet claimed". If the girl was already engaged or if she was not interested in him, she would let him know through the intermediary in equally veiled phrases. Or he would send over a friend who would ask the girl for some betel leaves (sirih) for him. If she gave some, he would send a sack of *sirih* in return. Subsequently the couple would meet secretly and exchange tokens of affection-for example, a piece of their clothing. A formal pledge in front of the friends of the couple ultimately sealed their mutual commitment. The young man could offer his beloved a ring, a box for tobacco, or a small sum of money. The girl usually gave an ulos (a woven cloth) in return. In the event that the couple did not marry later on, these gifts had to be returned.⁷⁴ The next stage of courting usually took place at the girl's house.

During this period, the young man and woman looked for signs indicating that their union would be blessed or prone to misfortune. The suitor had better not proceed if he encountered any of the following adverse signs:

- 1. He heard the sound of mourning. It meant the girl would become a young widow (meaning he himself would die young).
- 2. Someone was busy sweeping the village square. This meant all his possessions would soon vanish.
- 3. He found the girl with her hair down or combing it. It meant that she would become a spirit medium (*sibaso*).⁷⁵

⁷³ Ruhut 1898 [tr. Meerwaldt 1904/5:277–81]; Vergouwen [1933]1964:166–7; Helbig 1935:25–6; Braasem 1951:105. Lando (1979:80–1) records that verbal virtuosity during courting had disappeared in his research village in Toba, but Rodgers (1990:326–8) found that collective courting still existed in the 1980s, including formal martandang talk with sexual innuendos, although that had become rare. In the past, they often also made music, the young men playing simple flutes while the girls used mouth harps made of iron, copper or the stalk of a sugar palm leaf; but this type of music has disappeared under the influence of Western music (Simon 1984:64).

⁷⁴ Ruhut [tr. Meerwaldt] 1904/5:288–9; Brenner 1894:248; Vergouwen [1933] 1964:169. The gifts exchanged on this occasion already fall into the official categories of gifts exchanged by *hulahula* and *boru*.

⁷⁵ Why having a *sibaso* for a wife would be unfortunate is not explained.

- 4. The girl had just started setting up her weaving loom. It meant that both of them would have to work hard if they got married.
- 5. The girl was about to take the cloth she had woven off the loom, indicating that the means of livelihood would dwindle during the marriage.
- 6. The head of the girl was accidentally covered by a cloth or a large leaf serving as an umbrella, a sign that she would soon become a widow.
- 7. The man, born an uneven number in the sequence of his brothers, looked for a bride in an uneven month (the same would hold for a girl and the time of her betrothal). Looking for a wife in the eighth month of the Batak calendar would always be wrong, because that was the time a certain obnoxious spirit (*begu panoluk-noluk*) wandered about. These signs would be premonitions that the woman would fall ill or become a spirit medium.

Verschillende verbodsbepalingen (tr. JOUSTRA) 1917:312-3

A good omen, on the other hand, would be when the girl was about to start weaving a cloth or close to finishing it, because it indicated future prosperity.⁷⁶

A man could also invoke the gods and ask for a sign through a dream. Positive omens were if he dreamt that he was harvesting or drinking clear water or that the girl of his choice draw water from a well. But it was an inauspicious sign if she carried a pickaxe, because that meant she would soon become a widow.

Of course girls were also keen to know whether a suitor was right for them. The myth of the origin of mankind mentions Si Boru Sorbajati's visiting a *sibaso*, a female spirit medium, to ask for advice on her betrothal to Raja EndaEnda. The *sibaso* told her: "there is nothing you can do about it, Boru Sorbajati, he is destined to accompany you [...] for all time" (Niessen 1985:28–9). Another person often called upon to find out whether a couple was compatible was the expert on divination, the *datu*. He scrutinized the names of the boy and girl, as well as various other signs (Warneck 1909: 48). The few references in *Ruhut* (1898) and *Patik* (1899) dealing specifically with the considerations of girls make no mention of any supernatural signs they should pay attention to but are all concerned with quite down-to-earth matters. For example, a young woman would be interested in whether her suitor's family possessed

⁷⁶ The references in these forebodings to girls working on their loom reflects the importance the Toba Batak attached to this female skill. The weaving loom was the feminine attribute *par excellence* (Niessen 1985:72).

paddy fields and dry fields, because it would enable her to make a living easily and earn something. She would also try to find out as much as possible about the character and temper not only of her suitor, but also of her parentsin-law, because "whoever is easily enraged, will surely be quickly angry with a daughter-in-law" (*Ruhut* 1898 [tr. Meerwaldt 1904/5:289]). Prominent in her mind was also the question of whether her prospective groom had brothers or other male relatives, because if he was the only son in the extended family, there might be no one to replace him if he died.⁷⁷ This refers to the levirate, remarriage of a widow with a brother or other close relative of her deceased husband, a custom discussed in Chapter 5.

Courting could also include sex. Missionary reports from the nineteenth century abound with references to deplorably low morals and 'free sex' practiced by young people.⁷⁸ Missionary Warneck (1909:22) explained that the frequent occurrence of premarital sex had the purpose of finding out whether a girl could get pregnant. Controller J.J. Fanoy confirmed this for the non-Christian population in Toba, stating that parents encouraged their children to be intimate in the home of the girl. He dryly remarked that it reminded him of the same custom in rural areas in the Netherlands.⁷⁹ Some authors emphasized that the Toba Batak did not place special value on the virginity of a woman and quoted a Batak saying to underline this point of view: "The cookie is not tasty if no fly has ever sat on it".⁸⁰ If the girl got pregnant, it was read as a sign that she was the right match for her lover. This proved that their souls were compatible (*rongkap ni tondi*).⁸¹

Nonetheless, sexual permissiveness was not entirely unproblematic. The author of *Ruhut*—who otherwise rarely evinced his Christian moral attitude— wrote about the custom with puritan disapproval: "There is yet another way of association amongst young people in 'Batakdom', that is the sin of youth between young men and girls, but it is difficult to tell about it since it is actually too improper to mention". He stressed the risks of premarital sexual

Patik [tr. Vergouwen] 1932:11. The relevant proverb (*umpama*) is as follows: "I do not want to have a singular branch. If it is a *langge* plant, it will not grow tubers. I therefore do not wish to marry an only son; if he dies there will be no one to replace him".

⁷⁸ The Toba region and Samosir had a notorious reputation in this respect, at least compared to South Tapanuli and Silindung (Schreiber 1900b:60; Vergouwen [1933] 1964:191).

⁷⁹ KITLV, Korn OR 435.416: Letter J.J. Fanoy, Balige, 31-10-1923.

⁸⁰ Henny (1869:40) and Helbig (1935:26) who wrote decades apart, quoted the same proverb. The traveller Brenner (1894:259) wrote quite factually: "The Batak does not value the virginity of young women and a young suitor does not ask about the previous life of his bride".

⁸¹ For an elaborate explanation of the term *rongkap* and its relation to fertility see Warneck (1977:207).

intercourse for the girl, sketching a bleak picture of "silly" girls who had been seduced by the promise of marriage, but had been abandoned by their lovers or kept in the dark about the time of the wedding. He warned that such a wayward girl could become the target of defamation if her intimate relationship became a public secret.⁸² Yet he added a comforting note: a man could rarely escape the moral pressure to marry a girl whom he had been dating for a long time (*Ruhut* 1898 [tr. Meerwaldt 1904:285–7]).⁸³ Courtship usually ended with the request by the young man to his father to start the customary negotiations about the marriage payments with the father of his girlfriend.

The ample attention given by late nineteenth-century Batak authors to courting is an indication that courtship was a serious matter, not thought of lightly, and that not all marriages were arranged by the parents. It is also apparent that most descriptions focus on male agency. This may reflect the more active role of men in courtship, but it may also be attributed to the fact that the authors themselves were men.

3.5 Bypassing the Fathers

Young people had various options to enforce a marriage upon their respective families. The initiative could come from either the girl or the boy.⁸⁴ It is important to note that, for all parties concerned, the social and material consequences of such marriages were different from an arranged marriage that had been preceded by formal negotiations on marriage payments.

In the first scenario a girl would leave the house of her father—literally step down the stairs (*maiturun*) of her father's house—and go up the stairs

⁸² If the parents did not agree with the relationship, the couple could be summoned to confess that they had 'taken wrong steps' (*marlangka pilit*) in front of their parents and the rajas of their villages (Vergouwen [1933] 1964:170). Was this an old custom or an invention of the missionaries? Usually their marriage would then be arranged on short notice. If the family of the young man was not interested in the marriage, the *paranak* had to pay a fine to the rajas for the purification ritual incurred by the impropriety, as well as a *piso*-gift to the father of the girl.

⁸³ Helbig (1935:36), who showed a keen interest in the sexual mores of the Toba Batak, wrote that although premarital sex occurred frequently, it always took place between young people who had a steady relationship. His main source was his 'boy' of seventeen.

⁸⁴ UEM F/b 1 KP 1883:333; F/d 2,1 Ref. Volkmann 1893: 8–9. *Patik* [tr. Vergouwen] 1932:5–7. It is curious that the author of *Ruhut* does not mention marriage by the agency of young people.

(*mahiempe*) of the house of the man she wanted to marry her.⁸⁵ Walking over to the house of her beloved was a strategy to speed up the negotiations on marriage payments which had not yet started or had ended in deadlock because either the girl's father (*parboru*) or the father of the boy (*paranak*) was not in favour of the marriage. By walking over to her sweetheart's house, the daughter deprived her father of the power to set his conditions during the negotiations about the marriage payments. She was already 'in the bag', so to speak, and therefore the bridetaker (*paranak*) could have his terms more easily accepted.⁸⁶ A girl could also resort to *mahiempe* to put pressure on her beloved and his reluctant family to start the negotiations about the brideprice. If, for example, she was pregnant, she would want her boyfriend and his parents to assume their responsibilities.⁸⁷ Yet another reason to go to her lover's house was a girl's wish to escape an imminent arranged marriage with someone else (*Patik* 1898 [tr. Boer 1921: 84]).

The act of *mahiempe* not only influenced the negotiations about the brideprice to the disadvantage of the *parboru*; it was also bound to influence the relationship between the daughter, her father, and the rest of her family. The author of *Patik* describes how her parents might react if she came to visit her parental home after her marriage:

How dare you come to us with your requests, you have given the advantage to others [at the time of the negotiation about the marriage payments. SvB], you'd better go there!

The daughter would then lament:

The leaf of the *sihampir* becomes my betel leaf, o mother, the *tandiang* fern has become red spider mite, my father will not accept my request and my mother does not want to receive me!

⁸⁵ *Maiturun* is derived from *turun* (Warneck 1977:278), which also in Malay means 'to descend'. The translation of *mahiempe* (also found spelled as *mahuempe*) is 'to walk up to the house of a man, said of a girl' (Warneck 1977: 80). Among the Karo Batak the custom is known as *nangkih* (Kipp 1986:640).

⁸⁶ Patik [tr. Vergouwen] 1932:5.

⁸⁷ According to Nasution (1943:67), a girl who could show the gifts she had received from her lover as proof of their engagement was sometimes supported by the villagers, who pressured her lover to marry her. Apparently men usually married the woman whom they had got with child: the sources mention mainly widows who had given birth to children born out of wedlock (Vergouwen [1933] 1964:268; Helbig:1935:23).

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(Patik 1899 [tr. vergouwen 1932:5])
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Things would be different if a girl walked to the house of a man on the instigation of her own father (Vergouwen [1933] 1964:215). This might happen if she was pregnant by a man of a more prominent family than her own.

A young man also could take the initiative to marry: he could abduct the woman of his choice, either with her consent or by force. The author of Patik reports that if a man had this intention, he had to inform the raja of his village first. They would explain to him that if he abducted the woman, the father of the girl had the right to determine the brideprice and was entitled to a variety of compensations, since the abductor had deprived him of his customary right to arrange the marriage of his daughter. After the man had assured the raja of his village that he would honour the rules, he would set out with a couple of friends to seize the girl-or fetch her, if she had agreed to go along with his plan. After they had got the girl, the gang would return to the village and ask the gondang orchestra to play as a sign of the successful undertaking, and the girl was brought into the house of her abductor. The next day her parboru would come to the village in the company of a number of relatives. The following conversation among the indignant father (parboru), the abductor, and the rajas of the parboru's village, recorded by author of Patik (1899), highlights that abduction was regarded as an almost criminal offence, for which various types of compensation were expected:88

- Parboru: Where is my daughter whom you have stolen, my friend?Abductor: I have not stolen her, sir. I wish to keep your daughter with me as my wife. She is already seated in the main room of the house and has already been given a nice clean mat. Please, take a seat, sir.
- Parboru: O no, I don't want to take a seat! I want to take my daughter home right now, because if it is true that you are so fond of her, you could have visited me at my home, because I have a decent house and rice barn (sopo). Your act is pure arbitrariness!
- Abductor: As I have indeed acted as you say, sir, I wish to do everything in my power to satisfy your demands as long as it is in within the limits of our law.

Parboru's village chief (addressing the abductor):

What is said by the speakers, I have translated the Dutch text in *Patik* [tr. De Boer] 1921:85–7, although with different punctuation. The rest of the text is shortened.

If you want to bow to the punishment for your act in haste [...], then pay us first the compensation for taking a seat (*upa hundul*) so we can sit down and put our spears at rest.

[The abductor gives the *parboru* a piece of gold as compensation and invites him and the others in the company to a meal, putting a basin filled with water in front of them to wash their hands.]

Parboru: No, we do not wish to wash our hands before you have given us the compensation for doing so (*upa marjomuk*).

[The abductor then gives the *parboru* a piece of 'old gold', the company wash their hands, and he invites them to eat. But this, too, is not immediately accepted.]

Parboru: We will not start eating unless you have given the compensation for taking this meal, the *upa mangan*.

[The abductor then gives the *parboru* a beautiful necklace and everyone starts to eat. Only after they have finished their meal do the two parties start the negotiations about the marriage payments. When both parties have come to an agreement, the brideprice is handed over, while the shares meant for the relatives of the *parboru* are divided amongst themselves, and the village rajas are given the *upa raja* (fee for their obligatory presence). The *parboru* may give a counter-gift, the *ragiragi*. The last part of the ceremony consists of concluding the marriage between the abducted woman and her abductor].

The author of *Patik* says little about the disposition of the girl towards her abductor. He mentions only that if she had been carried off against her will, she might try to escape to her father's village. If she succeeded, the abductor would become the laughing stock of the village. But the author leaves us in the dark about what would happen if she had been unable to run away.⁸⁹ Presumably the author intended to emphasize that abduction meant that the *paranak* had to make large sacrifices to prevent a conflict with the aggrieved *parboru*. For

⁸⁹ An anonymous missionary relates the story of a girl who was taken from her mother's shed by force. The girl fled to the forest where she lost her way. After six weeks a villager found her. Her mother became Christian after that ("Gebet einer Heidin", *Kleine Missionsfreund* 1863, 14–6).

the negotiations about the brideprice and the fines to be paid by the *paranak*, it made no difference whether the abduction had taken place with or without the girl's consent.⁹⁰

An abducted daughter's fate thus depended on the decision taken by her *parboru*. He might be inclined to consent to the marriage if the abductor was willing to pay the fines and brideprice he demanded, in particular if the daughter had not yet been betrothed to anyone else, because the girl was usually raped (or deflowered with her consent) immediately after her abduction. Rape without abduction could also lead to marriage, if the *parboru* agreed to it (Vergouwen [1933] 1964: 211–3; 215–6). But if a father decided to take his daughter home, the abductor had to apologize to him in front of the rajas and the village elders, slaughter a buffalo, and offer the *parboru* and his party a meal, in order to avoid war. The girl was entitled to compensation for her ritual purification and to cover the shame the abductor had brought on her.⁹¹

If a man abducted a girl without informing his village chief in advance, he ran the risk of being handed over by the rajas of his own village to the young men of the girl's village, who might beat him up badly. But his own father, the *paranak*, was not expected to be harsh on his son, even if he had not agreed with the abduction. He usually swallowed his pride and paid for all the damages, because "a son who put his father at a disadvantage is not to be sold".⁹² The abduction of a girl, in view of the high fines, probably was an option open mainly to young men of rich families who were confident that these fines would eventually be paid by their father (Vergouwen [1933] 1964:212).

Although the rules for the proper procedure for abduction were intended to achieve a peaceful settlement, the practice was sometimes quite messy. Missionary Brakensiek, who worked on Samosir around 1900 when the island had not yet been brought under colonial rule, recorded two cases of the abduction of a betrothed girl that both ended tragically.⁹³ The first case concerned a girl

⁹⁰ The adat regulations of Naipospos (region between Toba and the west coast) stipulate a similar course of events. This manuscript is part of the collection of Batak manuscripts of H. Neubronner van der Tuuk who lived in Barus between 1852 and 1857. Parts were translated by Vergouwen (Adatrechtsregelen 1932:135–9).

⁹¹ The regulation was still practiced in 1922 in the sub-district of Sibolga (Dorpstuchtrecht 1928:67).

⁹² Ypes (1932:403) writes that among the Dairi Batak a young man could even take cattle and gold from his father and go to the girl's father to pay the brideprice on his own accord.

⁹³ UEM, F/b 2,1 Ref. Brakensiek 1911:4–5. One reason why the father might have been particularly furious was that, according to Brakensiek, he had had to pay 90 *thaler* to the aggrieved fiancé, three times the amount of the advance on the brideprice his daughter's lover had brought him.

from Urat on the island of Samosir, who had an affair with a man from Tambak on the other side of the Lake and fled across the lake with him. Her fiancé, extremely offended, refused to accept this, and threatened the girl's father with war. The cornered *parboru* then asked for mediation by the rajas and returned the advance of the brideprice he had already received, plus the additional fine for breaking off the engagement. After that, the young woman and her lover dared to return to Urat to make the proper arrangements for their marriage. But although the girl's father had promised to guarantee the safety of his daughter's lover, he broke this promise immediately upon the latter's arrival. He tied the poor fellow up, took the money and gold the lover had brought to pay the brideprice, and turned him over to the former fiancé of his daughter. The angry fiancé had no pity on his rival, who was tied to the pole in the centre of the village square and horribly mutilated. He died the next day.

The second story concerned the daughter of a raja in Nainggolan on Samosir, who had become pregnant as the result of a love affair while she was betrothed to another man. When the time of delivery came near, her lover paid the brideprice to her father. The father accepted the sum, but then made life so miserable for the couple that they decided to flee the village. Missionary Brakensiek suspected the father had done this deliberately, to have an excuse not to settle the return of the advance of the brideprice with the discarded fiancé of his daughter. In the dark of night the former fiancé sneaked into the *parboru*'s village with a gang of followers to attack him. The father succeeded warding off the attack, chased the gang, and managed to kill one of the members. The end of the story was the loss of the brideprice for the discarded fiancé, plus the loss of a human life.

These two cases show that abduction could take place with the consent of the girl.⁹⁴ In both cases the term 'abduction' seems less appropriate; 'elopement' is more fitting. But traditional Batak customary law did not make this distinction: what counted was the fact that a man's right vested in the woman was violated. In the first case, the *parboru* had been deprived of his right to arrange the marriage for his daughter; in the second case, the fiancé was deprived by the *parboru* of his right to claim the daughter already betrothed to him. Considering that abduction was a costly affair and involved the risk that an offended *parboru* might take violent action against the abductor or his village, it seems improbable that many men dared to abduct a woman. Yet cases did occur, and it is probably for that reason that abduction was included in

⁹⁴ In Toba a girl might take three woven cloths (*ulos*) with her before being abducted, which indicated that she was privy to the plan (Dorpstuchtrecht 1928:85).

the regulations for Batak Christians formulated by the missionaries and Toba Batak Christian rajas in 1884. 95

3.6 Never Relinquished by Her Family of Origin

Because of the wealth of her brothers, one has nothing to fear. LAFEBER 1917/8: 410

Si Boru Deak Parujar was disobedient, but she was not left to fend for herself after she had taken her leave from the heavenly village. Stuck in the middle world, her grandfather Mula Jadi Na Bolon had pity on her and assisted her in her work creating the world. His action is exemplary of the obligation of a *parboru* to safeguard the well-being of a daughter. Like Si Boru Deak Parujar, a Batak woman could always turn to her family of origin for assistance, and a decent *parboru* would not turn down her requests for help. The responsibilities of a *parboru* towards his married daughter, her husband, and her children were expressed in a variety of ways.

The first responsibility of the *hulahula* was (and still is) participating in all life-cycle ceremonies in the nuclear and extended family of the married daughter, such as the ceremony after the birth of children, their marriages, and the burial ceremonies of members of the family of the daughter's husband, the marga *boru*. On these occasions the *hulahula* presents the *boru* with gifts of woven cloth and uncooked rice, and sometimes with a gift in the form of land. The *hulahula* is also involved at moments of crisis in the marriage of the daughter.⁹⁶ The responsibility of the *hulahula* even extends to that of the wider kin group of her husband. In the nineteenth century, when war between two *marga* was not uncommon, the warring parties might ask their influential bridegivers to act as mediators and facilitate the negotiation about the terms of peace.⁹⁷

Although Batak women did not have inheritance rights, the role of the *parboru* as protector of a daughter's welfare and that of her family is an important aspect of Toba Batak customary law. One should bear in mind that the transfer of property to children did not take place solely at the time of a father's death.

⁹⁵ Chapter 8, Section 8.4.

⁹⁶ For example, if the daughter failed to become pregnant (Chapter 4, Section 4.5.) or if the marriage ended in divorce or death of a spouse (examples throughout Chapter 5).

⁹⁷ For an example of mediation by the *hulahula*, see KITLV, H 1051, 87 (Dutch translation of an article published in the newspaper *Soara Batak* 12–19 July, 1930).

A son was set up in a separate household some time after marriage, whereas a daughter could receive valuable gifts from her father or brother before, at the time, and after marriage. The importance of these pre-mortal transfers of property to sons and daughters makes it irrelevant, and even misleading, to focus solely on inheritance rights.⁹⁸ Sources on the transfer and use of property dating from the nineteenth century are absent, but the customs may be discerned in documents from the colonial period, because many disputes about land, including land given to daughters, were brought to the colonial courts after the reorganization of the judiciary in 1915. The customary laws pertaining to property during the colonial period were not superseded by Dutch law. Therefore it is plausible that the customs described below were by and large valid for the nineteenth century as well.

Access to property was gendered, which is reflected in the different terms used for transfer of property to sons and daughters. The term for property transferred to a son after his marriage, when his parents allowed him to set up an independent household, was *manjae*, whereas the property he inherited from his father was called *teantean*. (Vergouwen [1933] 1964:218–9, 271). The generic term for the transfer of property passed on to daughters was *ulosulos*.⁹⁹ Whereas sons were entitled to different items of property (wet rice fields, gardens, trees, a house, a rice barn, cattle), the most common valuable gift to a daughter was a piece of land, usually a wet rice field, called 'a cloth that does not wear out' (*ulos na so buruk*). Besides that, she might be given a trousseau at the time of her wedding, consisting of livestock (chickens, not large animals), kitchen utensils, mats, and chests. As mentioned before, a rich father could also give her one or more slaves to help her out in her household. As a rule, a *parboru*'s largesse was dependent on the brideprice he received for his daughter. If the brideprice was large, the family of her husband would expect

⁹⁸ The conglomerate of villages, the *horja*, regulated the allocation of land to members of the ruling *marga* and families of other *marga* living in the area. Once land was allocated, a man who had been given title to it could allocate land to his son, after the latter's marriage, or to a daughter. He could also pawn a plot of land, or engage someone else in a sharecropping arrangement. At some time after his death, the estate was divided among his sons (*mangihutihuti*), usually after all sons had married.

⁹⁹ For an overview of gifts to daughters see Niessen (1985:76–80). See also for details: De Boer 1914:369–70; Onderafdeeling Samosir; Verslag dari pembitjaran tentang perkara adat2 dan marga jang diadakan di Pangoeroeran pada tanggal 3 juni 1929 (KITLV, Korn Or 435.453); Vergouwen [1933] 1964: 202–8, 285–8; Nasoetion 1943:63–4. The missionaries, who wrote extensively about marriage customs in the nineteenth century, were less interested in the material/economic aspects of marriage, and therefore missionary sources do not contain detailed information on these gifts.

a valuable trousseau and gift of land in return. A poor man, however, would reserve his possessions for his son(s), and give his daughters only a modest set of clothes and adornments at the time of her marriage.

As in the case of transfer of property to sons, different terms were used for property given to daughters, reflecting the occasion on which she received it or the reason for the gift. The most common occasion for giving a daughter a rice field was her wedding, in which case the gift bore the name *pauseang*. The purpose of this gift was to support the new family. For this reason the *pauseang* was sometimes retained by the *parboru* until the first grandchild was born, in which case the gift was termed 'the daily rice' (indahan harian). The rights of a daughter to her *pauseang* were protected by custom: the husband had no right to dispose of it without her consent and the approval of his bridegiver (hulahula). A father could also decide to give his daughter a plot of land prior or after marriage, for many other specific reasons, and these gifts had yet other terms.¹⁰⁰ Finally, a daughter and her husband could formally request a 'means of alleviating distress' (daon sihol) from her father shortly before he died, or from her brothers after her father had passed away. Whether this request was granted depended entirely on the circumstances. If a married woman had unmarried sisters and/or brothers who had not yet started an independent household, or a mother who needed the land for her own subsistence, the request might not be granted.¹⁰¹

- 100 A father could, for example, give his unmarried daughter a plot of land because he was fond of her and wanted her to amass some wealth of her own by working her field. Or if he wanted to make her a more attractive marriage partner, in case she was handicapped. The term for gifts like this was *hauma bangunan*. If a daughter received a plot of land at the time of her betrothal, the term for the gift was 'the seat of the daughter' (*hundulan ni boru*). After her marriage, these fields were considered her bridegift (*pauseang*). A special category of *ulosulos* gifts were the *niupahon*. The purpose of these gifts was to serve as an incentive or reward. A father who wanted his daughter to consent to a marriage with someone she did not like very much could try to persuade her with the gift of a field as a reward for compliance, the *upa mangunung*. A sick daughter was given a *niupahon* to fortify her soul (*tondi*), so it would not flee her body, causing her death. The gift of a *niupahon* to a childless daughter was meant to ward off the evil spirits causing her barrenness (Ypes 1932:207, 284, 417).
- 101 Brothers could also decide to give a sister something out of the remainder of the inheritance, after the division among themselves had taken place. Such a gift was called 'the end of the rope' (*punsu tali*). Both *daon sihol* and *punsu tali* gifts had the character of a keepsake. A woman could also be given a gift by her grandfather on his deathbed, which was called *dondon tua* (Vergouwen [1933] 1964:286). Interviewee 1, the oldest woman I interviewed, had received a *daon sihol* because she and her husband had contributed a buffalo to the burial ceremony of her father.

A receiver's rights vested in land were also gendered. A son had inalienable rights to the property of his father and could dispose of property given to him at will. On the other hand, even if a daughter received a substantial bridegift in the form of land, she did not enjoy full title to it. She could pawn it or have it sharecropped independently, but she could not bestow it on someone else without asking her *parboru* for permission. The latter had the right to reclaim the land if he did not agree with its transfer to a third party (Vergouwen [1933] 1964:206). This is understandable, given that such a plot belonged to fields surrounding the village of her family.¹⁰² In the event of divorce, a woman would normally take her *pauseang* with her, but sometimes her *parboru* left it with her husband to feed the children who remained in the latter's care, or if he was unable to return the brideprice. For a widow who had no son, the *pauseang* was a guarantee that she and her daughter(s) would have enough to eat if the male heir of her husband took the fields belonging to the latter's inheritance.¹⁰³

A woman could thus be well provided for by her family of origin.¹⁰⁴ Unfortunately, it is difficult to say how often gifts of land or other valuable items were bestowed on daughters and sisters.¹⁰⁵ As mentioned above, transfer of property at the time of marriage was related to the value of the brideprice. This implies that a bridegift in the form of land was reserved for daughters of wealthy families for whom a large brideprice was paid. The practice may also have depended on the local availability of land.¹⁰⁶

Nonetheless—and this is relevant for the argument of this chapter—gifts to a daughter were clearly related to her willingness to consider her father's wishes regarding the choice of marital alliance. If she complied with her father's wishes, either of her own free will or after he had coaxed her into an arranged marriage, he might reward her with a gift of land and/or other gifts after her wedding. If on the other hand she chose to disregard his interests, he

- 105 Neither the missionary reports nor the Batak authors of *Ruhut* and *Patik* provide information on this. Vergouwen, the most authoritative source on customary law, pays more attention to the norm than the general practice. This is not surprising; Vergouwen's work was intended to serve as a guideline for judges on the adjudication of cases brought to court by daughters and sisters who felt they had not been given what was due to them.
- 106 See Chapter 14, Section 14.2 on changes in the practice of bestowing the gift during the colonial period.

¹⁰² Sherman (1987:873) reports that a *pauseang* is not transferred permanently. He found that bridegivers took back a *pauseang* field if the marital alliance was not repeated.

¹⁰³ For the traditional position of the widow without sons, see Chapter 5, Section 5.7. For changes in her position, see Chapter 8, Section 8.7.

¹⁰⁴ Nasoetion (1943:65) claimed that Batak women received even more than their brothers, but I doubt whether this was true: the women I interviewed had a different opinion.

might be stingy in bestowing gifts on her, not only at the time of marriage but also later in her life.¹⁰⁷

3.7 The Crucial Factor: The Agency of the Daughter

The main topics discussed in this chapter are the relationship between women as property, women and property, and the agency of women in the realisation of marriage in pre- and early colonial Toba Batak society. Like Batara Guru and his daughters in the myth of origin and the creation of the earth, fathers and daughters had a potentially tense relationship. The father depended on his daughter's cooperation in an arranged marriage that best served his interests. In this chapter, I have shown that during the pre- and early colonial period these interests could cover practically everything desirable: access to land, labour, a coveted political alliance, and the discharge of debts. As such, a daughter's complicity in an arranged marriage served the interests of the political elite of powerful rajas as well as the interests of the common man, who was always exposed to the risk of indebtedness and in need of the means to pay the brideprice for the wives of his sons.

Therefore, a father had good reasons to ensure that his daughter would be willing to accept the marriage he wished to arrange for her, and he would do his best to reward her for her compliance by ensuring the support for her family through a generous bridegift—in the form of land, if it was within his means. On the other hand, if he disregarded her determined refusal, he took a considerable risk. She could sabotage the marriage by acting in a way that made her husband impotent, thereby forcing the families to accept a divorce. Or, much worse, she could commit suicide, not only causing grief to the family but also depriving him of the marital alliance he had wanted to establish and forcing him to return the brideprice given for her.

In the case of a father giving his daughter the freedom to look for a husband by taking part in traditional courting meetings in the village, everything would be fine as long as her lover's family followed the proper procedures for proposing marriage and the daughter did not deprive her father of the opportunity to set the terms for the negotiations by walking over to her lover's house. Her father might hold it against her that she had forced a marital alliance on him that he did not like, perhaps because the brideprice received was lower than he could have received otherwise, or for some other reason. Because his gifts

¹⁰⁷ Vergouwen ([1933] 1964:215) wrote: "Sometimes the *parboru* who has to bow to circumstances shows his resentment by withholding his *boru* jewellery and *pauseang*".

to her were to some extent commensurate with the amount of the brideprice received, he could justify denying his daughter and her husband the gifts she otherwise might have received, and treating her with contempt.

On the other hand, the abduction of his daughter could be advantageous for a father from a material point of view, as this not only left him with the authority to set the terms of the marriage negotiations, but also entitled him to demand the payment of a fine, since the abductor and his family had deprived him of his right to marry off his daughter. Abduction did not rule out the possibility that she had cooperated with her lover. But if she had been seized against her will, she depended entirely on her father's compassion if she wished to return home. The abductor had no reason to fear repercussions if he had acted with the consent of his father or other kinsman serving as his *paranak* and the rajas of his village. Even if he acted without their consent, he would probably get away with it, because sons were allowed more freedom to choose their spouse than daughters.

Fathers indeed concluded the marriage of their children and agreed upon the marriage payments. But as I have intended to show, they were not the ones who determined what and how much was given. That depended to a significant extent on the agency of the bride. If she had willingly accepted the candidate her father favoured, his position in those negotiations was considerably stronger than if she imposed her own choice on him. The latter course, however, had its price. Aggrieved, her father could withhold the gifts crucial to the sustenance and spiritual wellbeing of her family he might otherwise have given her. Thus, in Toba Batak society not only men profited from the exchange, but compliant daughters did so, too.

Fertility, Mortality and the Pinnacle of Life

Today we hold the ceremony for our ancestor and invite him to eat the *sombaon*-buffalo, because he has helped us to become blessed and respected. But we must ask him for still more blessings, and for all the *sumangot* to assist the *sombaon* whom we honour, to make us more felicitous and give us more children. Therefore dance, brothers, augmenters of blessings [bridegivers], so that our good fortune with respect to our mothers increases with the support of our ancestors, so that those who are fertile will become ever more fertile and those who are barren, will become fertile. And so be it.

WARNECK 1909:93

A bride arrives in her new husband's village, where she will remain the rest of her life—if everything goes well for her. She and her unmarried female friends, who accompany their former playmate for the last time, are welcomed by the inhabitants of her groom's village. The *gondang* orchestra hired for the festive occasion plays the appropriate joyful tunes. The father of the groom, the raja of the village, and other senior men in the village eloquently wish the young couple a long life, prosperity, good health, and most of all, many, many children. A festive meal is offered to the bride's friends and relatives, and after that they take their leave. Then the time has come for the bride to climb the stairs of the house of her husband's family, her new home. The wooden breasts carved on the large horizontal beam, under the rooftop towering over her, remind her of what is expected of her: that she may be fertile. The onlookers watch closely: which foot will the new bride put first on the lowest step: the right or the left? If it is the right foot, her first child will be a boy; otherwise it will be a girl.

After a while relatives will start to inquire: "Are little clouds already forming on the mountain range?" Everyone soon looks for the first signs of pregnancy. Dreams are recorded carefully. If a lance appears in her dreams, the wife will become pregnant with a raja; if it is a rifle, with a brave son; but if she dreams of a knife or a machete, she will have a son who is either a fool or effeminate. If she dreams of the sun, it is a sign that she will have only one son, but a radiant one. A woven cloth indicates that, naturally, her child will be a girl.

Once pregnancy is established and well on its way, the husband visits his parents-in-law, bringing with him the appropriate food for the occasion, with



ILLUSTRATION 17 Married couple of a wealthy family (1890). SOURCE: RMV, NO. A14-1-57. PHOTOGRAPH BY E. MODIGLIANI

Married Couple of High Status

17. This is a couple of high status, probably a young raja and his wife who had dressed up to be photographed by Modigliani. Niessen (1993:85) explains the indications of high status as follows. The man has fastened his golden earrings (*duriduri*) to his head cloth, a silken *parang rusak* from Aceh, which is trimmed with beadwork. He appears to wear a similar cloth as a sash around his waist. His striped hip cloth (*abit*) is probably

the Toba Batak woven cloth called *ragi harangan*. Around his neck he wears two strings of large beads (imported glass?) and ivory or bone bangles around his upper arms, and metal bracelets around his wrists.

Like her husband, the wife appears to wear the wide blue Toba Batak woven cloth called *sibolang* as a hip cloth, while both have their decorated shoulder cloth, another product of Toba Batak weavers, on their lap. The woman wears one earring and is considerably less embellished than her husband. Her uncovered torso indicates that she has already born a child.

the purpose of asking for a special dish from his *hulahula*—a kind of porridge to fortify the mother-to-be and the child in her womb. A similar visit is repeated by the couple in the seventh or eight month of pregnancy. This time her parents wrap an *ulos* around their daughter's shoulders to make her soul firm during the delivery.

To ensure that the pregnancy will proceed without problems, the *datu* gives the pregnant woman a talisman to wear in the knot of her hair, and she must observe numerous taboos carefully. The father-to-be also observes certain taboos. He will not slaughter any animal, nor cut his hair, in order to ward off the danger of a miscarriage. He also provides every dish his wife craves, because it is the soul of his child which demands it: a child whose cravings and desires in the womb are not met will be childless later in life. Moreover, his wife's appetites have symbolic meaning: if she craves chicken or salted fish, it is believed that the child will be a boy; but it will be girl if she prefers dishes of rice. So there is every reason for the father to pay scrupulous attention to the wishes of his pregnant wife.¹

When labour starts, people say: "those guarding the ripening rice in the paddy field are crying out". The father makes a fire in the house. A rifle thunders to frighten away harmful spirits, and everything in the house that is tied or locked is loosened or opened to ensure an easy delivery. The child born into the world is greeted with joy, but also trepidation. To ward off the evil spirits who may try to snatch away the souls of mother and child in the perilous hours and days to

¹ This custom is generally found in many regions in Indonesia: the husband must provide the food his pregnant wife craves (*ngidam*). The Toba Batak believed that the cravings of a pregnant woman were actually those of the fetus in her womb. The husband must do his best to fulfill the desires of the fetus, otherwise its soul might chose to "fly away" and cause a miscarriage. Warneck (1904:7) wrote that many a poor man had difficulty in fulfilling the sometimes extravagant wishes of his wife.

come, the corners of the house and its entrance are adorned with the thorny twigs of a citrus tree or with old fishnets. Once the child is born, it is fed a little cooked rice—because, as a human being, that is the food it wants. After the birth, the father calls the other women in the village to come and eat with his wife.

The mother must stay in the house for seven days, and during this time the fire is kept going to keep her and the baby warm. Every night during this first week, people stay the night to watch over them. For a quick recovery and to stimulate her milk production, the mother is given a special nutritious vegetable dish called *bangunbangun*. After three days, the baby will be brought to a stream or pond near the village, by women other than the mother, for its first bath, warding off the evil influence of the water spirit by offering a shard of pottery with a few smouldering leaves placed on top of it. The father gives the most lavish feast he can afford, and the parents of his wife visit again, this time to give their daughter and new grandchild their blessings. The *datu* or the *sibaso*, the male or female expert of divination, will read the child's destiny; and the newborn little *ucok* or *butet*—the generic names for a boy or girl—is given its personal name.

After three weeks, the mother will bring her child, wrapped in an *ulos*, to the market, for everyone to see. For the first time, the woman does not cover her breasts anymore, but wears her sarong tied around waist—for she is a mother now. If her child is a boy, everyone heaves a sigh of relief: an heir is born!²

Procreation was the main purpose of marriage for the Toba Batak. The quoted opening speech, by the host of a *santirea* ritual in honour of the ancestors of a *marga* conglomerate, is a fine and eloquent example of this. In this ritual, the women performed the dance called 'the augmentation of blessings' at the marketplace, where an adorned buffalo was tied to a pole at the centre, to be slaughtered in honour of their common ancestor, called *sombaon*. Their dance was meant as a supplication addressed to his spirit and that of other, minor ancestor spirits, the *sumangot*, to enhance the women's fertility. The stages of pregnancy described above of a young bride who is pregnant for the first time highlights yet another aspect of the veneration of fertility in the past: numerous taboos had to be observed during pregnancy, delivery, and shortly

² This introduction is based on the following sources: *Ruhut* [tr. Meerwaldt] 1905:111,116–8; Bruch 1912:3; Landgrebe 1912a:164–5; Landgrebe 1912b:79, 83; Warneck 1909:19–20, 53–4, 95, 111, 113; Verschillende Verbodsbepalingen [tr. Joustra] 1917:316; Vergouwen [1933] 1964:86; Braasem 1951:134, 158; Simanjuntak 1985. Customs related to childbirth are probably among the most resistant to change, perhaps because those customs give a sense of comfort at a very dangerous stage in life and are followed in the privacy of the home.

after giving birth, in order to safeguard its desired outcome—the birth of a healthy child. Somehow the Toba Batak felt a need for all these prayers, rituals, and taboos; bringing children into the world and nurturing them to adulthood was apparently fraught with anxiety. They had every reason to be fearful: child mortality was very high in the nineteenth century, for reasons detailed in Section 4.1.

Why children were so important for their parents has been explained in the previous chapter: sons continued their father's descent line; and they, as well as daughters, made it possible for their parents to forge marital alliances serving a host of possible interests. The value attributed to children was also enmeshed with Toba Batak concept of a blessed life, expressed by a grand funeral and the subsequent mortuary rite called *mangongkal holiholi* (Section 4.2.) This concept and its antipode, a cursed life, must be situated in the wider framework of Toba Batak religious ideas about the fate of the soul after death and its connection with the presence of male and female children (Sections 4.3. and 4.4.). The desire for as many children as possible, but at least one son to continue the descent line of the father, also raises the question of how couples and their families coped if the marriage turned out to be barren, if only daughters were born, or if the sons had all died before their time (Sections 4.5 and 4.6.).

Harsh living conditions and health hazards in the nineteenth century greatly influenced the chances of survival of men, women, and children. This gives the impression that nature and biology determined human destiny. However, as will be demonstrated in the last section of this chapter, whether a person would reach the Toba Batak ideal of a blessed life depended also on the culturally constructed way the Toba Batak dealt with the misfortunes of dying without male offspring and of maternal mortality.

4.1 Fertility, Morbidity, and Mortality in the Nineteenth and Early Twentieth Century

It is a great rarity when in a family no children have died. Most families have more children in the grave than in the house. There are many families who have eight to ten children in the graveyard. One can assume with certainty that three quarters of the children born have died before the age of eight.

LETTER FROM MISSIONARY NOMMENSEN, 5-7-1875, Huta Dame.³

³ кіт, Batak instituut, doss 36, С 38, page 9.

Missionary Nommensen's description of the havoc caused by a cholera epidemic in 1875 shows that mortality in general, and especially child mortality, was very high at the time. He reported that villages struck by the disease were decimated and some even abandoned. His colleague, missionary Johannsen, reported that twenty to thirty people died every day in the vicinity of his station on the other side of the Silindung valley, and that parents even committed suicide because they had lost all their children. The 1875 cholera epidemic was probably extremely virulent; but other diseases such as dysentery, typhus, and smallpox epidemics occurred regularly (see table below) and often raged for months. Local wars and the invasions of the Muslim Padri armies around 1839 and the Dutch army in 1878, 1883, and 1889 also affected the health situation negatively, because the villages' food supplies were often confiscated by the enemy.⁴ Many people had a constant fever, reducing their resistance to disease. Children and adolescents were particularly vulnerable: besides the diseases cited above, they also succumbed to measles, whooping cough, and chickenpox.⁵ Nommensen, who was very interested in health care and an expert in homeopathic treatment, reported that high mortality was also attributable to the lack of knowledge about appropriate child care and care of the sick. As an example, he mentioned that small children with a high fever, who sweated over their entire body, had cold water poured over them.

In 1901 the first hospital in the Toba Batak region was founded by the Rhenish Mission (RMG) in Pearaja, Silindung. Its first director, the physician Julius Schreiber, did research between 1900 and 1909 in the valley of Silindung on traditional health care and the conditions causing disease.⁶ His findings are

⁴ On the effects of the Padri invasion and Dutch military expeditions later in the century, see Chapter 6, Sections 6.2 and 6.4. Evidence of the value attached to children is the custom prescribed in the area Marbun, that pregnant women were not to be killed during hostilities ([Schröder] 1922:34).

⁵ KIT, Batak instituut, doss. 36, C 38, page 8. Nommensen described in this letter how he organized the distribution of homeopathic drugs in the region. The care was not without results: according to him, mortality among the Christian population was significantly lower than among the pagan population, which could be proved by the registration of births and deaths. Interesting is Nommensen's addition that Silindung was still densely populated, because of the influx of immigrants from Toba. For them, he wrote, "Silindung [was] on a small scale what New York meant for Europe". The immigrants had come to Silindung because slavery was already abolished there.

⁶ The following chapters of Schreiber's report are used for this section: 11. Morbidität, Mortalität pp. 526–31; 111. Fruchtbarkeit der Ehe, Geburtsziffer, Kindersterblichkeit pp. 532–7; VI. Kranken-versorgung, ärtzliche Hilfe, Wochenbett- und Kinderpflege (Schreiber 1911:618–31).

Year	Epidemics	Region
1868	Smallpox	Angkola
1869	Smallpox	Silindung
1870	Smallpox	Lake Toba
1874	Smallpox	Silindung
1875	Cholera	Silindung, Humbang Plateau, Toba
1876/7	Dysentery and typhus	Unspecified
1879/80	Disease affecting the	Unspecified
	nervous system	
1883	Smallpox	Toba
1889	Smallpox and cholera	Toba / Batang Toru Valley
1891	Measles	Sipirok
1901	Cholera	Silindung
1906	Measles	Silindung
1909	Dysentery	Silindung

TABLE 1Epidemics in the Batak region (1868–1909)

Sources: angerler (2008:41–42) for years 1868–1891, schreiber (1911:531) for 1901–1909.

particularly valuable because they describe conditions that were probably common before Western medical services were introduced, keeping in mind that the scope and results of medical assistance by the missionaries before 1900 were limited. The value of Schreiber's study lies also in the comparisons made with conditions prevailing in European countries at the time, particularly regarding maternal and child mortality.

Schreiber found that there was nothing amiss with the fertility of Toba Batak women in Silindung. On the contrary, very few marriages were infertile. A survey he conducted in 91 villages demonstrated that out of 1249 marriages only seven were childless, a mere 0.6%. This percentage was extremely low: in Europe, infertility of couples ranged between 7–12%. He attributed the low percentage of barren marriages among the Toba Batak to the rare incidence of deformities of the reproductive system among women and the equally rare incidence of venereal diseases.⁷ The fact that childless couples usually divorced

⁷ The few men he had treated for venereal diseases, mainly gonorrhea, had all been infected outside Tapanuli (Schreiber 1911:529).

after a few of years and remarried with another partner also had a positive effect on the figures.

Schreiber also found that the birth rate was very high: it amounted to 47.7 per 1000 inhabitants, according to the data collected by the Christian congregations in four villages in the valley. This was a significantly higher figure than those known for Germany (36.1:1000), the Netherlands (32.5:1000), and Ireland (23:1000) at the time. The birth rate would have been even higher, wrote Schreiber, if the number of stillborn babies had been taken into account; but their numbers were unknown because they were not registered in the church archive. He also counted the number of children born per woman: many older Toba Batak women had delivered more than ten children during the reproductive period of their life.

Despite the prevailing high fertility and birth rates, however, the population in Silindung had not increased significantly. Schreiber attributed this to the high child-mortality rate and to a relatively high mortality rate among adults as well. To obtain an estimate of the incidence of child mortality, Schreiber conducted a survey among 200 women in the age group 18–50 years who had visited the policlinic attached to the hospital. The survey revealed that of all their children, no less than 42.3% had died: 438 out of a total of 1054 live births. The percentage of deceased children was higher among women who had delivered five children or more, with the highest percentage (71.4%) for the fourteen women who had delivered as many as fourteen children.

To find out more about the causes of child mortality, Schreiber conducted additional small surveys, first in two villages located on the hillside of the valley, and in a third village in the midst of the rice fields, known for its high incidence of malaria. In the first two villages, significantly fewer children had succumbed (30 out of 89 = 35.9%) than in the latter village (94 out of 212 = 44.3%). That malaria was the worst enemy of small children was also substantiated by the figures on patients who had been treated in the hospital for this disease between 1903 and 1906: of a total of 14,911 cases, 37.5% were children between zero and two years old, and another 56.8% was aged between three and seven.⁸ Malaria was an even more serious problem in Pahae, the valley south of Silindung, of which the southern part was still covered with swamps.⁹ It was

⁸ Malaria was endemic and seasonal in the valley: most new cases were reported in June and July after the harvest when the irrigation systems were left temporarily untended, causing stagnant pools of water, the ideal breeding places for mosquitoes. The beginning of the monsoon in October and November, when the new planting season started, also caused relatively more cases of malaria, for the same reason (Schreiber 1911:537, 608).

⁹ NA, Col., MvO 773 Controleur Tj.H. Velthuisen, subdistrict Silindung, 1937:116-7.

not in all areas of the Toba Batak region that malaria was the most deadly killer of children. On the Humbang plateau and in other areas where no irrigated rice fields were found, the situation was worse than in Silindung because of more frequent crop failure due to draught and consequently death due to lack of nutritious food. Children also often died of lung diseases caused by the hard and vicious winds in the dry season.¹⁰ Ida Gräber, a nurse who worked at the hospital in Butar around 1930, estimated that the local child mortality rate was at least 60%!¹¹ Chickenpox was also very much feared.¹²

Other reasons for the high child mortality rate were traditional practices regarding post-partum care of mother and child, lack of hygiene, inappropriate nutrition, and inappropriate care of sick infants and small children. Schreiber was quite adamant about Toba Batak child care: he considered it entirely inadequate and misguided. For example, it was usual to leave a newborn lying on the mat where his mother had given birth without any protection against the cold until after the placenta had come out, which sometimes took hours. The umbilical cord was cut with a sharp bamboo knife, which easily led to infection, because the navel was not disinfected afterwards nor cleaned in the following days. Although Schreiber praised the Batak mothers for their prolonged breastfeeding practice,¹³ he rejected their habit of feeding their babies masticated rice shortly after birth, because this could cause fatal gastrointestinal disorders. Other practices he frowned upon because of their pernicious effect were the habit of mothers taking their children with them wherever they went, thus exposing the child to various health hazards, and the practice of bathing children with a high fever in cold water, a habit also mentioned by Nommensen (see above) and other missionaries who were shocked by it.14

¹⁰ NA, Col., MvO 758 Controleur J.C. Ligtvoet, subdistrict Toba Batak plains (Hoogvlakte van Toba), page 27 (n.y.) page 27; MvO 772 Assistant-resident Bataklanden, M.J. Ruychaver, 1936:160.

¹¹ Gräber 1931:80–2. She also described the problems of two women in childbirth, one she could help, the other not, in the newly erected, very simple hospital in Butar.

¹² Ypes (1932:185) mentioned a ritual practiced in Pangururan on the island of Samosir to ward off diseases, in particular the chickenpox for children.

¹³ However, he was also a physician of his time, being of the opinion that breastfeeding whenever a child asked for it could not but have negative consequences.

Similar observations were made earlier by Nommensen (KIT, Batak instituut, doss 36, C 38, page 9), *Ruhut* [tr. Meerwaldt] 1905:120; Bruch 1912:5–6. Even Junghuhn as early as 1847 (1847:57) had already been struck by the infant- and childcare, which he found wanting.

Child mortality was also related to maternal mortality. It was customary to let the baby die if the mother had succumbed in childbirth.¹⁵ The Batak rationale behind this practice was that the soul (*tondi*) of the mother had rejected the child or was not strong enough to protect it, and therefore it would have no chance to survive. Whether a child would reach the age when it could walk was also attributed to the willingness of the mother's *tondi* to nurture and protect the soul of her child.¹⁶ The care of babies who had lost their mother in childbirth was one of the first tasks that the missionary sisters—appalled by the Batak treatment of motherless infants—took upon themselves in the last decade of the nineteenth century.

On maternal mortality Schreiber had difficulty to obtain accurate data, because women who experienced serious complications during delivery were rarely brought to the hospital. In the period 1901–1909 he assisted a mere hundred and six women, of whom thirteen died (12.3%), because they were already so weakened that he had been incapable of saving their lives.¹⁷ The overall maternal mortality rate was probably much lower than that, but according to his estimate still amounted to 8.1 per 1000 births, which was a much higher figure than that found in several European countries.¹⁸ The main cause, he suspected, was not puerperal fever, but excessive bleeding, as more than half of the women who had succumbed in childbirth had died within 24 hours after the delivery. Most deliveries took place under the care of female relatives, who would call a woman with a reputation of being more knowledge-able (*sibaso*) when something seemed amiss. According to Schreiber, these women often did more harm than good.

- 17 This is a current problem in remote areas in Indonesia up to this day. An obstetrician I know well felt extremely frustrated a few years ago while working in the general hospital in the poorest districts (*kabupaten*) of Bali, Karangasem, because he had not always been able to save the lives of women from remote villages who arrived at the hospital in a life-threatening condition, and was blamed for their death by their relatives.
- 18 This was over three times the maternal mortality rate of the Netherlands at the time (2.4:1000) and also compared unfavorably to countries like Germany and France (3.6:1000 and 4.9:1000).

¹⁵ In 1875, the court of rajas in Lumut (sub-district Batang Taro), led by the local Controller, convicted a man because he had buried a baby who was still alive after the mother had died (Strafzaken 1875).

¹⁶ Asselt 1906:204; Warneck 1909:11, 54. A miscarriage was likewise attributed to the rejection of the child by the *tondi* of the mother. Similarly, the *tondi* of women who died during pregnancy or in childbirth were believed to reject their responsibility of motherhood (Niessen 1985:123).

Perhaps Schreiber's estimated figure for maternal mortality was even too optimistic. Women also died weeks or months after a delivery as the result of uterine infections or because of exhaustion due to insufficient nutrition, the constant nursing of babies, and heavy work in the fields. Physical weakness due to frequent pregnancy also made them more prone to succumb if an epidemic broke out or because of a particularly vicious malarial season. Atkinson (1999:178) adds yet another cause of maternal death: the grief over a lost baby or child. Johannsen's report on the suicide of parents after they had lost their children in the cholera epidemic of 1875 shows that psychological stress could indeed be a fatal factor. In sum it is safe assume that the Toba Batak in the preand early colonial period, and probably for long after that, had every reason to be worried that their children would not survive them and that the mother might die in childbirth.

4.2 The Concept of a Blessed Life

The Toba Batak aspires to wealth (*hamoraon*), a respected position in society (*hasangapon*), and a large progeny, both male and female (*hagabeon*). Sitompul (1986:214–5) has coined the achievement of this set of three ideals as the fundamental desire (*das Grundverlangen*) of every Batak, even in modern times. How these three elements are connected becomes clear when situated in the Batak perspective of what constitutes the ideal of a successful life.

A person is considered particularly fortunate when he reaches a good old age, having both female and male progeny, all of whom are married, and (great) grandchildren. Such a person is called a *saurmatua*, reflecting that he or she has been able to climb 'to life's pinnacle'. Of slightly lower status is the *sarimatua*, a person who also has many children, but who are not all married at the time of his or her death (Niessen 1985:102). The most elaborate mortuary ritual is reserved for only the *saurmatua*. The wish to become a *saur- or sarimatua* is expressed in the following saying:

Rind grows, the *singkoru* plant climbs up the *purba tua* branch, that you will beget sons and daughters, who will support the *sarimatua* in old age.¹⁹

Patik 1899 [tr. VERGOUWEN 1932: 8]

¹⁹ Tubuan lak-lak ma tubuan singkoru, tu danka ni purba tua; tubuan anak ma hamu tubuan boru, dongan sarimatua.



ILLUSTRATION 18 The large family of Si Taha Dugachi (1890). SOURCE: RMV, NO. A 056-001. PHOTOGRAPH BY E. MODIGLIANI

The Blessed Family of Si Taha Dugachi

18. The proud *pater familias*, Si Taha Dugachi (Modigliani's Italian spelling), squats on his haunches (*right, second row*) happily smiling. His family counts seven daughters and three sons. He must have felt blessed, because he could expect to receive seven brideprices (*sinamot*), one for each of his seven daughters (if they did not die before marriage). This meant that he would not have any trouble to pay the *sinamot* for the brides of his three sons and might even have some wealth left.

The torsos of all his daughters are decently covered with a woven cloth, including the youngest (*right, front row*). They probably did not usually wear an upper garment in this way, but wrapped themselves like this for the picture. Si Taha Dugachi's emaciated wife (*left, front row*), sits barebreasted with her youngest child on her lap. The child is probably naked, wearing only a necklace, meant as a charm against evil spirits. Note the trousers worn by the second son sitting on the stairs leading into the house. This article of clothing had apparently already found its way into the still-independent Batak lands at the time.

The combination of a large offspring (*hagabeon*), the respect originating from a large network of affines (*hasangapon*), and wealth (*hamoraon*) is a *sine qua non* for holding the mortuary rite for the *saurmatua* and *sarimatua*. Both have numerous bridegivers and bridetakers through their married sons and daughters, and therefore their children are able to mobilize the material resources and labour to stage a huge and costly ritual. Such a ritual also mobilizes a large reservoir of potent spiritual power (*sahala*) that the family of the deceased can bestow on its bridetakers. The host also receives blessings from all his bridegivers. The bridegivers present are divided in three categories: the *hulahula* of the deceased from previous generations,²⁰ the *hulahula* begotten through the marriage of the deceased,²¹ and the *hulahula* acquired by the marriage of his/her children. The attendance of the bridetakers of the host follows the same pattern.

The saurmatua's blessed status becomes visible for the first time at the moment he or she has died. The representatives of his or her bridegiving lineages come to the home as soon as possible to cover the body of the deceased with woven cloths, the 'cloths of separation' (ulos parsirangan), which are spread out one atop of the other. These cloths remain there until the casket containing the body is to be closed. At the time the casket is closed, the cloth that is wrapped around the corpse stays there, whereas the rest will be distributed amongst the three generations of bridetaking groups of the deceased, the daughters, sisters, and paternal aunts. The bridegivers will also give cloths to those left behind by the saurmatua. The widowed spouse receives the mourning shroud (ulos tujung) which is wrapped around her head.²² When no widowed spouse is left behind, the bridegivers present their textiles to the children and grandchildren of the deceased; these cloths are meant to fortify their soul (ulos tondi). Another contribution from the bridegivers to the deceased family consists of rice, which is brought in woven baskets carried on the head by the women on the day of burial. The bridetakers provide the ceremonial meat.

The basic desire of the Batak as described by Sitompul is a construct of the past, which is confirmed by the following statement of missionary Bruch (1912:16):

²⁰ In the case of a man, the family of birth of his mother, grandmother, and so forth; in the case of a woman, the family of birth of her mother-in-law, and so forth.

²¹ In the case of a man, that is the family of his wife; in the case of the wife, her family of origin.

²² The widow receives this cloth from her *parboru*, a widower from the representative descendant of his mother's brother, his *tulang*. See illustration 23.

The Batak expects to gain esteem and wealth in his life through his sons, and tries to frighten off his enemies by the large male offspring of his clan, and to make his friends and underlings into badly needed supporters.

This statement demonstrates, however, that in the past the triadic desire of the Batak encompassed more than ensuring an impressive funeral and the subsequent ceremony for an ancestor (*mangongkal holiholi*).²³ How male progeny was intertwined with wealth and status is explained by Lando (1979:165-6) in his narration of the historical background of the large irrigation system Silean Banua, dating from the late nineteenth century in the area of Lintong ni Huta (southern basin of Lake Toba). Using genealogical data, Lando shows how the lineage of Ompu Barita Laut of the marga Simanjuntak had become the most affluent and powerful of all lineages in the area, because of the large number of his sons, grandsons, and so forth. Two of his great-grandsons became the men financially responsible (suhut) for the construction of Silean Banua. The lineage also took the lead in the actual construction of the large irrigation system, and after that managed to control four out of the six irrigation systems surrounding the village. They also founded no less than twenty hamlets in the course of four generations. Moreover, two of his grandsons were appointed raja ihutan, a function created by the Dutch in the mid-1880s, and the highest title, given to only a select group of traditional rajas in the region.²⁴ One of them, Ompu Sotaronggal, had no fewer than twelve sons by five wives, one of whom became a parbaringin, the highest priest officiating during the large rituals staged by the Simanjuntak descent group. In other words, the lineage was able to claim the position of traditional religious leadership, that of the parbaringin, as well as that of modern leadership in the nascent colonial bureaucracy. The lineage also held the rights over the large market at Lintong ni huta. The family history of this lineage of the Simanjuntak clan demonstrates that having many children, in particular sons, could pay off very well in the long run.

Simon (1982) describes a ceremony of reburial of the bones (*mangongkal holiholi*) held in 1981 for seventy-one ancestors, all descendants of Pangaraja Bulan Hutajulu and their wives. This description conveys very well what is meant by being blessed in terms of numerous offspring (*hagabeon*), enjoying status because of an extended kinship network (*hasangapon*) and wealth (*hamoraon*), since the concrete tomb holding the bones of these seventy-one ancestors cost a fortune. The importance of fertility is expressed in two of the customary dances, the *gondang sampur marmeme* (the dance of the mother masticating the rice for her child) and the *gondang sampur marorot* (watching over the children).

²⁴ On the introduction of offices and titles introduced in the Bataklands by the Dutch colonial government, see Chapter 8, Section 8.10.

In view of the high child mortality in pre- and early colonial society, the good fortune of Ompu Barita and his male descendants was probably exceptional. Nonetheless, in the past, rajas belonging to the line of a ruling marga of the village must have been in a relatively better position to sire many children, amass wealth, and rise to power, because they had the resources to marry more than one wife, thereby increasing the number of their children.²⁵ They possessed ample land and had control over the labour of wives, adult children, and debt-bonded serfs, which ensured them a sufficient supply of food to support a large family. These advantages were not always enough to reach the pinnacle of life: people rarely lived until old age.²⁶ Moreover, the misfortune of losing one's children because of disease could just as well befall the rich as the poor and thus thwart the hope to become a 'blessed' person. Nevertheless, a raja in his prime could still make sure that his funeral would be a grand affair: important chiefs had their sarcophagi made of stone or wood years in advance, and they stood on display in the village as a visible token of their power and wealth (Warneck 1909:70, see illustration 20).

The lack of male offspring of course ruled out the possibility of becoming as powerful as the Ompu Barita and his descendants. On the other hand, too many sons and few daughters was not conducive to amassing wealth either. A charming Batak folk tale about a dying widowed mother with seven sons and one daughter illustrates this point. The family is poor, and the sons do not have the money to give their beloved mother a worthy funeral. So they think up a ruse. Each of them goes to the son of a different raja and offers him their younger sister in marriage, asking for an advance on the brideprice. Because the girl is a beauty, the prospective grooms are more than willing to pay. Having cashed in the advance on seven brideprices, the sons are satisfied that they can honour their beloved mother appropriately, and they postpone the thorny problem how to deal with the seven fiancés of their sister. The poor girl, aware of what her brothers have done, asks her deceased father to take her spirit to save her brothers from being sold as slaves for being

²⁵ Renes-Boldingh's volume on Batak folk tales includes the story of a wealthy and wise raja who married several wives, but all his marriages remained barren. He turned to Mula Jadi Na Bolon and asked the god to give him at least one son, even if it would be only half a human being. This last request was granted: one of his wives gave him a child with one eye, one ear, one arm, and so forth (Renes-Boldingh 1933:62).

²⁶ Schreiber (1911:530) wrote that in European countries, 15–20% of the population reached the advanced age of seventy, while in Silindung a person of that age was a rare exception.

unable to keep their promise to her fiancés. Her father transforms her into a sugar palm.²⁷

In real life, too, poor families wished to arrange a proper funeral for a parent, and often took a loan to slaughter an animal for the feast (Warneck 1909:72).

4.3 Male Progeny and the Journey of the Soul

Both boys and girls were welcomed into the world, but boys had an additional value because they continued the descent line of their father, could defend the village against enemies, and help the family to become affluent. But these were not the only, and perhaps not even the main, reasons for the desire of male progeny. According to Toba Batak religious beliefs—described in detail by Warneck (1909)—only a son could ensure the spirit of his parents rest and an honourable place in the hereafter.²⁸

The Toba Batak conceptualized death as the moment a spirit (*begu*) snatches away the soul (*tondi*) of a dying person, which lives on in the invisible form of a new spirit (*begu*). The spirit desires a reunion with his ancestors in the realm of the death; and therefore the corpse must be buried close to the graves of other members of his *marga*. Spouses are buried next to each other so they can live on as a couple in the hereafter. Life in the hereafter is conceived of as a continuation of life on earth. The only difference between humans and spirits is that the ways of the latter are the opposite of the former: they walk backwards, have their markets at night, eat with their left hand instead of their right, and so forth.

The world of the spirits was envisioned as a hierarchical one. The highest positions were reserved for the spirits of people who were the ancestors of a large lineage: the *sumangot* and *sombaon*. A spirit could be elevated to the status of a *sumangot* after its descendants had honoured it with a grand mortuary ritual on his death. Subsequently, after a year or more, the remains would be exhumed and the bones deposited in a sarcophagus in the large ritual called *mangongkal holiholi.*²⁹ A *sumangot* was regarded as a raja among the spirits,

²⁷ Renes-Boldingh 1933:93–102. Note that the girl's fate was the same of that Si Boru Surbajati in the myth of origin.

²⁸ The following on the Toba Batak perception of the realm of the dead is based on Warneck 1909:82–9.

²⁹ In this ritual, for which the preparations were lengthy and which took place over a week or longer, the community of a large geographical area (*horja*) took part. The ritual was suppressed by the Batak Mission because it disapproved of the cult of ancestral spirits

and had the power to bestow blessings on his descendants and protect them against evil spirits causing the failure of crops, illness, or other misfortune. The lineage therefore had a vested interest in organizing the two-staged mortuary rites for its great rajas. But these rites could be held only for those rajas who had many descendants in the next generations, who possessed the necessary material resources and large kinship network to stage the *mangongkal holiholi* ritual.³⁰ The excavated bones would be deposited in sarcophagi made of stone or wood. A large offspring (*hagabeon*), wealth (*hamoraon*), and social esteem through many kinship alliances (*hasangapon*) thus not only determined the power and status of rajas in this world, but also the status of their spirits in the hereafter.

Coffins for the Deceased and Mortuary Rites

Impoverished Toba Batak were usually buried immediately after death, wrapped in a mat. The remains of prominent people were stored in a wooden coffin made of a tree trunk and carved, until the process of decomposition was complete and the family was able to stage the funeral on an auspicious day according to the Batak calendar.

19. This photograph was taken at a poor village close to the northern shore of Lake Toba (which explains the Karo Batak-style architecture of the houses). To the left of the rice granary (*sopo*) in the foreground, a coffin is placed on wooden supports, covered by an extension of the roof.

20 and 21. The first photograph shows a grand stone sarcophagus near Huta Naiboho, Samosir, carved ca. 1840. Such sarcophagi were made for prominent raja. Simple urns such as visible in the next photograph are also found on the island.

22. Buried ancestors were exhumed after their descendants had amassed sufficient resources to hold the mortuary rite called *mangongkal holi-holi*. This photograph shows exhumed skulls ready for internment in a sarcophagus or tomb (1935).

and the *gondang* music (Marcks 1931:53, 55), but it was still practiced in the 1930s (Vergouwen [1933] 1964:71). For a description of this ritual staged in post-independence Indonesia, see Simon 1984.

³⁰ The importance of wealth is stressed by Warneck (1909:101): "The one who has money and livestock, is not only a respected man in this life, his goods also guarantee him a privileged position in the other world" (Wer Geld und Vie hat, ist nicht nur in diesem Leben ein angesehener Mann, seine Güter garantieren ihm auch im Jenseits eine bevorzugte Stellung).



ILLUSTRATION 19 Storage of a corpse in a coffin on stilts next to the house in the village of Nagasaribu (1870). SOURCE: RMV, NO. A13-21B. PHOTOGRAPH BY K. FEILBERG



ILLUSTRATION 20 Grand stone sarcophagus (Samosir, ca. 1840). SOURCE: TM, NO. 10016785

CHAPTER 4



ILLUSTRATION 21 *Urn with human figure.* SOURCE: KITLV, NO. 405670



ILLUSTRATION 22 Exhumed remains of ancestors (1935). SOURCE: KITLV, NO. 405380. COLLECTION GL. TICHELMAN

Of an even higher status than the *sumangot* were the spirits of the ancestors who lived many generations ago, called sombaon. Each area in the Batak region had its own sombaon. For example, the four ruling marga in the valley of Silindung, the Siopatpusoran, all used to worship the sombaon Siatasbarita, who resides on the summit of the mountain of the same name. The sombaon were thought to have an even greater power to bestow blessings than the *sumangot*, such as fertility on women and the fields of their descendants; but when offended, they could also spread death and destruction.³¹ The ceremony held in honour of the sombaon was the santi or santirea ritual, referred to in the quote above. To lift a sumangot's spirit to the status of a sombaon, a handful of the earth from its burial place was taken to a new abode-a landmark in the landscape, such as a large, extraordinary tree, the top of a mountain or a protruding rock. Although the sombaon resided outside human settlements, they used to have a place of worship in the market (joro), and rituals were occasionally staged there. During the ritual, the spirit of the sombaon would communicate with the living through a spirit medium.

Besides the *sumangot* and *sombaon*, there were the *begu* of commoners. If he/she had been blessed with many children who had sufficient means, they would make the deceased a grave in the village compound close to the rice barn. Then there were the insignificant *begu* of small children who had to be given an offering near the wall of the house, as they were usually buried with-in the village compound.³² The spirits of older but still unmarried children, buried outside the village compound, were only rarely given an offering, and likewise those of married adults who had left behind a poor family.

If a man or woman died without leaving a son behind, the spirit would become a despised *begu*, a slave of other spirits populating the afterworld. A daughter could help her father or mother's spirit be accepted in the abode of the dead only by giving it offerings, but this would not change its subservient status. Worse off was the spirit of a childless person, which, according to some sources, was considered not even to have a soul (*tondi*).³³ Such a spirit would

³¹ When the first Toba Batak converted to Christianity, it was the *sombaon* of the region who was feared: he might take revenge on all the *marga* descended from him. For a description of such a reaction to this by the pagan community, see Van Asselt (1906:194–7).

³² Ypes (1932:171, 316), reports that in Laguboti a baby who died before it was given a name called a *bobok poso*—was buried without a coffin next to the house, in the hope that the mother would soon conceive again. On Samosir this was done out of fear that the little corpse would be dug up by people who wanted to make a *pangulubalang* (decorated stick considered to have magic powers).

³³ Warneck 1909:76; Ypes for the Dairi Batak (1932:19).

not be given entrance to the village of its ancestral spirits, but had to roam about isolated and forlorn in the fields—a truly pitiable fate. It had to feed itself on the smell of the offerings given occasionally by people who were afraid of the harm it could cause. Not even material wealth in this world could ensure such a person a better life in the hereafter.³⁴ The death of a man who died childless was even thought of as bringing a curse over the land, which had to be removed by way of a special ceremony (*papurpur sapata*).³⁵

There were also numerous obnoxious *begu* and the spirits of people who had died in a way despised by the Batak. The spirit of a woman who had died in childbirth was the most feared; one thought that it would go after the souls of her children and that it was a grave danger to other pregnant women (Warneck 1904:70, 78–81). A protection against such feared *begu* was to have one's teeth filed before marriage, because the spirit might follow a woman with unfiled teeth and cause her death (Winkler [1925]2006:141).³⁶ If a woman nevertheless died in childbirth, the most horrifying death of all, her corpse had to be treated in a special way to prevent her spirit from coming into contact with the living and taking away their souls:

One binds the hands on the corpse's back, binds the feet, and fills the mouth, eyes, and ears with ash. One lifts the floorboard and just throws the corpse out of the house; under the house, where livestock is kept, the corpse is thrown on the ground and left for the cattle to trample on. One is not allowed to bury the corpse outside the village, because an enemy might steal the corpse to use it for the fabrication of a *pangulubang* (magic stick of the *datu*). All pregnant women in the neighbourhood throw burning torches in front of the ramparts of the village and wave knives, whereas their husbands shoot their rifles. All this to frighten off the dangerous spirit of the woman who has just died in childbirth

WARNECK 1909:77³⁷

³⁴ Warneck (1909:73, 76–7, 80, 99) on the spirit of a childless person.

³⁵ Vergouwen [1933]1964:274. A wooden effigy (*sigalegale*) was made for him, clothed and adorned, which was 'danced' in the market by holding it on ropes, accompanied by his dancing wife, brothers and parents (see illustration 23). A buffalo, cow, or pig was slaughtered and the meat divided among the crowd. After the effigy had been 'killed' by a shotgun, it was thrown over the village rampart (Warneck 1909:108). Today, the dance of the *sigalegale* is a tourist attraction on Samosir (witnessed in July 2010). Whether it is still performed in the context of a mortuary ritual as well, I do not know.

³⁶ For this reason it was not easy for the Batak Mission to root out the custom of tooth-filing (Chapter 8, Section 8.2).

³⁷ The reason for the corpse being brought out through the stable under the house was to prevent the soul from returning to the house through the front entrance. Van Asselt

Compare the heinous treatment of such a woman's corpse with that of a great raja whose body was kept embalmed with very expensive camphor in a wooden coffin in the house until the fields had been harvested and the funeral ceremonies could begin. For the festivities, many buffaloes were slaughtered, of which the horns and jaws would later adorn his grave. After the burial, ceremonies could continue for as long as a year (Marsden [1873] 1975:387–8). Even a commoner was properly buried, although without any ceremony.³⁸

This account of burials, funeral rites, and the beliefs about the journey of the soul informs us about several gendered differences. First, the spirits of ancestors which attained the highest status of a *sombaon* or *sumangot* were usually known by male names. Perhaps their wives enjoyed the same status, but that remains obscure in the literature. Second, only male descendants could stage the mortuary rites to promote the spirit of an ancestor to a higher level in the spirit world. The sole contribution daughters could make was to present offerings to the spirit of their parents without male offspring, to ensure their entrance in their final abode as subservient spirits. Third, a man and a woman who died childless were truly 'lost souls', cut off from the company of the spirits of their kin in the hereafter. The Toba Batak longed desperately for a son in order to avoid that sad fate. But the most pitiable lot of all was reserved for the woman who had the misfortune to die in childbirth. Her spirit was not revered, but feared and ostracized from the community of other spirits, her corpse denied a descent burial.

4.4 Joy and Grief

Because sons were more valued, it is not surprising that many sources mention that the birth of a male child was generally greeted with more joy than the birth of girl.³⁹ Vergouwen ([1933]1964:221) gives a nice illustration of this: when asked about the sex of the newborn, a father would answer: "it is all right" (*tahó ma i*). This meant that the child was a boy. If a son was born to a raja, he had

^(1906:130–1, 141) reported that the corpse of the woman was wrapped in an old mat or the fibres of the sugar palm and thrown in a ravine. In the Toba region, one threw the corpse, made heavier with stones, into the lake (Winkler 1937:1337). For a detailed description of a case, see "Frauenlos im Heidentum", *Der Meisters Ruf* 1911:56–7.

³⁸ See also Junghuhn (1847:136–43) on differences in funeral rites. Henny (1869:29–30) observed a distinction between four types of coffins depending on the status of the deceased. How the body was transported to its grave also differed: the coffin of the notables was put on a carriage with wheels (probably necessary because the coffin was heavier than that of less prominent people).

³⁹ Ruhut [tr. Meerwaldt] 1904:118. See also the quote in the introduction, page 1.

to give a feast where the *gondang* would play.⁴⁰ The only reason for a father to reject a son was if the child was born on his own birthday according to the Batak calendar. Missionary Meerwaldt came across such a case. The *datu* had told the father that he would soon die if he allowed his son to live. The father, frightened to death, and his relatives planned to bury the infant alive, but the mother protested with all her might, took her baby boy with her, and moved to another village. Her husband took another wife.⁴¹

The position of a married woman in the circle of her family-in-law depended on her having a son. In 1911, missionary Brakensiek wrote:

As soon as a child is born and especially if it is a son, the condition of the Batak marriage changes and one can say that henceforward marital life begins in earnest, [because] through the birth of son the position of the woman improves in that she will then be protected and respected.⁴²

Girls were greeted with joy, too, but there was some ambivalence. A girl was destined to marry out and "strengthen the walls of someone else's village". She might even become an "opponent", as the author of *Ruhut* put it, because she would make demands on the wealth of her father and brothers after marriage. The birth of a girl was particularly dreaded if she was the next in a long sequence of daughters.⁴³ Only if many sons had been born first, would the parents be overjoyed when the mother finally delivered a girl child.

Once a healthy child was born, the parents were not spared anxiety. Missionary Bruch (Bruch 1912:19) wrote:

When a child falls ill, even if not very serious, the parents immediately become utterly alarmed and out of self-effacing affection do everything in their power that may help the little Lazarus to get back on its feet.

It was believed that every desire of the child had to be fulfilled to lure his soul (*tondi*) to return to its body. When death was imminent, the parents would

⁴⁰ KIT, Batak instituut, doss. 36, C 74, Paper by missionary Pilgram, 1885.

⁴¹ Meerwaldt (1901b:12–5). After his conversion nine years later, Ompu Ginjang, baptized Soleman, took his wife and their son back on the advice of missionary Nommensen.

UEM, F/b 2,1 Ref. Brakensiek 1911:3. Vergouwen ([1933] 1964:221) wrote in a similar vein:
 "From then on [after the birth of a son] he will look upon his wife with respect and she is assured of his faithfulness and affection".

⁴³ Bruch 1912:16; Meerwaldt 1901b: 17–8; Ruhut (1898 [tr. Meerwaldt 1904:118–9]). During my stay in North Tapanuli, a female teacher told me she felt rejected by her parents, because she was their seventh daughter and they had no son.

become desperate. The depth of despair comes across in the following lamentation of a widow who felt the end of her only son was near:

Ah, my little sprout Don't vou even dare to leave me behind, an empty rice husk In your place I want to be put in the grave My father [meaning my son] must live on Live in the midst of this world When you have to die Oh, then I will be like a chicken, one has let go to fly away Like a horse one has let run off [...] I have to drown myself, when you die In the river Situmallam, I have to drown myself When you hurl yourself in the depth In the deep abyss Which no one can climb out of I take the step to make a twisted rope The way to death WARNECK 1909:69⁴⁴

For this widow, life was about to lose its meaning. The often-used metaphor of the empty rice husk for an infertile woman, or a woman without a son and beyond childbearing, is also telling: like an empty rice husk, she was considered useless and felt herself to be so.⁴⁵ The metaphors mentioning the chicken and the horse equate the mother who lost her son with a domesticated animal who would not survive in the wild.

When a child had died, the parents would become beside themselves with grief. With empathy, Bruch wrote:

[W]hen a son dies, perhaps the only one, the sorrow of the parents is incredible: for weeks their eyes are red from crying and for months the

⁴⁴ Van Asselt (1906:205) recalled the conversation between a dying young Christian man and his mother, who expressed her anxiety at his imminent death in a similar way, saying she wanted to die if he did. Her son told her she talked like the heathens and urged her to surrender herself to the Lord Jesus.

⁴⁵ The same metaphor is found in Simon 1982:191. This also contains lamentations for other relatives during a *mangongkal holiholi* ceremony in 1981.

heartbroken mother expresses her unspeakable sadness in long lamentations. Prostrated on the grave of her darling she announces in a loud, wailing voice to the peaceful and quiet world around her how her poor mother's heart suffers.

BRUCH 1912:19

Warneck reported similar reactions to the death of a child by fathers:

Those left behind stare brooding in front of them for months, do not work, do not go to the market, lament incessantly out of desperate grief. warneck 1909:68

A missionary nurse wrote about a mother who had just lost her sixth child, a boy, while of her previous five children only one daughter had remained alive:

The sorrow of the woman was indescribable, and also the husband was very embittered. [...] How crushing it is for a Batak woman can be understood only by those who know the Batak.⁴⁶

The sorrow of women was intensified by the thought that they were responsible for the death of a child, particularly if the child was still a baby or a toddler. They blamed their own soul: "Oh, my dog *tondi*, you detest having a child!"⁴⁷

It is not surprising that the sources often mention the most extreme expressions of grief as that of middle-aged mothers and older widows, who had little or no hope of conceiving again.⁴⁸ This had to do with the vulnerable position of widows without a son, a subject discussed in the next chapter. Men, too, could become desperate, and might become suicidal: Warneck (1909:68) mentioned men who had hanged themselves because they had lost a son. In one sad case, a very poor and old man without a son stabbed his wife and sevenyear-old daughter to death before he tried to commit suicide. It turned out he had wanted to save them from destitution after his death.⁴⁹

⁴⁶ Letter by Magda Albrecht, Der Meisters Ruf 1930:131–2.

⁴⁷ Warneck 1909:54. Van Asselt (1906:204) also mentioned the responsibility of the mother for the well-being and illness or death of her children.

⁴⁸ An indication that mourning the dead was mainly a women's affair is that all five lamentations quoted by Braasem (1951:87–91) were voiced by women.

^{49 &}quot;Lantaran azab sengsara jang ta' terderita", *Pandoe* 1936: 60–1. The newspaper article made no mention of the absence of a son being the reason for Japeth's desperate act. It is likely that the author thought that the readers would draw this conclusion for themselves.

How a husband and children reacted to the death of a wife and mother who had died in childbirth is not recorded in the sources. Perhaps they mourned in private? If her *begu* demanded an offering, one would give it cooked rice made yellow with curcuma root, placed on a leaf, and then put it on the principal cross beam supporting the house, ritually considered the lowliest place of a dwelling, and one should do this sideways.⁵⁰ No matter how wealthy her descendants, a ceremony for her was out of the question (Warneck 1909:77).

4.5 Strategies to Avert Disaster

Because of the ardent wish for children, a couple and their relatives would become increasingly worried if the wife failed to become pregnant within a certain period of time after marriage. Apparently the wife often bore the brunt of this misfortune:

[E]specially sad and depressed is the wife; such a woman will be held in low esteem by her husband and society at large and often enough she is the subject of vicious mockery by other women, who have children. She is therefore very much ashamed and stays at home as much as possible. BRUCH 1912:16

Sometimes a woman could not bear the stress caused by her barrenness, as is illustrated by an incident reported in 1930 by Martha Schachter, a nurse working at the hospital in Tarutung. A woman who had not conceived after six years of marriage was so frustrated and pained by the reproaches of her husband that one day, after he had slapped her, she poured boiling water over him. Badly burned, he had to come to the hospital for treatment. The parents of the husband did not blame their son for his relentless reproaches addressed to his wife (Schachter had inquired about that), but found fault only with their daughter-in-law. Schachter, who had pity on the woman, also remarked indignantly that none of the men in the men's hospital who heard the story defended the poor wife.⁵¹

Childlessness was considered a curse, inflicted as the result of transgressing prevailing norms. In the Batak myth of origin, Batara Guru and his brother Soripada were worried that the marriage between their children Si Boru Surbajati and Raja EndaEnda would be infertile, since the marriage was a forbidden

⁵⁰ To trick the *begu* so she should not see the giver?

⁵¹ Der Meister's Ruf 1930:84.

union (*sumbang*). The awesome power of the notion of infertility is also reflected in the curse a father might inflict on a daughter who refused a marriage he had arranged: she would remain barren (Warneck 1909:63). One had to go to great lengths to avert such a curse, soliciting the help of a *datu*. The curse of infertility was used also in the context of court cases. If the judges suspected someone of perjury, they could demand that he take an oath using a small puppet. Holding this puppet in his hand, the man had to swear that if he had not told the truth, he would die without offspring, or his children would be born crippled.⁵²

Toba Batak couples dealt with the infertility or death of children in three ways: ritual aversion of the curse of barrenness; divorce by mutual consent or *force majeur*; and bigamy with consent of the wife. Adoption was not an option, unless it was a boy of the same bloodline as the adoptive father and therefore could fulfil the obligation to organize the mortuary rites for his stepparents. It was not easy, however, to find a kinsman who would be willing to part with one of his sons.⁵³

If a husband and wife felt they had waited long enough for a child, the first step they would take was to visit the parents of the wife, their *hulahula*. The husband would address his parents-in-law very politely, implore them to forgive him and his wife for any offence they might have given, and ask for their blessing so that the wife would get pregnant. The parents then gave a woven cloth (*ulos*) to fortify their daughter's soul, sometimes adding a paddy field, the *ulos* gift "that does not wear out". If this did not help, the couple turned to the *hulahula* of his parents-in-law, whose power to bestow blessings was considered more powerful (Vergouwen [1933]1964:55, 86). The term for this power was the *sahala hulahula* (Sherman 1987:868).

The infertility of women was a matter of public concern as well. At the yearly ceremony to celebrate the new harvest, the ancestors were always asked to bless their descendants with numerous offspring. Besides this customary appeal, the *marga* could also arrange for a special ceremony if only a few children had been born or an epidemic had broken out, if this was advised by the expert

⁵² Ypes 1932:385. Ypes also recalled a Batak saying in this context: "the one who has been cut down because of an oath (perjury), will not sprout; what is cut down by an ax, will" (*Na tinaba ni gana, ndang martumbur, alai na tinaba ni tangke, martumbur do*).

⁵³ Vergouwen [1933]1964:229–30. He also mentioned that adoption was easier in "olden times", because there were many uprooted people and slaves. This is not confirmed by the authors of *Ruhut* and *Patik* nor missionary sources, which do not even mention adoption as a known institution. An in-living son-in-law (*sonduk hela*) could never become a member of his father-in-law's *marga* and perpetuate the latter's patriline, see Nasoetion 1943:69–87.

on divination, the *datu*. Such a ceremony called upon the divine forces of prosperity and fertility, the male one called the *silaon na bolon* and the female the *sibaso na bolon*.⁵⁴ These supernatural forces had their own place of worship in the village of origin of every *marga*, in a separate construction similar to a Batak house, but smaller in size. This *ruma parsantian* contained a wooden rack called *ragaraga*, of which the mythical origin has been narrated previously.⁵⁵ This was believed to be the site where the ancestors came to visit their descendants on earth, if they were called upon in the appropriate ritual way (Tobing 1956:78–81). The living gods (*debata idup*)—two wooden effigies, one male and one female—were believed to promote fertility and protect pregnant women. These, too, were stored in the *ruma parsantian*, along with an earthen pot (*guriguri*) filled with a special type of ritual oil.

The ceremony to ask for the blessings of the *silaon na bolon* and *sibaso na bolon* was held on a fixed auspicious day and served to unite the members of the hosting *marga* and the representatives of its bridegiving and bridetaking clans; it lasted for several days in a row. The square rack, the *ragaraga*, was lowered by ropes which were attached to the roof. Meat and fish were put on a special plate and placed on the rack, with some palm wine and water. Betel leaves placed on a broad type of leaf were the most important part of the sacrifice. Each man marked his betel leaf to be able to recognize it at the closure of the ceremony. Ritual oil was poured from a pot into a horn, whereupon the whole square rack was covered with an *ulos ragidup*—the most prestigious woven cloth, as it was believed to enhance life.⁵⁶ Then the barren women and those who had lost their children were placed in a row alongside the wall of the sacrificial place. They carried the female effigy of the 'living god' (*debata idup*) on their backs,⁵⁷ while their husbands did likewise with the male counterpart.

⁵⁴ In some places the *silaon na bolon* and *sibaso na bolon* were revered as the spirit of the oldest male and female ancestor of the *marga*, whereas in other places they were considered of divine origin (Ypes 1932:228, 294) Interestingly, Ypes (1932:191) notes that the *sibaso na bolon* is not the spirit of the wife of the oldest ancestor but that of a daughter-in-law who happened to be chosen by the *silaon na bolon* as his spirit medium during her lifetime. It seems that sometimes only the *silaon na bolon* was invoked (Tobing 1956:80), or only the *sibaso na bolon*.

⁵⁵ Chapter 2, Section 2.8. Other names for this construction are *joro*, *pasogit* and *parsibasoan* (Vergouwen [933]1964:72–3).

⁵⁶ *Ragi* means pattern, *idup* means life (Malay: *hidup*). An *ulos ragidup* thus means the cloth with the pattern of life (or life-giving cloth?).

⁵⁷ Some sources mention that there is only one effigy used, others two, and others again mention women and men carrying an effigy. Niessen (1985:127) mentions that the women carried a sack of rice, not an effigy, on their backs.

Meanwhile a Batak orchestra played and they danced, while the raja leading the ceremony as priest uttered a prayer to invoke the spirits of the *silaon na bolon* and *sibaso na bolon*.⁵⁸ The couples to be blessed were then asked to take the *debata idup* on their lap "so that you may carry sons and daughters on your laps". Each couple uttered a prayer supplicating the gods to remove the curse of barrenness and to reciprocate their offerings by granting them children. They fed the dolls with sticky rice so the blessings asked for would 'stick' and result in the birth of a child. Ritual oil from the earthen pot was sprinkled in the direction of the genitals of the barren women, and the *ragaraga* with all its contents was pulled up again. When it was lowered on the last day of the ceremony, every couple looked at their own betel leaf put on the rack on the first day. If it had withered, adversity would await them. But if the leaf had remained moist, one could expect a happy future.⁵⁹

If the rituals described above proved to no avail, a divorce could be contemplated, as barrenness was an accepted reason for a divorce. Most childless marriages probably ended in divorce, because the Batak believed that "that which does not match, should not remain united".⁶⁰ Often the decision to resort to a divorce was taken after the marriage had endured for years. A couple could ask for a divorce simply because each wished the other might be blessed with offspring in a new marriage.⁶¹ After the separation, the woman would wear a garland of the leaves of the *rias* plant in her hair when going to the market, a sign that she had been separated from her husband by mutual consent. This garland would inform a man who might be interested in marrying her of the reason of the divorce (*Patik* 1899 [tr. De Boer 1921:362–3]). Sometimes the husband waited with the request for a divorce until his wife was middle-aged. This was disadvantageous for her, as it would be unlikely that someone would still want to marry her.⁶² It could also happen that the *datu* advised the couple and

⁵⁸ Such a prayer is included in Tobing's discussion of this ceremony (Tobing 1956:80–1).

⁵⁹ Tobing 1956:81. Vergouwen ([1933]1964:73) did not mention this, but wrote that the childless men and women were eager to take hold of the rope on which the lowered *ragaraga* was suspended, to receive the good fortune of the ancestor's spirit.

⁶⁰ The complete Batak saying runs as follows: *saut na marrongkap, sirang na so marrongkap* (the marriage of a compatible couple endures, the marriage of a man and women who are not compatible should be dissolved), Vergouwen [1933]1964:167, 249.

⁶¹ Indonesische dorpsakten 1933:93–4. In an example of such an agreement between husband and wife about repudiation of the latter, signed by both spouses and four rajas, the brideprice was partly returned, with the outstanding debt to be paid when the wife remarried.

⁶² Case adjudicated by the adat court (*Rapat Hadat*) of Balige in 1929 (KITLV, Adatrechtstichting H 1051, 81, Vonnis no. 11, 16 April 1929). Husband and wife were approximately fortyfive years old. The husband had already married another wife.

their families that a separation was necessary because the souls (*tondi*) of the spouses were not compatible (*rongkap*). A couple who had lived in harmony until then might not necessarily agree with the suggested divorce, but had to bow to the decision made for them by their families on the advice of the *datu*. Warneck (1909:12, 21) mentioned that a husband was even obliged to let go of his wife if the marriage remained barren. In such a case, the wife would wear a garland of *banebane* leaves to the market, symbolizing that she had divorced by force and was sad about it.

If barrenness was the cause, the bridegiver (*parboru*) and bridetaker (*paranak*) would be inclined to settle the divorce amicably.⁶³ The *parboru* would provide another daughter or a close kinswoman to take the place of the daughter who was returned to him. Otherwise the marriage payments had to be returned to the original givers.⁶⁴

It was also possible that the couple did not wish to separate and their families preferred to keep the marriage intact because the affinal relationship was valued and also because it entailed the return of the marriage payments. The couple could then decide to look for a second wife for the husband, in the hope that she could produce a son. It seems that the first wife often took the initiative, or at least cooperated to bring about the second marriage. It was she who chose the co-wife, often a woman from her own marga, or at least a woman related to her. The new bride became a member of the household of the first wife and remained completely subservient to her. She did not receive any property from the husband as her own to manage. Her sole role was to bear the husband children, who would be considered the children of the first wife. Such a co-wife was called a *tungkot* (Malay: tongkat), literally 'a stick to lean on'.⁶⁵ This expression symbolized the first wife's need for her co-wife in order to produce the children she did not have herself. Basically, the tungkot wife was a surrogate mother. She had a particularly low status in the region around Toba and on the island of Samosir, where she was also termed "the subordinate one" (panindi) or "the outcast" (siambolongbolong) (Vergouwen [1933]1964:233).

⁶³ Other reasons for amicable separation: if a marriage was arranged by the parents, but the young couple turned out not to get along; a physical illness or mental disorder of either spouse (Meerwaldt 1894:538–9; KITLV, Korn, OR 435.450. Routs, *Nota inzake het leprozenhuwelijk te Hoeta Salem*, 1932, 6–7).

⁶⁴ This is illustrated by a court case: the son-in-law claimed the return of the brideprice because his *parboru*, who had promised him a niece of his wife because the latter had not conceived, had failed to keep the promise (KITLV H 1051, 87. Advice Vergouwen 12 April 1928 on Civiel vonnis Kleine Rapat Parsoboeran no: 49/1927, 13 December).

⁶⁵ Warneck (1977:276) mentions in his dictionary only that *tungkot* means stick or staff, but not that the term was also used for a subservient co-wife.

The *tungkot* form of bigamy was probably the preferred strategy for all strata of Batak society to solve the problem of barrenness or lack of male issue.⁶⁶ This served the interests of both husband and wife, as the latter could regard the children her own. This alternative to divorcing his first wife, however, was open to a man only if he had the means to support more than one wife (Meerwaldt 1894:539). Otherwise he had to give his first wife back to her family in order to recuperate the brideprice and use it to pay the brideprice for another woman. On the other hand, the family of the unfortunate first wife would probably be willing to provide a *tungkot* co-wife for a small brideprice.⁶⁷

The disaster of dying without male issue was felt so strongly that the Toba Batak staged a special funeral rite for a man who died without male offspring (ill. 23). They were also prepared to go to even greater lengths to provide a better lot for his spirit: with the consent of her husband's heir (*uaris*), his widow was



ILLUSTRATION 23 Women mourning a deceased man. The women, heads wrapped in the tujung (cloth of mourning), dance and wail in the village centre. A puppet wearing a white neck cloth (sigalegale) and representing the deceased is made to perform a dancing movement. This ritual is staged for a man who has died childless, in order to rid the land of the curse which had been upon him. SOURCE: VERGOUWEN 1964 (1933): 275

⁶⁶ This was a common reason for polygyny in other societies as well (Kloos 1981:81–2).

⁶⁷ Another reason for bringing in a *tungkot* wife was if an elderly first wife was unable to take care of her aging husband and the household any longer (Meerwaldt 1894:539).

allowed to make herself available to any man in the hope that she would conceive. If she gave birth to a son, it was passed off as the child of the deceased.⁶⁸

4.6 The Male Strategy to Reach the Pinnacle of Life⁶⁹

Men did not always resort to bigamy to cope with a childless marriage or the lack of male issue.⁷⁰ Marrying two or more wives could also serve the very different purpose of siring as many children as possible for political and economic reasons. Bigamy could also be the strategy of a man to neutralize a less harmonious marriage with a cantankerous wife. Or he just loved women and sex (*roha daging*, literally "a lust for flesh"). These reasons were not mutually exclusive, but the desire to have many children was probably the most important.

In the sources, polygamy is attributed mainly to the Toba Batak rajas. Monogamy was said to be normal for commoners, because they could not afford the brideprice for more than one wife.⁷¹ The sources vary, however, about the number and status of wives kept by rajas. Marsden ([1783] 1975:381) and Junghuhn (1847:133) mention that the rajas had about half a dozen wives, the latter adding that all had the same rights. In the region west of Silindung, the rajas had up to twenty or thirty consorts, according to Controller W.A. Henny (1869:20), who toured that region in 1859. The most prominent rajas north of Lake Toba had as many as fifty or more, but the majority had the status of a slave, according to Warneck (1909:117).

The rajas probably furthered their political interests best by marrying women of other prominent families. Their wives had an equal position in the household and referred to each other as *imbang* (Malay for equal).⁷² Contrary to a subservient or *tungkot* wife, the *imbang* was not a relative of the first wife, but

⁶⁸ In the 1920s this custom was still practiced in the areas Toba and Humbang (Vergouwen [1933] 1964:225-6).

⁶⁹ Based on Vergouwen [1933] 1964:232-7, unless indicated otherwise.

The correct term is 'polygyny', the practice of a man having more than two wives, its opposite being polyandry, the practice of a woman married to more than one man. In the following, the more colloquial term polygamy is used. For detailed Batak terms for different types of polygyny, see *Verslag dari pembitjaraan tentang perkara adat2 dan marga jang diadakan di Pangoeroeran (Samosir) pada tanggal 3 juni 1919, dihadapan segala radja2 dan orang2 toea dari negeri Boehit (KITLV Korn Or. 435.453).*

⁷¹ Schreiber 1876:267; Brenner 1894:249; Warneck 1909:117.

⁷² Polygamy of this kind was called *parimbangon (Patik* 1899 [tr. De Boer 1921:371]). In Warneck's dictionary (1977:127) the only translation given for *imbang* is co-wife (*Nebenfrau*), adding that this word was used only by the first wife for her co-wife.

had to come from another *marga*.⁷³ The equivalent status of her family probably entailed each marriage with a new *imbang* wife being contracted with the payment of considerable reciprocal marriage gifts and being celebrated with a large feast.⁷⁴ A polygamous household where women were each other's equal was more prone to tension than was the case when the co-wife was a subservient wife or of slave descent. To keep the peace between his wives, the husband often gave them a separate section in the house, where they had their own cooking hearth.⁷⁵ He also allotted them their own fields to till.⁷⁶ Sometimes a co-wife preferred to stay with her own family in another village (Bruch 1912:19). The wisdom of these arrangements is expressed in the Batak proverb (*umpama*): "it is no disgrace that each of the different wives of a man toils for herself".⁷⁷

The equal status of *imbang* also concerned their children, who were not regarded as the children of the first wife, as in the case of the children of a *tung-kot*. Each wife had the responsibility of taking care of only her own children. If one of the wives died, the husband faced the possibility that none of his other consorts would want to take care of the motherless children. He would then be 'forced' to marry yet another woman to take care of them.⁷⁸ Each wife also had the responsibility of contributing to the brideprice for her own son(s), and was

⁷³ According to Niessen (1985:90) a man was not allowed to marry two women from the same *marga*, as that would make a redundant alliance (unless the first wife had died).

⁷⁴ I doubt whether the statement of Vergouwen ([1933]1964:237) that second marriages were usually contracted without the detailed marriage formalities of the first marriage is valid for the nineteenth century. This may have been the case if the second wife came from the first wife's *marga* and of *tungkot* status, but not if she was of *imbang* status her family probably would probably insist on the proper procedure for a wedding. Perhaps Vergouwen says so because in his time, if (apostate) Christians took a second wife of *imbang* status, they may have refrained from contracting a marriage without many formalities out of shame.

⁷⁵ A Batak house usually consisted of one large room, separated in three sections over the length of the house. The section in the middle was a neutral space, the sections left and right divided in four equal parts, allotted to different wives or families (*Patik* [tr. De Boer] 1921:371, footnote).

⁷⁶ Brenner (1894:249) wrote that each woman worked on her own plot, but that they helped each other out. If, however, a woman could not feed her children with the yield of her own plot, she was not supported by her *imbang*, but received money from their husband.

⁷⁷ Indang tihas na morimbang masiula di ibana (Ruhut 1898 [tr. Meerwaldt 1905:115]).

⁷⁸ Missionary Metzler came across such a case in his congregation (UEM, F/b 2 Ref. Metzler 1897:6). According to the author of *Ruhut*, a man would not dare to ask one of his other wives to take care of the children of a deceased wife (*Ruhut* 1898 [tr. Meerwaldt 1905:116]).

entitled to the benefits of the brideprice given for her own daughter(s). The sons of these co-wives had equal rights to the estate of their father. In only one aspect did the first wife have a privilege over the other women: her husband had to consult her on the allocation of land and anything else he wanted to give his other wives or their children. The first wife was in no way to be put in a less favourable position than the others.⁷⁹

The custom of the levirate—a man marrying the widow of a deceased brother or other member of his clan—also contributed significantly to instances of bigamy and polygamy in the nineteenth century. A survey of the Batak Mission on bigamy conducted in 1926 revealed that a quarter to half of the cases could still be traced to this custom in areas where the majority had not yet converted to Christianity. The position of a wife married in levirate differed from that of a *tungkot* or *imbang*, because she continued to occupy the part of the house which had belonged to her deceased husband, and she retained the usufruct of the fields formerly allocated to him. The children by her first marriage continued to be acknowledged as the children of her first husband; and if she had a son, the latter inherited his father's estate. Only children born of the second marriage were counted as the children of the second husband. The composition of polygamous households in the pre- and early colonial periods is hardly touched upon in the available literature and sources.⁸⁰ This can be attributed to the following: the missionaries' prior concern was to eradicate the custom, whereas colonial officials investigated domestic arrangements only if needed for the adjudication of a lawsuit. The most extended polygamous households probably consisted of women who were each other's imbang, widows taken in levirate, an occasional subservient wife (tungkot) for a childless woman, and female slaves.81

The attitude and feelings of Toba Batak women about polygamy must have varied. If a woman had no children or no son, it was in her interest to find her husband a second wife and try to make the best of their *ménage à trois*.

⁷⁹ Perhaps the first wife of a religious leader (*parbaringin*) also played a more prominent role in rituals? Angerler (2009:102–4) on female religious leaders (*paniaran*) does not give information on this. The woman a man married first might not have been the head wife if she was of slave descent.

⁸⁰ Vergouwen was not specific about polygamous households, merely stating that men rarely had more than one wife (which reflects the situation in the 1920s when polygamy had already decreased due to Christianity).

⁸¹ A family tree attached to the record of a lawsuit involving a pagan family of the *marga* Butar-Butar from the district Porsea in Toba demonstrates how complex the relations could be (KITLV, Adatrechtstichting H 1051, 87, Civielvonnis Groote Rapat Balige no. 49, 29 April 1927).

A first wife who had given her husband sons and daughters, on the other hand, may have been dismayed when her husband planned to take another wife. But she had no other choice than to put up with the co-wife, for reasons explained in the next chapter. Why did a woman agree to become a co-wife? Nineteenth-century sources remain silent on this point. Perhaps they just went along with an arranged marriage, which may even have appealed to her if the husband was a prominent and wealthy raja. As will also be discussed in the next chapter, widows had their own reasons for marrying a kinsman of their husband, even if he already had a wife.

Becoming a co-wife could bring a woman and her children the advantage of social standing and economic security in the marriage, but this was not always ensured after her husband had died. The first wife, with the backing of her grown-up sons, might try to pester her and her children out of the house. This happened to Sarah, co-wife of a chief in Sipoholon (Lombeck 1905:24). Or the widow was deprived of the usufruct of the inheritance by a stepson.⁸² Sons with the backing of their mothers might also quarrel about the inheritance and title of their deceased father, causing tension in the family.⁸³

4.7 Gendered Odds

On the surface, the similarities between the societies of the Toba Batak in the nineteenth century and another ethnic group, the Wana, living in the remote hills of Central Sulawesi in the late twentieth century described by the anthropologist Jane Monnig Atkinson, are remarkable.⁸⁴ Both ethnicities lived in relatively isolated areas in the interior of a vast island. Crop failure, epidemics, and endemic diseases took their toll on human life. The causes for the high

^{Although dating from a later period, the following lawsuits between a widow and the son of her co-wife are probably typical of conflicts of an earlier period as well: (1) Strafvonnis Kleine rapat Porsea, no. 21, 15 January 1929, KITLV, Adatrechtstichting H 1051, 80, I; (2) Rapat-damai Hoeta Toroean no. 1, 21 juli 1925 KITLV H 1051, 86. Lawsuits between sons born to co-wives : (1) Civiel vonnis Kleine Rapat Palipi no. 16, 13 November 1925, H 1051, 87; (2) Vonnis Groote Rapat Balige no. 25, 12 November 1926, H 1051, 80 I; (3) Bezwaarschrift ten vonnis Grote Rapat Balige, no. 199, 5 augustus 1927. H 1051 80, I; (4) Civiel vonnis Grote Rapat Tarutung no. 14/19, 11 April 1929, H 1051, 81. See also Ypes 1932:417.}

⁸³ For an interesting contract of a bigamous man who tried to forestall conflict about his inheritance between the children of his deceased first wife and his second wife, see Erfrecht 1936.

⁸⁴ Atkinson's article "Quizzing the sphinx" (1999) has inspired the general outline of this chapter.

incidence of child- and maternal mortality were by and large the same.⁸⁵ And parents grieved deeply over the loss of their children.

But there are also striking differences. According to Atkinson (1999:164–5, 168) the Wana lacked incentives for bearing many children and were ambivalent about having babies, using contraceptive techniques, magic, and *coitus interruptus* to space pregnancies. She attributes their efforts to limit the number of children to the fear of losing the mother in childbirth and the scarcity of food during the dry season, which in itself already served as a natural check to pregnancy. The Toba Batak, on the other hand, did not try to limit the number of their children: none of the consulted sources refers to such behaviour.⁸⁶ Perhaps the fertile valleys and southern shores of Lake Toba guaranteed a larger and more consistent food supply than the dry hills of the Wana's natural environment.

But another plausible reason for the difference in reproductive behaviour, and easier to substantiate, is the difference in kinship organization and related religious concepts. The Wana kinship organization was bilateral, implying that the gender of offspring was not a matter of concern, or at least not especially so (which explains why Atkinson makes no mention of a preference for sons). For the Wana, having a small number of children was sufficient, regardless of their sex. In contrast, the Toba Batak ardently desired many sons to continue the patriline, which also made possible an optimal use of available land, increased the lineage's political power, and ensured the well-being of their souls in the hereafter.⁸⁷ Daughters were valued because they could be married off to other clans. Although this had many advantages, too, its importance was secondary. The ideal, however, was to have both sons and daughters in great numbers; and therefore fertility should go unchecked.

The concept of a blessed life was (and still is for many Toba Batak) to attain the status of a *saurmatua*. *A saurmatua* is a person for whom a magnificent

⁸⁵ With the exception of the effect of warfare, which influenced life expectancy of the Toba Batak negatively in nineteenth century, but not of the Wana in post-independence Indonesia.

⁸⁶ According to Henny (1869:40) abortion (*abortus provocatus*) was not unknown, but it did not occur on the same scale as among women in the Padang highlands (with which he was apparently familiar). Schreiber (1911:632) wrote that he had never heard of a case of *abortus provocatus* in Silindung, where he had worked since 1901.

⁸⁷ Niehof, who did research on fertility patterns in two villages on Madura, makes a relevant observation: she found that kinship organization and the availability of sufficient food supplies are factors affecting the number of children women want to have. In the matrifocal fishing community of Patondu less children were desired than in the more patrifocal and agricultural community of Tambeng (Niehof 1985:279–83).

funeral can be staged by his (or her) sons and grandsons and their many bridegiving and bridetaking affines. In the past, such a person could reach the higher status of revered ancestor, a *sumangot*, if the group of male descendants continued to expand and prosper in next generations. In pre- and early colonial times, very few people must have had the good fortune to become a *saurmatua*, because the chances for survival were so slim and life expectancy was low. Still, some were better situated than others to reach the pinnacle of life. The rajas had the resources to marry more wives and therefore sire more children, amass more wealth, and enjoy a higher status than men who could not afford a polygamous household. Although, in principle, women, too, could reach the status of a *saurmatua*, the odds were not in their favour. Biologically it was impossible for a woman to have as many children as a polygamous man. The chance of their dying without leaving a son behind who could hold the mortuary rites for them was also greater than for men.

As for the opposite of a blessed life, the odds were also gendered. The worst imaginable fate for a man was to die without male offspring. Nonetheless, a man was still entitled to a decent burial close to the village, if he had been able to amass sufficient wealth during his lifetime although his soul would still become an outcast in the world of the spirits. The worst imaginable fate for a woman was not to die without male offspring, but to die in childbirth. The custom prescribed that her remains could not be given a decent burial, and her spirit was considered extremely dangerous and feared by all. Due to the high maternal mortality rate in the past, not a few Toba Batak women must have faced this bitter fate.

CHAPTER 5

Ruptures: Divorce and Widowhood

After marriage and childbirth, it is the end of the marriage, whether by divorce or death, that now requires attention. Like the earlier events of the life cycle, these were strictly regulated by customary law and reflected the patrilineal kinship system. Knowledge of the system, including gender differences, is necessary to understand the extent of legal change brought about by the missionaries, the colonial administration, and the agency of the Toba Batak themselves during the colonial period, discussed in the next chapters. This chapter starts with a description of the traditional legal system, followed by a section on Batak legal concepts regulating the settlement and adjudication of divorce and other relevant issues.

Any dispute regarding marriage involved men and women. What were the options of a husband and wife if marital discord wrecked their marriage? What would happen if one of them engaged in an extramarital relationship? What were the rights and entitlements of a spouse and their children after the partner had died? All 'ruptures'¹ with the previously normal conditions of a standing marriage had different consequences for men and women, which influenced the actions they could take and the setbacks they were prepared to accept or wished to avoid (Sections 5.3 to 5.6). In the concluding section, the answers to these questions are situated in the context of the different construction of men and women as legal subjects in Toba Batak customary law.

Nineteenth-century sources on the contents of Toba Batak customary law are relatively extensive. Older sources such as (Marsden [1783] 1975) and Junghuhn (1947) refer to certain customary laws and the administration of justice. The two manuscripts written by Batak authors *Ruhut pasaoron di habataon* (1898) and *Patik dohot uhum ni halak Batak* (1899), both translated into Dutch,

¹ The term 'rupture' is taken from Maria Mies's article (Mies 1983) on the movement opposing violence against women in Cologne in the 1970s. The rupture with normalcy as far as their marriage concerned propelled victims into collective action. Such collective action of women was absent in traditional Batak society, anecdotal evidence demonstrating only individual opposition by women. Collective action developed in the late colonial period (Chapter 12, Section 12.9).

describe customary law at the middle and end of the nineteenth century.² The most extensive source on the subject, however, is *The Social Organization and Customary Law of the Toba Batak of Northern Sumatra* by J.C. Vergouwen ([1933] 1964). Unfortunately, less is known about the implementation of the law than about its (uncodified) content. For this reason, I occasionally refer to disputes brought to court during the period 1920–1940 if the judges adjudicated cases according to traditional Toba Batak customary law. The agency of men and women when a marriage broke down or a spouse died also becomes evident in accounts in missionary sources of the everyday life of the Toba Batak, which are useful as concrete illustrations of certain customs or customary rules.

5.1 Conflict, War, Mediation, and Jurisdiction

Disputes and litigation of any kind that happen between people belonging to the same *kampong* are settled by a magistrate appointed for that purpose, and from him, it is said, there is no appeal to the raja: when they arise between persons of different *kampong*, they are adjusted at a meeting of their respective rajas. [...] This is productive of much order and decency.

MARSDEN [1783] 1975:376

The Toba Batak were prone to quarrel and dispute. This inclination was rooted in the acephalous political constellation and the social fabric of pre-colonial Toba Batak society. The rajas of the lineages, having authority over a relatively limited geographical area, were said by Marsden to be "extremely jealous of any increase of their relative power" and quick to take up arms "on the slightest pretext" (Marsden [1783] 1975:375). Problems that could cause disputes between clans or lineages of clans varied: incursion on another raja's territory; manslaughter; cattle theft by someone from another clan; unpaid gambling debts; dispute over succession to the position of raja of a *marga* conglomerate; rape and abduction of a woman; and so forth. Disputes between the inhabitants of the same village also encompassed land issues and quarrels about petty

² For the translations, see the bibliography under *Ruhut* and *Patik*. It should be noted that these Batak descriptions were not meant as codifications of Toba Batak law. The written guidelines for the courts at the time were the Christian By-laws discussed in Chapter 8. Nevertheless, un-codified customary traditional law, which deviated from those by-laws, was still generally adhered to by the Batak judges (Chapter 9. Section 9.1.).



ILLUSTRATION 24 Raja and other men (1870). The older man standing in the back holds a lance, part of the traditional attire of a raja. SOURCE: KITLV, NO. 10472

theft, insult, and seduction. Marital problems involved members of different *marga*, living either in the same village or in different villages.

As the quote above indicates, the composition of the assembly of rajas adjudicating a dispute depended on the parties involved.³ A council of rajas, which convened at the large marketplace of the religious community called *bius*, handled serious offences and acrimonious disputes between villages or clusters of villages (Henny 1869:45). They tried to maintain the peace through mediation and arbitration. Whether the disputing parties accepted their decision or mediation depended on the respect (*hasangapon*) and fear they had for the arbiters, whose power to enforce a decision was limited. If one of the parties refused to abide by the decision and felt sufficiently powerful, hostilities would resume (Junghuhn 1947:174). The village raja and senior men in the village dealt with disputes between common villagers. They could summon the disputing parties, and their decision was final. The rajas thus acted in the capacities of diplomat, mediator, arbitrator, and judge.

³ The following description is a very brief summary of the traditional legal system as described by Vergouwen [1933] 1964:377–423.

Adjudication

25. This photograph appears to show the setting for the administration of justice in pre-colonial times in which the *parbaringin* were still involved. It was taken in 1915 on Samosir where the *parbaringin* still played an important role in society, because only a tiny minority of the population had converted to Christianity at the time and the island had only recently been incorporated into the Residency of Tapanuli (1906). The *parbaringin* sit in a circle. On the large stone (probably a *batu ni sulang*, the stone on which one took an oath) lies a book of divination (*pustaha*). On the right is a Batak orchestra (*gondang*).

26. This photograph was taken at the end of the colonial period. The setting is still traditional: the dispute is not discussed in a courthouse, but in the open. The rajas sit again in a circle, surrounded by family members involved in the dispute. Villagers, women, and children are bystanders, the adults following the process of adjudication. The colonial administrator was perhaps a Batak *jaihutan* or *demang*: the man in the center holding a piece of paper and wearing the headdress common for administrators at the time.



ILLUSTRATION 25 Parbaringin convened at the open market at Limbong, Samosir (1915). SOURCE: TM, NO. 10000223. PHOTOGRAPH BY D. VAN DER MEULEN (CONTROLLER)

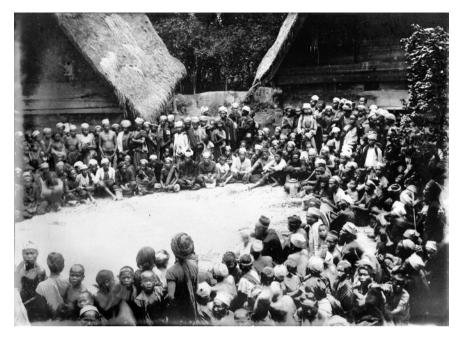


ILLUSTRATION 26 Adjudication of an inheritance dispute in the presence of the Dutch administration in the village Urat on Samosir (1938). SOURCE: TM. NO. 10001806. COLLECTION W.K.H. YPES

Arbitrage and adjudication were the most important functions of the rajas.⁴ The rajas who gained the highest prestige were the *parbaringin*, the religious leaders of the *bius*, who officiated at religious rituals but also acted as arbiters in conflicts involving different communities. To be respected, a raja had to be a rich and generous host, courageous in war, firm towards his subordinates, skilled in the science of divination, and—importantly—adept in the art of oratory and dispute. If a raja possessed all these qualities, it signified that he was qualified to govern—that is, he possessed the authority indispensable for maintaining peace and order, the observance of judicial decisions, and the assistance and co-operation of his dependents and affines against his adversaries. The Toba Batak believed that the population governed by such a raja would prosper, as he was endowed with the spiritual power conferred on him

⁴ Missionary Bruch (1912:24–5) mentioned this as the first occupation of men, adding on a condescending note: "babbling is for the Batak in general a necessity of life, in particular babbling about the many lawsuits which are going on in his village or close neighbourhood [...]". Other occupations of men mentioned by him are gambling, hunting and fishing, trade, crafts, and agriculture (in that order).

by the ancestors at the time the members of his lineage had elected him raja.⁵ Numerous proverbs reflected the respect one should pay to one's raja and his decisions.⁶

Toba Batak rajas were not always impartial and were sometimes corruptible. If one of the disputants was a close relative belonging to the same *marga* or close affine, a raja's judgement might easily be in his favour; and if a common man had a dispute with a wealthy man, he might be inclined to decide in favour of the latter.⁷ The participation of rajas from different clans in great councils helped, to some extent, to ensure a fair judgement. The public hearing of cases also served as a safeguard, because it allowed interested or concerned outside persons to give information bearing on the case. Moreover, the purpose of the hearing was not always to achieve a fair decision, but to work out a solution to the conflict that was acceptable for the quarrelling parties.⁸

Another characteristic of the application of the law was the tendency to resort to the judgement of supernatural powers in the absence of satisfactory proof. Although the rajas could make inquiries, they did not always take the trouble of gathering supporting evidence. Instead, they requested the person whose testimony was in doubt to take an oath, by which the person called misfortune on himself if he did not speak the truth.⁹

The most common punishment of crimes and offences against the public order consisted of a fine or compensation, decided upon by the rajas. Only in the case of very serious crimes, such as adultery or treason, they could mete out a death sentence. The community would tie the criminal to a pole in the centre of the village and cut him up, after which they would consume his flesh. For offences such as sexual harassment or grave insult, the culprit not only had to pay a fine, but also had to apologize publicly to the aggrieved party and offer him, his family, and the village community a ceremonial meal.

- 7 The first missionaries already mentioned the rajas' corruptibility (UEM, F/b 1,1 KP 1879:239).
- 8 Colonial officials were not in favour of amicable settlements, which often were to the disadvantage of one of the disputing parties. They referred to the practice with the condescending term *damaien* (Malay: *damai* = peace, the Dutch verb thus meaning to seek peace).
- 9 There were different objects used for taking an oath, depending on the kind of offence committed (*Ruhut* 1898 [tr. Vergouwen 112–3]). One used, for example, an 'oath stone' placed in the centre of the market, or an animal, and the following oath formula: "if I do not speak the truth (or have broken the agreement), I will become like this object".

⁵ A raja possessed the *sahala harajaon*, the authority to act as a raja. The concept of *sahala* has been the source of considerable debate, summarized by Angerler (2009:369–91).

⁶ For the qualities of the raja and the respect one should pay to one's raja, see *Ruhut* 1898 [tr. Vergouwen 1932:123–7] and Vergouwen [1933] 1964:133.

A dispute was considered settled when the contestants had paid the dues to the rajas for their mediation (*pagopago*). The payment of these dues also had the function of putting the decision 'on the record', meaning that the rajas would remember the verdict if a dispute on the same issue arose in the future. A similar fee, called *ingotingot* (Malay: *ingat*, to remember), was also paid to the rajas when two parties entered a contract—for example, on marriage payments. This was important because the parties involved did not always transfer the agreed gifts immediately, which could become a cause of dispute if one of the parties did not keep his promise. The amount of the dues for the rajas was not fixed, but depended on the type and gravity of the offence, the value of the disputed items, and the solvency of the contestants. The dues were divided among the rajas participating in the adjudication of a case or the conclusion of an agreement.¹⁰

5.2 Toba Batak Legal Terminology

One of the areas of law requiring intervention of the rajas was the so-called 'words about women' (*hata boru*). If we take the vast number of lawsuits of this kind brought to the colonial courts as a yardstick, we see that disputes about women must have occurred frequently.¹¹ Disputes about women were invariably fought between men. The most common legal terms relevant for these cases are presented below.

Batak customary law had no concept that neatly covers the Western concept of divorce. The Toba Batak spoke of *sirang*, to separate, referring to the severance of affinal ties formed between a wife-giving and wife-taking lineage through the exchange of a woman and marriage payments. The unbinding of these ties took place in the case of divorce, but also when a betrothal was broken off, or when the patrikin of a deceased husband returned his widow to her family of origin. In all cases of *sirang*, the marriage payments had to return to the party who had given them, although not necessarily the same amount or items given before. The bridegiving and bridetaking party, the *parboru* and the *paranak*, arranged the separation. They could decide on an amicable settlement, but often they disagreed about the restitution of the marriage payments.

¹⁰ Vergouwen [1933] 1964: 379–95; 410–2. Besides the income they retrieved from their work as judges, the rajas were also entitled to various tithes (Adatheffingen 1932).

¹¹ For an overview of number of cases handled by the courts in the years 1914–1916, see Tables 4 and 5.

Amicable settlements and disputes about separation had to be dealt with by the rajas, just as with disputes about other matters.

In the case of divorce, Toba Batak legal terminology made a distinction between a separation caused by the husband and by the wife, which also determined the measure for the return of marriage payments. If the husband had caused the breakdown of the marriage and his wife was not at fault, one spoke of him having "an (unreasonable) dislike for her", *magigi*. For the wife, the term was "having an aversion for the husband", *mahilolong*. Customary law differentiated between the part of the brideprice that had to be returned in the case of *magigi* and *mahilolong* (see next section).

A marriage could also break down if the wife had committed adultery or if a man had abducted her. According to Toba Batak customary law, sexual intercourse with, or the abduction of, a married woman was a very serious crime, which fell into the category of crimes called *langkup*. Like *sirang*, *langkup* was a highly differentiated concept. The common denominator was that a man had violated the right of another man vested in a woman, the aggrieved party being her father, brother, or other male relative who was her parboru, or, if she was married, her husband or the latter's heir.¹² Adultery with a wife of another man was called *langkup jonjong*, violation of a standing marriage. The gravest form of this offence was *langkup* of a married woman who lived with her husband and had children, in which case the term 'violation of the hearth of the house' (langkup tataring) was used (Vergouwen [1933] 1964:262–3). When a wife had not yet given birth to a child, the crime was considered slightly less serious and known by the term *langkup bajubaju*, abduction of a woman still wearing a garment to cover her torso (the common identity marker for a woman who was not yet a mother). If a man had been found guilty of having sexual intercourse with a woman who had been deserted by her husband, the offence was also regarded less grave, which is clear from the appropriate term 'the younger sibling of langkup' (anggi ni langkup). When a man started a sexual relationship with a widow not yet separated from her husband's patrikin, this same term was used.¹³ The differentiation between forms of *langkup* demonstrates how extremely important these violations of their rights were to Toba Batak

¹² Warneck (1977:138–9) gives the following explanation for *langkup*: "Because women are bought, this is called *mangalangkup*: to incur damage to a man's bought property, by adultery or by taking the property away" (*Da die Frauen gekauft wurden, so heisst mangalangkup*: einen Mann an seinem gekauften Eigentum schädigen, durch Ehebruch oder durch Abspenstigmachen).

¹³ Yet another form of *langkup* was the abduction of a betrothed girl (*oroan*), for which the term was therefore *langkup oroan*.

men. The punishment of a man who had dared to interfere with the rights of another, the *pangalangkup*, depended on the type of *langkup* of which he was found guilty.

The colonial government preserved customary law, and therefore the colonial courts continued to make use of the differentiation between forms of *langkup*, although this was not uncontested.¹⁴

5.3 Unreasonable Dislike of the Spouse and the Material Settlement of Divorce

The dissolution of a marriage was a complicated affair.¹⁵ Because it terminated the affinal relationship between *hulahula* and *boru*, it required the cooperation of the families of the husband and wife, as well as the rajas representing their lineages. A couple was considered divorced only if the *parboru* and *paranak* had settled the material aspect of the separation and the rajas had received the dues called the *pagopago sirang* for their mediation. Thus, until then, in a situation where husband and wife lived separately and actually had no desire to remain married, their marriage was not yet considered dissolved and the woman was not allowed to remarry. In the meantime, she would wear a hair adornment made of certain leaves when going to the market so another man would know that she was eligible. Her *parboru* would then use the brideprice he received from the suitor to settle the divorce with her husband. If a woman was already divorced, she wore a hair adornment made of another type of the leaves. A suitor would show his interest in the woman by removing the hair adornment.¹⁶

¹⁴ See Chapter 12, Sections 12.1., 12.2., and 12.5.

Sources on divorce used: Meerwaldt 1894:122; Ruhut [tr. Meerwaldt] 1904/5; Bruch 1912:16– 7,24; Patik 1899 [tr. Boer 1921:94–7]; Patik 1899 [tr. Vergouwen 1932:12–4]. Vergouwen ([1933] 1964:248–69) gives a detailed description of the causes of divorce, legal procedures, and financial settlements. I mention other sources if they add aspects important to highlight or substantiate my point.

¹⁶ Leaves of certain plants were thus used as identity markers: if a woman had been divorced but the brideprice was not yet repaid, she wore a hair adornment made of *bambu* leaves to the market; if repaid in full, of *saesae* leaves; when the divorce had taken place with mutual consent, of *riaria* leaves; and when the couple had been divorced because of ill fortune such as barrenness or illness, of *banebane* leaves (*Ruhut* 1898 [tr. Vergouwen: 1932: 131]; *Patik* 1899 [tr. Vergouwen, 1932:35–6]). The use of these identity markers gradually disappeared (Salomo 1938:17), but male and female religious leaders (*parbaringin* and sales (*parbaringin* and *parbaringin* and *parbaringi*

The rajas who arranged a divorce and decided on the restitution of marriage gifts took into account which party was responsible for the break-up of the marriage, the husband or the wife. They might also investigate the role of other family members who might have played a part in the breakdown of the marriage. As the reasons for divorce varied and the former agreement on marriage payments could be complex, the rajas might have trouble coming up with a settlement acceptable for both parties. Another complication was that marriage payments were rarely written down, giving rise to endless haggling over who had received what in the past. Often litigants and their witnesses twisted the evidence merely to obtain the most advantageous settlement for them.

A husband could have various reasons to request a divorce. For example, he found his wife quarrelsome, was distressed because she had a tense relationship with her mother-in-law, or did not contribute sufficiently to the upkeep of the family, channelled household assets to her own family, had insulted him, and so forth.¹⁷ If he was not immediately intent on a divorce, he could inform her father or brother (parboru) about his misgivings and ask the latter to lecture his wife about her shortcomings, mistakes, or misdemeanour. If his wife was indeed to blame, he could expect his father-in-law to speak sternly to her, reminding her of her wifely duties and obligation to behave politely towards her in-laws.¹⁸ After all, the *parboru* had a stake in keeping the marriage intact, as a divorce involved his obligation to return the brideprice and he might not wish to sever the relationship with his son-in-law's family. Another good reason why a husband might seek a divorce had nothing to do with any misconduct of his wife, but rather with the attitude of his father-in-law. If the latter had not kept his promise at the time of marriage to provide his daughter with a valuable bridegift in the form of land (*pauseang*), the husband might be so angry that he demanded a divorce.19

paniaran) still use leaves of certain plants at the time they officiate at rituals (Angerler 2009:222).

¹⁷ Bruch (1912:24) underlined the importance attached to the duty of a wife to support her family: "A woman who does not know [...] how to take care of the family's livelihood is often held in low esteem, scolded by her husband, and is usually chased away".

¹⁸ Adatvonnissen 1936:70 (note by J.C. Vergouwen).

¹⁹ Missionary A. Bruch (1912:24), who worked in Uluan in the 1890s, reported that this problem was often the sad background of divorce in his district. Three decades later, Vergouwen ([1933]1964: 205) also reported that this was a problem, particularly in Toba Holbung, adding that the father of the girl often withheld the *pauseang* gift, because part of the brideprice had not yet been paid in full.

It appears, however, that it was more often the husband to have been at fault. If his wife had been a dutiful wife and mother, had given him children or was still young enough to give him children, her *parboru* might be of the opinion that his son-in-law harboured an unreasonable dislike for his wife (magigi) and might refuse a divorce settlement or even wage war on him. Public opinion would also be against him.²⁰ If the husband was found guilty of *magigi*, the rajas would still grant him the divorce, but they might punish him by denying him the full restitution of the brideprice. Therefore, a man set on a divorce without an acceptable reason was not keen to request a divorce through the regular legal procedure. It was more advantageous for him to pursue other strategies. For example, he could return his wife to her parents under the pretext that she was to blame for something and then just leave her there, taking no further notice of her. Or he could leave the village, leaving his wife not provided for during a prolonged period of time. A husband could also physically abuse his wife to induce her to leave him.²¹ Also, if she lacked the support of, or suffered from ridicule and neglect by her in-laws, she would eventually go back to her own family out of sheer misery.

If convinced of the unreasonable dislike of his son-in-law for his daughter, a *parboru* could bring the case before the rajas, expecting them to find his son-in-law guilty of *magigi*.²² If the husband let the *parboru* sue him, however, he could use this to his own advantage, making the counterclaim that not he, but his wife, was to blame. If he had succeeded chasing her out of the house, he could claim that she had left him, that the *parboru* had made no effort to bring her back, and that therefore the other party was guilty of breaking up the marriage.²³ If he succeeded in convincing the rajas, he had a better chance to get more out of the material settlement of the divorce.

²⁰ An example of this concerns a certain Hermanus. He wanted to pronounce himself the new Si Siak Bagi of the millenarian movement of the Parmalim, the leader of which had been his deceased father-in-law. Because his wife and his mother-in-law did not agree with this, he divorced his wife. After this, nearly all the members of the movement sided with his wife and deserted him (NA, Col. MR 1923:434 and 1137). Note the non-Batak name of Hermanus, indicating that he or his family probably had been Christian before he joined the Parmalim.

For a case in which a husband used to beat his wife and succeeded in chasing her away, but eventually received the entire brideprice back, see KITLV, Adatrechtstichting H 1051, 86. Perdjandjian perdamaian no: 15, Kleine Rapat Lagoeboti, 7 maart 1928.

²² The portions of the brideprice that had to be returned differed per region and at different points in time (Oude gegevens 1919:215; Dorpstuchtrecht 1928:68; Adatsrechtregelen 1932:2139).

²³ For a case in which the husband tried to put the blame on his wife, see KITLV, Adatrechtstichting H 1051, 85, Civiel vonnis Groote Rapat Tarutung no. 3/1928, 23 January 1928.

A *parboru*, enraged and bitter because of the arbitrary treatment of his daughter by her husband, might show his rage by simply marrying off his daughter to another man. The following Batak saying (*umpama*) applied to such a case: "to have a cow and want two horses, to have one daughter and desire two sons-in-law".²⁴ The husband could then sue his father-in-law for *langkup*, trampling on his rights vested in his wife, who was still his lawful spouse. It is likely that only a *parboru* who was rich enough to pay the high fines for such an offence resorted to this unlawful conduct. If the case came before the rajas, the indignant *parboru* might hurl the following reproach to his son-in-law:

My agreement with you was not that you would use my daughter only as the person who dries your roof tiles, but I gave her in marriage to you with the objective that you would make her a decent husband. Instead, you have treated her like a rag. All right then, now take your money! *Patik* 1899 [tr. DE BOER 1921:361]²⁵

This was not always the end of the dispute, as the husband, feeling insulted, might start hostilities. If the case was brought before the rajas again, the *parboru* would have to return the brideprice and both parties had to pay additional fines, because both had been at fault and had obstructed the judicial procedure.

But a woman, too, could have reasons for ending her marriage. Perhaps she loathed her husband because she had been married off without her consent. She also might resent his addiction to gambling, because it diminished the household's assets.²⁶ Or she deplored the fact that he was about to marry again, or already had. Just as her husband could make her life miserable, she could make his life hell: she could pester him, abuse him, refuse to cook for him or attend to his sexual needs, run away to her parents' house on the slightest pretext, and so forth.

Remarriage of the husband seems indeed to have been a cause of marital discord. Despite the mechanisms to minimize ill feelings between wives

²⁴ Sada lombu naeng dua hoda, sada boru naeng dua hela (Patik 1899 [tr. Vergouwen 1932:34]).

²⁵ Vergouwen does not give this wording verbatim (*Patik* 1899 [tr. Vergouwen 1932:34]).

²⁶ Schreiber (1891a: 283) reported that Toba Batak women said that "they absolutely had to become Christian, because they did not know of any other way of disengaging their men from the misery of gambling".

discussed in the previous chapter, conflict between co-wives was proverbial: "conflicts over land some day will come to an end, conflicts because of cowives never do" (Warneck 1909:132). The missionaries of course made much of the envy, rivalry, and actual clashes between co-wives, but the Batak authors of *Ruhut* and *Patik* also referred to these. Clearly influenced by the Christian dogma on monogamy, they summed up the disadvantages observed in real life. The author of *Patik* reported that some women even resorted to black magic or poisoning to get rid of their rival (*Patik* 1899 [tr. De Boer 1921:116; 369–70]).

A true story was reported by the missionary Van Asselt, who had a keen sense of drama. One day the first wife of Raja Partuan Suangkupon, the kuria head of Sipirok (1856–1862), came to visit him after she heard of her husband's plan to marry a younger woman. In tears, she confided to him, "If she arrives, I will see to it that she does not enter the house". On the day of the wedding, the beautifully adorned bride arrived in the village with her family and a large following. All of a sudden, when she climbed the stairs of the house, a pot with stinking filth was thrown over her. Her insulted family left and nothing came of the marriage. Van Asselt (1899:26) chuckled: "and in no way did the queen want to admit to her doing!" This lady, besides being a headstrong character, must have been of aristocratic birth herself and probably had children, including a son or sons. She probably counted on her husband's reluctance to divorce her in order to preserve the relationship with her family.²⁷ Van Asselt was of course not the only missionary who remarked on the dismay of Batak women who faced the possibility of their husband's taking a second wife or suffered because of it.²⁸ It confirmed the righteousness of the Batak Mission's crusade against polygamy.

If a wife made life too hard for her husband, he might seek a divorce on the charge of her dislike for him, the offence called *mahilolong*. The rule for the settlement on the return of the brideprice was as follows: "what is one becomes two, what is three becomes six; the debt of wayward women".²⁹ In other words,

²⁷ Meerwaldt (1894:539) wrote, "the relationship created by the marriage between the affines is not readily broken off, because the nobles always seek a connection with their equals of another *marga* and do not readily part with the advantages thereof".

²⁸ When Missionary Warneck visited the island of Samosir in 1893 for the first time, a certain raja Ompu Lallan asked him whether Christian custom allowed him to take another wife. Warneck of course gave a negative answer. When Ompu Lallan's wife heard this, she was very pleased and rewarded the missionary with a basket filled with bananas. A year later, when Warneck came to work on Samosir, she was the first woman who came to attend the church service (J. Warneck 1894c:73–4, Warneck 1894b:32).

²⁹ The rule was mentioned in the conversation between Batara Guru and Soripada (Chapter 2, Section 2.2.).

the rajas would oblige the *parboru* to return to his son-in-law the doubled value of the brideprice he had received for her at the time of marriage. Needless to say, a *parboru* was usually not inclined to make such an extraordinary material sacrifice on behalf of a flippant or obstinate daughter or sister. If her husband did not want to take her back, however, the *parboru* had no other choice than to pay up. He also had to offer his son-in-law and his family, the chiefs, and the villagers a ceremonial meal to placate the injured party.

In sum, it was not easy for a man to obtain a divorce, but he could always arrange for it if he was intent on it. If he had no valid reason for the divorce, his request was considered merely unseemly. On the other hand, it was impossible for a woman to obtain a divorce on her own initiative. If she refused the continuation of her marriage, it was a grave offence (Vergouwen [1933] 1964:261). It would also backfire on her relationship with her *parboru*, who would hold it against her that she had put him in a very disadvantageous position with regard to the settlement of the marriage payments at the time of her divorce.

5.4 Women's Acquiescence

As a rule, the men are most to blame when it comes to divorce. Admittedly, the Batak woman is often sharp-tongued and she is never at a loss for words when it comes to an argument; however, if she is not provoked, she tends to be affable, quiet, and submissive.

BRUCH 1912:24

Why were women generally affable, quiet, and submissive, as missionary Bruch remarked? Women were raised in a society that did not allow them the option of divorce by legal means. There were only two reasons why a *parboru* was willing or even keen on a divorce: if the husband had proved impotent, and if he had not paid the remainder of the brideprice promised at the time of marriage.³⁰ But if a daughter complained that her husband abused her or had taken a second wife, she could not count on his support, as customary law did not acknowledge her right to divorce on these grounds. In other words, a woman depended entirely on the cooperation of her *parboru* to negotiate the divorce settlement, as she could not sue her husband herself.

³⁰ For such a case, see Vonnis Rapat Hadat Porsea no. 33, 6 november 1930, KITLV, Adatrechtstichting H 1051, 85.

If, on the other hand, she was the one set on a divorce, she had to convince her *parboru* that her husband had seriously wronged her, in the hope that her *parboru* might feel sufficiently insulted to sue her husband. If he was indifferent to her pleadings to arrange the divorce, however, she had few options. She could try forcing her *parboru* to take the necessary steps by running away and obstinately refusing to go back to her husband (*mahilolong*). But such behaviour might have grave consequences for her, as her *parboru* might hold it against her that he had to pay the doubled brideprice to her husband. It is likely that women were rarely willing to take this risk and therefore tended to choose the only other option available: sticking it out in an unhappy marriage and accepting their lot. Likewise, a woman who did not want her husband to divorce her could do little about it except demonstrate her good will through impeccable and submissive conduct.

Toba Batak customary law also fostered women's reluctance to divorce in other ways. Children belonged to the family of the husband, a rule found in most societies with a patrilineal kinship system. Therefore a woman could not take her children with her after a divorce. The only exception made was when an infant or toddler still needed her care; but the mother had to return the child to her former husband after it was weaned, usually at the age of two or three (Vergouwen [1933] 1964: 261). For most women, it was probably love that made them not want to leave their children behind. Moreover, if she had a son, a woman would be even less willing to do so, because he would be the one who would support her in old age. These social consequences of customary law must have been powerful reasons why women preserved their marriage at all costs, rather than their lack of formal power to obtain a divorce.³¹ A divorce also meant that a woman would leave her husband's house with nothing else than the clothes she wore. She also lost access to the fields she had tilled. Women therefore had ample reasons to avoid a divorce. If a woman could not get along with her husband, a more advantageous option was probably to allow him to take another wife who would see to his needs, in which case she could stay with the children and go about her own business as usual.³²

³¹ Two interviewees (23, 30) said that it was difficult to divorce: "*kasihan anak-anak*" (the children are to be pitied). Balinese women today are confronted with the same social consequences of divorce: no right of custody of the children. Some told me frankly that they did not contemplate a divorce because they did not want to part with their children.

³² The logic of this was once explained to me by a Balinese woman who contemplated allowing her abusive husband to take a second wife. She reasoned that she preferred living with a co-wife and staying with her children, rather than leaving the children with their

Women's acceptance of a co-wife had a religious background as well. A woman knew that she and her husband needed to have a son to enter the abode of his ancestors after death.³³ If they were still young, a divorce by mutual consent could be arranged for, giving them the opportunity to have children with another partner. Second best was to accept a co-wife, who could give her husband a son. Moreover, according to folk-belief, the presence of a co-wife might enhance her own fertility.³⁴ However, there was a risk involved for the first wife if the co-wife was not a subordinate wife (*tungkot*) whom she could control but a younger woman of another marga (*imbang*). The co-wife might set their husband against her after she had given him a son.³⁵

5.5 Adultery and Abduction of a Married Woman

The rice is firm in the planting hole, and should not be gnawed at Even if the wife of someone else is beautiful, It is forbidden to start a dispute because of her Even if she shows that she is interested, one avoids getting involved³⁶

A married woman might consider more daring options than running away to force a divorce upon her husband and *parboru*: starting an affair or—even more serious—running off with another man. The risks involved, however, were great. Besides creating serious problems for her *parboru*—whom she put in a very disadvantageous position *vis à vis* her aggrieved husband—she also put her lover's life at risk. Her husband and her *parboru* might jointly fight him and seek redress through the rajas' intervention.

father after a divorce. Another woman said she was happy that the second wife took care of her husband with whom she did not get along.

³³ A son by a subordinate co-wife (*tungkot*) could spare the spirit of a woman who had no son this sad fate, too, as the child was passed off as her own. The son of an equal co-wife (*imbang*) could not.

³⁴ Vergouwen [1933] 1964:232. Perhaps there was some truth in this belief, as the psychological pressure on a woman to conceive was relieved after her co-wife had delivered a son.

³⁵ See the case of Marianna boru Huta Uruk (Chapter 12, Section 12.4).

³⁶ Pir eme di lobong sitongkai gugutonna; Uli pe jolma ni dongan, singkai guluton; Nang ro na shali lampong, sitongkai gulutonna (Patik 1899 [tr. Vergouwen 1932:36]). Vergouwen's translation is not a literal one, nor is the one made by De Boer, which is slightly different (Patik 1899 [tr. Boer 1921:366]).

The lengthy discussion in *Patik* (1899) illustrates how strongly the Batak felt about the infringement of a husband's rights vested in his wife.³⁷ The author distinguished between no less than five degrees of attempt to seduce a married woman (*molamola*),³⁸ followed by a discussion of adultery and the abduction of a married woman (*langkup*). The last two offences were considered capital crimes of the most serious kind. If a married woman and her lover were found in each other's company, but not engaged in the sexual act, the case still could be settled by the rajas. The culprit had to pay "a buffalo worth four *binsang*", the expense of the lawsuit, and some additional fines. If the couple was caught *in flagrante delicto*, the husband was entitled to kill the adulterer on the spot "like a pig in the rice field".

The aggrieved husband might prefer to bring the case before the rajas, however, after he had dragged the culprit to the village and tied him to the pole in the centre of the village square, together with his unfaithful wife. The rajas would then decide on the compensation his family had to pay, meanwhile putting him in the block.³⁹ If the relatives of the offender did not pay up, the villagers killed him and consumed his flesh. Junghuhn (1847:147), however, reported that such a death sentence was executed only if the abductor was a commoner who had fled with the wife of a raja. In other cases, it was possible to pay off the crime with a fine of 30 piasters and a buffalo.⁴⁰ Marsden ([1783]:

The various courses of events, the actions, and the emotions of the parties involved are narrated with great feeling for drama. The text is profusely larded with Batak sayings and dialogues between the judging rajas, the aggrieved husband, and the culprit, which show the characteristic Batak style of argumentation (*Patik* 1899 [tr. Boer 1921:201–24, 356, 364– 9] and [tr. Vergouwen 1932: 15–31, 36–8]).

A husband who had even the flimsiest suspicion that another man was interested in his wife could demand that he publicly swear an oath denying his desire for her. If others had witnessed him approaching the married woman, or if she had an item in her possession that could prove she had an affair, or if the woman accused him of approaching her with dishonourable intentions, the accused had to pay a compensation to the husband. This relieved him of the obligation to swear an oath, which meant that he had to commit perjury—an act, as mentioned above—, very much feared because of belief in its disastrous consequences for the culprit and his family.

³⁹ The author of *Patik* does not give details of the fine to be paid, but another, older source (Adatrechtsregelen van Naipospos [+/- 1845] 1932:135-7) does, listing a fine of twelve *binsang* of gold (the equivalent of 140 *Spaanse matten*), a buffalo for the divorce, twelve measures (*sibalambung*) of rice, plus small payments to the intermediaries, and the usual fee (*pagopago*) for the rajas. This source also mentions that the death sentence could be executed and the flesh of the culprit consumed.

⁴⁰ Apparently, this custom had already long disappeared in Silindung, because the author of *Patik* did not mention this sanction.

1975: 389) reported that the marital state of the adulterer was taken into account by the rajas: if he was unmarried, he was outlawed and banished. The rajas could mete out a death sentence for a married man, but Marsden added soothingly that nearly all crimes could be redeemed. The same procedure was followed if the perpetrator had raped a married woman.

The rajas could summon an unfaithful wife to testify if in doubt about her role. The picture the author of *Patik* sketches of a woman suspected of an extra-marital relationship is telling: he presented her as a treacherous creature, prone to lying. By saying that the accused man had harassed her, she denied that she had anything to do with him. Such a testimony to save her own skin could be enough to let her off the hook. But if she was caught in flagrante delicto and therefore could not deny her infidelity, she, too, was tied to pole in the centre of the village, together with her lover. An unfaithful wife could be given the death sentence (Henny 1869:40), but the rajas could also refrain from passing judgment on her, leaving it to her husband and parboru to punish her. Such punishment could involve shaving her head or piercing her ears. Her husband could also put her in the block, expecting her family to pay for her misdeed; and if they did not, he might sell her into slavery (Marsden [1783] 1975: 389; Adatrechtsregelen van Naipospos 1932:135). This demonstrates that the husband held her *parboru* responsible for his wife's conduct. The *parboru* might try to persuade his offended son-in-law not to repudiate his unfaithful wife, offering compensation to mellow him. But if her husband refused this and was set on a divorce, the rajas were likely to demand of the parboru the same settlement as in the case of a 'wayward' daughter, a boru mahilolong.

Adultery was regarded not only as a violation of the rights of a husband, but also as a crime against the public order and the ancestors of the area of the husband's *marga*.⁴¹ People believed an extra-marital affair would invite a tiger to come to the village to devour beast and man, and that all kind of pests would destroy the crops (Raja Salomo 1938:30). Only after the rajas and elders of the village had dealt with the offense appropriately—the couple punished and a ceremony held to lift the state of impurity (*rota*, Malay: *retak* = cracked) caused by the crime—would the natural equilibrium be restored.⁴²

The abduction of a married woman was a crime that rippled even further than adultery. If a man managed to abduct a married woman and take her out of the area of the jurisdiction of the rajas of her clan, he was guilty of *langkup*, the term explained in Section 5.2. As soon as her husband heard of his wife's

⁴¹ Vergouwen [1933] 1964: 263.

⁴² The Balinese also still appease the wrath of ancestors by holding a religious ceremony if the village area has become impure (*leteh*), for example if a woman is pregnant outside wedlock.

abduction, he would convene the rajas of his own and adjacent villages to enlist their support in the pursuit of the abductor, who would be declared an outlaw. If the abductor had lived in the area, his possessions were confiscated. War with the clan protecting him would not end until the culprit, the *pangalangkup*, had given himself up or was turned over by the party that had given him refuge. He was not allowed any protection, even by his own relatives; and if he dared to appear at any ceremony or in the market, he had to be captured immediately. In other words, an abductor had no other option than to flee as far away as possible and never to return to his region of origin.⁴³

According to the author of *Patik*, the only option open to the abductor and his family to settle the dispute was to pay the brideprice once paid by the aggrieved husband for the abduction of his wife seven times over. On top of that, he had to give one buffalo

for carrying off the woman, another for her steps, another for her speech, another for her hearing, another for the sky above her, yet another for the earth under her feet, and one for the divorce.

He also had to invite the whole region to a ceremonial meal to atone for his misdeed. In practice, the fines imposed were lower if the abductor was a member of the same community than if he was an outsider.⁴⁴ As mentioned earlier, an adulterer or abductor could have been assisted by the wife's *parboru*, who was fed up with his son-in-law (*Ruhut* [tr. Meerwaldt] 1905:105). If her husband sued him, the rajas would fine the *parboru* for his complicity.

One would expect that cases of adultery and abduction occurred rarely, not only because of the very harsh punishments for these crimes, but also because the adulterer or abductor risked war with the aggrieved party and ostracism by his own family. Yet adultery did occur, as the following high-profile and tragic case shows, which led to local warfare in the late 1870s in the Batak interior of Singkel and Baros. The war was triggered by an illicit relationship between the wife of Raja Bantar of Kota Baru and an underling of Raja Indra Moelia of Tanjong Amas. Raja Bantar killed the culprit, for which Indra Moelia, who happened to be the most powerful raja in the region, demanded retribution. When Raja Bantar subsequently also killed his unfaithful wife, her father, set on revenge, joined forces with Indra Moelia. The entire region was in turmoil

⁴³ See Ypes (1932:367) for a famous case of adultery forcing the culprit to flee to another region.

⁴⁴ Patik 1899 (tr. Vergouwen 1932:38). He probably meant a man who did not belong to the local horja or bius community, but to another region.

for several years, and the disturbances even negatively affected trade, because traders did not dare to travel into the interior.⁴⁵

Love affairs did not always lead to war and legal action, however. Missionary Schütz told the story of a young woman, later baptized Bertha, who had been married off at a very young age but was unhappy and therefore ran off with another man. Her husband and family took no action.⁴⁶ The author of *Ruhut* (1898 [tr. Meerwaldt 1904/5:104–5]) stated that it was not rare for women to commit adultery, and that their subsequent marriage often proved durable. It may have been that commoners made less of an issue if a woman was unfaithful, and that the aggrieved husband or his family faced with the *fait accompli* made the best of it and arranged the separation with his wife's *parboru*. Or perhaps the husband heeded the *parboru*'s plea to keep the alliance intact by accepting compensation.

Unlike adultery committed by a married woman, adultery by a married man was not considered a crime as long as the woman with whom he was involved was not engaged or married. If the woman was not yet betrothed, her relatives would demand that he take her as his wife or otherwise pay a fine. As was customary, he also had to ask for forgiveness for the transgression of the public order (*manopoti*) by offering the girl and her family a ceremonial meal (Vergouwen [1933]1964:266). A wife could not demand a divorce on the basis of her husband's sexual escapades or extramarital relationships. It is telling that of all the records on disputes in the late colonial period, there is not one case in which a woman sued her husband for adultery.

5.6 Children Born out of Wedlock

It was rare that children were born out of wedlock, but cases occurred.⁴⁷ If the mother was single, the community wanted to know who the father was. If she revealed his identity, the father of the child could marry her; otherwise he had to pay a fine to her *parboru*. The family of the woman then usually raised the

⁴⁵ Koloniaal Verslag 1881:8. This region was still outside the jurisdiction of the colonial state at the time. The Dutch Controllers stationed in Sibolga, adjacent to Singkel, offered their mediation in the case but were unsuccessful in persuading the warring parties to settle the matter.

⁴⁶ Schütz, [Philip Christian], "Die diesjärigen Täuflinge in Bungabondar", *Kleine Missionsfreund*, 1882:100. Bertha's second marriage, with a Muslim man, ended in divorce, and Bertha returned to her village and continued Bible class.

⁴⁷ Batak mythology on the formation of clans contains examples of clans which originated from a child born out of a wedlock—for example, as the result of incest Ypes (1932:9–10).

child. Whether the child would carry the name of the *marga* of the mother is not clear.⁴⁸ If a married woman carried a child by a man other than her husband, the child would belong to her husband and his *marga*. The following Batak proverb explains why:

Lata na nidaggurhon tu porlak deba	The cutting planted in another
	man's garden
Nampuna da porlak nampunasa	belongs to the owner of the garden

This straightforward rule reflects the maxim that brideprice was childprice: a man to whom a woman was married was automatically the father of her children, whether they were sired by him or not.⁴⁹ How seldom incidents of this kind took place is apparent in a paper presented by missionary Metzler in 1897: he reported that he had come across children born out of wedlock only when the mother was a widow.⁵⁰

As one would expect in a society that placed so much emphasis on the legitimacy of a marriage, an illegitimate child would be stigmatized. This is borne out in a story told by missionary Schütz about a woman whom he had recently baptized. According to him, she had led a "sinful" life in the past, of which the fruit was a child by the name of Huliap (monkey).⁵¹ Giving a human being the name of an animal may well have been an indication of the child's illegitimate status because an animal such as a monkey is conceived 'in the wild', where, according to Batak belief, the normal rules for socially accepted conduct were not prevalent.

5.7 Levirate and Sororate: A Mixed Blessing and Men's Convenience

Wooden shingles fall off the roof Wooden shingles replace them

⁴⁸ C. de Haan (Haan 1875:47) claims for the Karo Batak, and Ypes (1932:4) for the Toba Batak, that the child would become a member of the *marga* of the mother. According to Vergouwen ([1933] 1964:268), however, the child could never be considered as belonging to the *parboru* (= *marga* of the mother), leaving it unclear to which *marga* it then belonged. Vergouwen is probably right, as an adopted child from another *marga* also cannot become a member of its adoptive parents' *marga*.

⁴⁹ The rule on the allocation of a child sired by a man other than his mother's husband became a matter of discussion in the late colonial period (Chapter 12, Section 12.2).

⁵⁰ UEM F/d, 2, 1. Ref. Missionary Metzler 1897:4.

⁵¹ Schütz, [Philip Christian], "Die diesjährigen Täuflinge in Bungabondar". Der Kleine Missionsfreund 1882:102.

Has the older brother/sister passed away A younger one replaces him or her⁵²

The death of a spouse was another rupture in conjugal life—yet after the funeral, life would go on. A widow would be married off as soon as possible to a close relative of her husband of the same *marga*, a custom known as the levirate.⁵³ A widower would be given a female relative of his wife, preferably a younger sister—a custom known as sororate. The levirate and sororate had the advantage that the bridegiving and bridetaking party could preserve their affinal relationship and there was no need to return the marriage payments once given, an arrangement convenient for both parties.⁵⁴

The decision about the future of a widow was usually taken after her *parboru* had ended her mourning period some time after the funeral by taking off her mourning shroud (*tujung*) and purifying her soul. On this occasion, the heir of her husband and the *parboru* would discuss which relative of the husband could marry her in levirate. A marriage in levirate had to be concluded by the exchange of modest gifts in the presence of the rajas of the villages of both parties and close relatives on both sides.⁵⁵

A younger brother of the deceased husband had the first right to marry the widow (Vergouwen [1933] 1964:243). If he was not yet married, this had the additional advantage that the family no longer needed to amass a brideprice to give him a wife. If the deceased had no younger brother, other close relatives could marry her: an older brother, the father of the deceased husband, or a stepson of the latter by another wife.⁵⁶ Only if no close relative of the husband could marry the widow did one contemplate the option to marry her off to a man of the same lineage as that of her late husband, first a member of the

⁵² *Butarbutar mataktak, butarbutar maningikii; Molo mate hahana, angina maningkii (Patik* 1899 [tr. Boer 1921:91]). Both levirate and sororate were also designated with the expression *singkat rere*, the changing of the mat (*ganti tikar* in Malay).

⁵³ The Batak terms for marrying a widow: *mangabia, manghampi* and *pagodangon* (Ypes 1932:218, 335, 362).

The discussion of widowhood, the sororate, and the levirate are based on Meerwaldt (1894:537–8); *Ruhut* [tr. Meerwaldt]1904/5:112–5; Vergouwen [1933]1964:238–9; 239–47. Unless stated otherwise.

⁵⁵ For a lawsuit demonstrating that if a widow followed a man of her husband's lineage but the proper procedure was not followed, their union was not accepted as official and the man fined, see KITVL, Adatrechtstichting H1051, 80, I, Rapat Adat Lagoeboti no 9, 21 september 1928.

⁵⁶ According to Brenner (1894:250), an older brother was free to decide whether he wanted to marry the widow or not; but if he did not, he had to support her and her children.

same *horja*, then a member of the same *bius* community.⁵⁷ If the widow was still young and had children, it was not difficult to find a man within the *marga* of her husband who would like to marry her, as she was an attractive party: he did not have to pay a full brideprice for her, and her fertility was beyond doubt. The heir of the husband could also give the suitor a compensation for the upbringing of the children, paid out of the late husband's inheritance. The *parboru* could also try to influence the choice of the new husband, encouraging the candidate he favoured by giving him an *ulos*. But it was not only young widows who were married in levirate. Missionary Van Asselt mentioned that a son was obliged to marry the older or even elderly co-wives of his father to safeguard them from destitution.⁵⁸

Van Asselt's observation highlights that widows were willing to remarry with a close relative of their deceased husband because it provided them and their children with social and economic security. If the widow had under-age children, she could count on the affection of her new husband for her children, who were his nieces and nephews. She could also continue to live in the same house and work the same fields as before, as her second husband, who was also the guardian of her children, would leave her these fields to feed the family. She also needed his labour, in particular if her children were still too young to lend a hand. If a widow was older and her position in the household well established, her new husband usually gave her the freedom to run her own affairs. Less attractive for the widow was remarriage with a distant relative of her husband, particularly if she had to move in with a new family in another village. But this arrangement at least had the advantage that she could keep her children with her.⁵⁹ If a widow married someone from another *marga*, the heir of her deceased husband was usually not willing to grant her this favour.⁶⁰ The desire of widows to be taken in levirate is also substantiated by the experience of missionaries during the first decades of conversion. They were confronted with widows who demanded that a married Christian relative of their late husband took them in levirate.61

⁵⁷ A *horja* member would give a *piso* gift to the spirit of the deceased husband, while a member of the *bius* community had to pay a quarter or half of the original brideprice to the heir of the deceased. If the widow had a son, he was entitled to receive this gift.

⁵⁸ Van Asselt 1906:135. Henny (1869:20) implied the same.

⁵⁹ Brenner (1894:250) reports that the widow could take her daughters with her after remarriage, but not her sons, who had to stay with the heir of the husband (*uaris*).

⁶⁰ For a relevant case of an agreement by which an uncle of the deceased husband allowed the latter's widow to remarry with someone from another *marga*, but she had to leave her son (called his grandchild) with him, see Minnelijke schikkingen 1936:137–8.

⁶¹ Chapter 8, Section 8.7.

A levirate marriage could be problematic, however, if the widow did not like her new spouse or if her new husband did not care for her. Missionary Bruch, who worked in Uluan around 1900, reported that young widows taken in levirate by their father-in-law often eloped with any man who was willing, usually a man too poor to avail himself of a wife in the regular way.⁶² Missionary Van Asselt recalled the sad fate of a young widow married to her stepson, who soon neglected her and her child and left them destitute (Van Asselt 1906:204). Missionary Brakensiek reported two cases on Samosir that led to disputes. In the first case, the widow agreed to marry a man from Balige, who was interested in her because the stepson who had married her was absent and she had no desire to have him for a husband anyway. Yet her in-laws refused to consider this man's marriage proposal, causing the couple to flee to Balige. The widow's in-laws did not accept this, went to Balige, and pressed charges against the man for abducting the widow. The local rajas' council subsequently turned the case over to the court in Pangururan on Samosir, which sentenced the man for *langkup*. In the end, nothing came of the marriage and the widow had to return to her husband's family. In the second case, a widow, also married in levirate, fled with a man to Nainggolan, his native region. After a year and a half and the birth of a daughter, the couple trusted that the wife's father would have relented and went to visit her family in Balige. Unfortunately her parboru was still angry and managed to have the man with whom his daughter cohabitated convicted for langkup. But fortunately for the couple, the Dutch Controller who presided over the case gave the man the opportunity to collect the money to pay the imposed fine in Nainggolan. The couple exploited this opportunity shrewdly: they took off to Uluan, a region still outside the jurisdiction of the colonial government at the time.⁶³ These two stories demonstrate that cases like this were dealt with as instances of abduction of a widow (anggi ni lang*kup*), although the widow had fully cooperated with her abductor. The case of the widow from Samosir also shows that the rajas did not allow the abductor to marry the woman, even though he had paid the fine for his misdeed.⁶⁴

The levirate was thus a mixed blessing. It served the widow's interests, but it could also cause hardship if the new marriage did not work out. Unfortunately, it was practically impossible for a widow to evade a marriage in levirate (Ypes

⁶² Bruch (1912:16) hints that a father-in-law was often all too keen to have his former daughter in-law for a co-wife.

⁶³ UEM, F/b 2,1, Ref. Brakensiek 1911:4–5.

⁶⁴ Customary law on the abduction (*langkup*) of widows became a subject of debate in the 1920s, see Chapter 11. Section 11.1.

1932:335, 362, 489). A prudent *parboru*, however, might be willing to take her back if she was still young and he could easily marry her off to someone else. This was not an attractive option if the widow was an older woman, whom he had to support in her old age if she returned. It was more convenient for him if his in-laws arranged her remarriage.

Although the marriage of a widow with someone outside the kin group of her husband was not regarded as the most proper and desirable solution, it was not prohibited: customary law included provisions for it. After her in-laws had formally returned her to her *parboru*, she was free to marry someone from another *marga*.⁶⁵ If she was young and had no children, the *parboru* had to return the full brideprice to the husband's heir; but if she had given him children, it was less. The *parboru* might also decide to leave the rice field given to the daughter at the time of marriage, her *pauseang*, with the heir of the husband so he did not have to refund the entire brideprice.⁶⁶ According to missionary Meerwaldt (1894:538), remarriage of a widow with a man outside her late husband's kin group was rare, which, considering the comparative advantages of a levirate marriage, makes sense.⁶⁷

If a wife died, her family was expected to help her bereaved husband by finding him a new wife from their lineage, preferably a younger sister of the deceased, otherwise another close female relative. The son-in-law had to give only a modest *piso* gift for his new spouse. The sororate was a custom adapted to the condition that a commoner could hardly ever muster the resources to pay a full brideprice more than once in a lifetime. The custom also exhibits the character of the brideprice as childprice. A wife without (male) offspring had to be replaced by another woman who could give her husband children. If the

⁶⁵ The term for releasing a widow from her husband's *marga* was *pasaehon* = the termination of the cycle of obligations between the *hulahula* and his *boru*. The same root '*sae*' is found in the term *sanggul saesae*, the adornment a divorced woman wore to the market after the divorce had been formally settled. Junghuhn (1947:134) gave the term *hadat seisei* as the name for divorce.

⁶⁶ As in the case of a divorced woman, a widow who was separated from her husband's kin group and free to marry again would wear a hair adornment to the market; and if a man was interested in her, he would proceed according to the usual courtship customs (Ypes 1932:490).

⁶⁷ For the earliest record of a court decision (1905) on the consequences of the separation of a widow from her husband's patrilineage (used by the Commission for Adat Law to trace the not yet known rules of customary law), see Adatvonnis 1913. The heir of the deceased husband sued the widow's father to return the four children, two boys and two daughters (the latter because of the brideprice they would bring), as well as fifteen coconut trees.

parboru was unable to fulfil this obligation, he had to refund the brideprice.⁶⁸ His son-in-law often needed this refund badly to find himself a wife elsewhere.

Even when the deceased wife left behind children, including a son, a *parboru* would often help out, particularly if the children were still small. The husband valued this, because he could expect a relative of his wife, in particular if she was his wife's sister, to treat the children, who were her nephews and nieces, with more love and consideration than a stepmother who came from another family and *marga*. The folk saying "stepmother makes stepfather" demonstrates that it was feared that a stepmother would cause estrangement between a father and the children he had by his first wife, in particular after she had children of her own.

A widower who was not attracted to marry his sister-in-law had no obligation to marry her and was free to look for another woman. "One says that if a man is widowed, he beautifies his headgear", wrote the author of *Ruhut* (1898 [tr. Meerwaldt 1905:112]).⁶⁹ For his sister-in-law, on the other hand, it was difficult to refuse if her widowed brother-in-law insisted on marrying her. Her father might put pressure on her to accept him because he wanted his grandchildren to be well cared for and because he preferred to be free of the obligation to return part of the brideprice to his son-in-law.

On the frequency of the sororate the sources remain silent. Given the high incidence of maternal mortality in the pre- and early colonial period, one would expect it to have occurred frequently. On the other hand, girls normally married at a young age, so it is likely that a *parboru* often had no daughter who could replace her deceased sister. Moreover, the chance that a brother or other close relative would be willing to give him a daughter was probably small, as the girl would then not fetch a brideprice for her own father. Despite the practical difficulties, however, the Toba Batak upheld the norm that it was best if a younger sister replaced her deceased sister.⁷⁰

⁶⁸ The existence of this obligation is clear from article 22 of the Christian By-laws of 1885, which regulated its abolition. Vergouwen ([1933] 1964:238) doubted whether a son-in-law ever sued his *parboru* for not replacing a deceased daughter, but in view of the conditions in the nineteenth century, which differed substantially from those in the late colonial period, this may have occurred.

⁶⁹ Compare the behavior of the widower with that of a widow, about whom the same author wrote: "widowhood is more painful for a woman than for a man [...]: if a woman is wid-owed, her head is worn down by the care for her children".

⁷⁰ Several of the elderly Batak women whom I interviewed mentioned cases of sororate in their family, most of these in the generation of their parents (Interviewees 1, 2, 12, 13, 21, 27, 29, 30).

5.8 Gendered Rights and Legal Competence

[The] distribution of justice must proceed upon the supposition of the females being merely passive subjects, and of the men alone possessing the faculties of free agents.

MARSDEN 1975 [1783]:389

This and the previous chapters have shown that in nineteenth-century Toba Batak society, only men were considered full legal subjects, whereas women were regarded as legal minors. Before a woman married, her *parboru* (her father or eldest brother) had authority over her. He might force her to marry or bow to her wishes, but in the end, he was the only one who could contract a legal marriage for her. He was also responsible for her serious misconduct such as breaking off a betrothal and minor offences such as thieving. Even after her marriage, his responsibility did not end: if she proved a less than dutiful wife, or worse, committed adultery, he had to pacify her husband and pay the fines.

After her marriage, a woman's husband had authority over her. He could sue any man who tried to seduce her, had committed adultery with her, or abducted her. He could treat her well or mistreat her, marry a co-wife without her consent, and squander the family assets. He also had the right to divorce her, with or without sufficient grounds, although the latter would cause him material loss.

A woman who had been widowed, could not decide her future. The senior men in her deceased husband's family and her *parboru* had the authority to decide about the man she had to marry in levirate. If the widow eloped with another man, her new husband would go after and sue the abductor, with or without help of the widow's *parboru*.

The construction of women as legal minors in customary law was fully consistent with their allotted role of sealing the affinal relationship between bridegiving and bridetaking clans through their marriage. To forge and—above all—maintain these relationships, women's rights as free agents had to be restricted. Consequently women were not allowed to sue another person, nor could they be summoned as defendants in case of a dispute. At the most, the rajas could request them to appear as a witness, but this rarely happened.⁷¹

⁷¹ The author of *Patik* (1899 [tr. De Boer 1921:208–8; 220–1]) makes mention of female witnesses called by the rajas in only two cases; in the other cases in which a woman was involved, she was not asked to testify. According to C.J. Westenberg (1914:531–2), Karo Batak judges paid hardly any attention to the testimony of women. To his surprise, they were often not summoned to testify, even if it was clear that they were in the know about a crime or transaction. Toba Batak judges probably acted no differently.

The public character of the adjudication of disputes, however, gave women a certain measure of influence. Junghuhn (1847:97) wrote that

often the women shriek their opinions and advice into the meeting house, which are not only heard, but in particular if they are old sibyls, also taken to heart.

On the other hand, Marsden's view that women were "mere passive subjects" is incorrect. Women may have been legal minors, but passive they were certainly not. If sufficiently strong-headed, they could force a marriage they desired on their father, their lover, and his family. They pleaded with their *parboru* to help them out if their families faced difficulty surviving, and they coaxed and cajoled him to help them divorce a husband who mistreated them. They ran away from their husband and protested if their husband wanted to remarry. Widows took off with another man to evade a levirate marriage with a relative of their late husband they did not like.

Perhaps the majority of women were indeed submissive if they found themselves in a situation of adversity. But this does not mean they were not agents. Women most likely calculated the advantages and disadvantages of taking any of the aforementioned courses of action. Going along with a father's arranged marriage would ensure his support during a woman's marriage. Enduring a disharmonious marriage and staying with her children was less disadvantageous than divorce. By consenting to marry a relative of her late husband, a widow maintained her established position in the household and saved herself and her children from destitution. Thus a woman had good reasons to adjust to the limitations posed on her agency, because of what was expected of her as a dutiful daughter, wife, and mother.

If the relationship between a daughter and her father was good, if she had given her husband many sons and daughters and got along well with him, if the man who married her in levirate was a benevolent husband who took good care of her and her children, then everything would be fine. An older married woman or widow who had adult sons and daughters often had a decisive say in family matters and used her influence to choose the wives for her sons, preferably a daughter of her brother. Her influence could reach further than that, as the wife of an influential raja or of a *parbaringin*, officiating together with her husband at religious ceremonies as a *paniaran* or as a spirit medium.

But when faced with a rupture in matrimonial life, women could suffer greatly if they took more freedom than customary law allowed them. Daughters were molested by their fathers, and when forced to marry, sometimes saw no other way out than suicide. Wives who desperately wanted to leave their husband found that they had no legal means to do so without the support of their *parboru*. Unfaithful wives were at the mercy of their husband and *parboru*. Divorced women had to leave their children behind. A widow could find herself married by her in-laws to a relative of the husband whom she did not like, or who was indifferent to her, or worse, used the inheritance of her husband for himself and other wives, leaving her and the children with little to live on. The law was harsh on women who did not abide by the rules and lacked support, although the law's implementation may have been often more benign than the letter of the law.

The Batak Mission, and subsequently the colonial administration, led by their own views on a woman's legal position and women's rights, tried to introduce changes in Toba Batak customary law to alleviate the problems which unfortunate Toba Batak women faced and to curb the prerogatives of Toba Batak men. Part II is devoted to their efforts and the reactions of Toba Batak rajas and commoners.

PART 2

Negotiations on Marriage Customs (1830–1942)

•••

The Encroachment on the Batak World (1830-1883)

One of the most considerable distinctions of the people in the island, and by many regarded as having the strongest claims to originality, is the nation of the Battas, whose remarkable dissimilitude to the other inhabitants, in the genius of their customs and manners, and especially in some extraordinary usages, renders it necessary that a particular degree of attention should be paid to their description.

MARSDEN [1783]1975:365

The trader Marsden, the most elaborate eighteenth-century source on the Batak, was fascinated by them. In his *History of Sumatra* (1783) he devoted a large chapter to their "nation", because of their "dissimilitude" to the other inhabitants of the island. Of all the "extraordinary usages" of the Batak, the most thrilling was their cannibalism, a practice that captivated many nine-teenth-century authors as well.¹ But other differences between the Batak and the other ethnic groups on the island were more fundamental. The social organization of the Batak, based on patrilineal kinship, set them apart from the bilinear Acehnese and Malay and the matrilineal Minangkabau. Another striking difference was that by 1800, the Batak, living in the mountainous interior, had not embraced Islam, the religion accepted by all coastal societies on Sumatra.

Batak society entered the nineteenth century as a world enwrapped in itself. It was what has been aptly termed by A.C. Viner a "single multiplicity" (Viner

Marsden (1975:390-2); Reid 1995: 191[reprint report Burton and Ward 1824]; Junghuhn (1847:155-64); Van Kessel (1856:64). For the most detailed account on cannibalism, see Van Dijk (1894), who gathered information on the practice from several persons in different Batak regions (he was probably assigned the task to investigate the custom). All these authors explain that the Batak did not kill people for love of human meat, but stressed that killing and eating a person was a form of punishment for those who committed very serious crimes or enemies captured in war. Andaya (2008:146-7) contends that the Batak consciously profiled themselves as cannibals to deter foreigners from entering their region. The gory fascination with Batak cannibalism was exploited at the end of the century, although the custom had not been practiced for a long time. Brenner (1894) entitled his book in German 'Visit to the Cannibals of Sumatra' (*Besuch bei den Kannibalen Sumatras* [...]).

1979:85). Numerous larger and smaller lineage-based groups of clans inhabited a particular territory together with their bridetaking *marga*. Because transportation was difficult, each group had developed its own characteristics in terms of dialect, customs, and religious concepts, and some areas were more egalitarian than others. But despite internal divisions, all communities displayed remarkable similarities in social organization, language, customs, customary law, and a faith centred on ancestor worship, which also had incorporated religious concepts of Hindu origin and a religious pantheon reminiscent of it. The Batak societies were not united in one state or "nation", but they shared the same cultural and religious universe.² For that reason I use term 'the Batak world' in this chapter.³ Its main features around 1800 are described in the first section.

The Batak world was carved up in phases. During the nineteenth century, three different agents were responsible for this: the Padri, a Muslim revivalist movement originating from the northern part of Minangkabau around 1825; the Batak Mission, which started working in the southern part of the region in 1861; and subsequently the Dutch, who were drawn into the region by the aggression of the Batak priest-king, Singamangaraja XII (circa 1849–1907), against the Batak Mission.⁴ How the Toba Batak acted and reacted when faced with each of these intrusions is described in the Sections 6.2, 6.3, and 6.4. Between 1876 and 1889, the most populous area of the Batak homeland was annexed by the Dutch, which gave rise to a new balance of power (Section 6.5). In the conclusion, I reflect on the consequences of the three different modes of

² Knowledge of common ancestry existed in pre-colonial times, but was less pronounced in the regions further away from Toba (Andaya 2008:138–9;166–9). That knowledge was recaptured due to the colonial authorities' investigation into the links between *marga* after 1906 as a way to determine the territorial units proper for colonial administration. The sense of Batak unity was also fostered by the increasing exposure of Batak youth to those of other ethnic groups after 1900.

³ The term 'the Batak world', also used by Andaya (2008), is what Sutherland (2005) calls "a contingent device", which she explains as follows: "'[c]ontingent' means 'true only under certain conditions', while a 'device' is a contrivance, 'a thing adopted for a purpose'. It should not be assumed that a category, chosen or created to frame an argument, represents a 'fact', or 'objective absolute''. The value of a contingent device—Sutherland gives the example of 'Southeast Asia'—depends on its appropriateness for both the questions being asked and the relevant evidence available. The term 'the Batak world' used in this chapter is such a contingent device. This term is more appropriate than Marsden's "Batak nation", which today rings of political unity and nationalist feeling, which did not exist in the nineteenth century.

⁴ This chapter does not cover the last phase of the encroachment: the Dutch annexation of the Dairi-Pakpak, Karo, and Simalungun Batak regions, which occurred around 1900.

encroachment—all of a violent nature—which left the Toba Batak chiefs and population with different collective and traumatic memories of their encounters with outside agents.

6.1 The Batak World around 1800

In the first half of the nineteenth century, the largest Batak settlements were found in the longitudinal troughs slashed through the mountain range of the Bukit Barisan by the rivers Angkola and Batang Toru. The few European travellers who visited the southern part of the Toba Batak region in the first half of the nineteenth century were particularly struck by the beauty of the fertile valley of Silindung and the density of its population. The gently sloping southern shores of Lake Toba were also well suited for wet rice agriculture and counted numerous villages. Between the valley of Silindung and Lake Toba lies the Humbang plateau with a savannah-type vegetation which was less suitable for cultivation and human settlement. This is also true of the eastern part of the region called Dolok, which means 'mountain' or 'mountainous'. The western territory of the Batak region, stretching from the Minangkabau to Aceh, consists of hilly terrain covered with forests, where the two major products for export at the time, camphor and benzoin, came from. On the western coast were a number of settlements at the mouth of rivers—Sibolga in the bay of Tapanuli, the smaller harbours of Sorkam and Barus to the north, and Air Bangis, Natal and Sinkuan in the south. Here the sparse population consisted of a mixture of Batak and Minangkabau, the latter dominating the trade from the interior.

In the late eighteenth and early nineteenth century, the Batak were not yet known as consisting of separate ethnic groups.⁵ Internal diversity between Batak groups was thought to be the result of migration in all directions over a period of centuries from the mythical point of origin of all Batak people, the mountain Pusuk Buhit on the northwestern bank of Lake Toba. The reason for migration was probably not only the need for more arable land for subsistence farming, but also the demand for benzoin and camphor. These resins, found in the forests in the hinterland, had been in demand at the major port cities in the Straits of Malacca since as far back as the fifth century, leading to the emergence of Barus as Sumatra's main intermediate port on the west

⁵ Marsden did not yet distinguish the Toba Batak as a separate ethnic group from other Batak groups. For Marsden's sources on the Batak, see Wink 1924 and Viner 1979:85.

coast and Kota Cina on the east coast (Andaya 2008:149–53). In the fifteenth century the emergence of pepper as an important export commodity for China and Europe began to draw Batak to Deli on Sumatra's east coast to work in the pepper fields. It also stimulated the production of rice in the Batak interior for export to pepper-producing areas as far as Aceh. In short, the geographical expansion of the Batak world was the result of pull factors originating from outside the Batak region. Contact with other peoples living on the coast probably engendered a sense of ethnic identity as Batak, based on the use of a different language, the supra-village organization, the *bius*, discussed below, and wandering experts of healing and divination, the *datu* (Andaya 2008:154–9).

In the early nineteenth century the Batak world was already well connected internally and with the outside world as a result of earlier trade contacts. The main avenues for trade followed the course of the river Batang Toru from Lake Toba to Sibolga on the western coast, connecting the communities around the lake with those of Silindung and Pahae and with the communities along the river Angkola in the south (Dobbin 1983:175-6). These communities maintained relationships with each other through a chain of markets along these routes. The biggest markets were found in Payabungan in Mandailing, in the centre of the valley of Silindung, in Butar on the Humbang plateau, and in Bangkara and Balige on the southwestern and southern shore of Lake Toba. The number of people visiting the biggest markets must have been considerable: the Dutch official Van Kessel (1856:69), who visited Silindung in 1844, estimated that some three or four thousand people attended the market there. Peace and order in marketplaces and the protection of traders were regulated by strict rules and guaranteed by local rajas, even if the surrounding area was at war (*Ruhut* 1898 [tr. Vergouwen 1932:131-2]).

A great variety of products were traded at these markets. These included natural produce such as rice, chickens, sugar, coconut oil, fruits, and locally produced woven cloth, knives, and swords. Cows and buffaloes, the main source of wealth in Batak society and extensively used in Batak ceremonies, were bought and sold in the markets, too. Imported products brought from the coastal areas to the interior were salt and dried fish, weapons of foreign origin, cotton cloth, iron, copper, thread, and tobacco. Traders from outside bought the resins benzoin and camphor, but also gold from the gold mines in Upper Mandailing, horses from Toba, and pepper from the northern parts, Singkel, Gayo, and Karo. Slaves were a commodity too, although it is difficult to establish the extent of the trade.⁶

⁶ Referring to John Anderson's book *Acheen* (1840:188–9, 202), Sidjabat (1983:89–92) states that Batak and also Nias slaves were traded in Aceh, as well as in Batu Bara and Asahan

The map of the Batak world was divided along lines of conglomerates of marga who revered a common ancestor. A village incorporated the marga raja (the marga who had first settled in an area) and the marga boru, its bridegiving marga who had assisted them at the time or had come to live with them later. Each village was ruled by the raja of the village (raja huta) and a council of senior heads of households, including those of the in-living marga boru. Clusters of villages were united in a common religious community called bius. The bius organized the yearly ceremonies at the beginning of the planting season to ask for the blessing of the gods and ancestors for a good harvest. The *bius* also had a function in the administration of justice. The male religious leaders of a bius were representatives from the villages which were part of the bius and were called *parbaringin*, and their wives *paniaran*. Those with an aptitude for it functioned as spirit mediums, communicating with ancestors and the spirits residing in rivers, wells, and caves.7 Leadership within the bius was communal, with the college of *parbaringin* as the supreme institution. The office of parbaringin was hereditary. Decisions were made on a communal basis, and involved rajas who officiated in other functions. They held different titles and governed separate units of villages referred to by terms such as horja or turpak. They organized the building and maintenance of irrigation systems, plotted out land for agriculture, and waged war against outsiders. Each bius had a big marketplace, which also served as a place of worship. People could also turn to the rajas assembled there if they wanted their mediation in a dispute (Angerler 2009:105-48).

Batak society never developed into a state in the Western sense of the word and has long been thought of as acephalous.⁸ However, supra-village

on Sumatra's east coast. Batak female slaves were traded for rifles used in internal warfare. Anderson does not mention the ethnic or geographical origin of the slaves sold on these markets. Angerler (2009:461–2) claims that the Toba Batak did not engage in the trade in slaves prior to the Padri war and that the slave trade was a result of it, which is not very convincing; but it is probable that during and after the war more people were enslaved and sold.

⁷ Schreiber (1976:352) wrote that each clan had in every village one or more spirit mediums, called *sibaso*, men and women. Traditional midwives were also called *sibaso*.

⁸ The statelessness of Batak society and the acephalous character of its social organization are common themes in the literature on the Toba Batak, summarized by Castles (1979) and criticized by Angerler (2009:359–69; 396–8) and Andaya (2008:161–6). Angerler attributes the lack of understanding of the function of the *bius* as a supra-village organization in pre- and early colonial times to the influence of the Batak Mission, which actively and effectively undermined the role of the *parbaringin*, regarding them as the representatives of the Batak pagan religion. The missionaries chose to cooperate with the so-called secular rajas. They were followed by the colonial government, which bypassed the *parbaringin* as well, but

organization was not vague, shifting, and acephalous. The *bius* maintained relations with other *bius* and the Singamangaraja, who is usually referred to as the Batak priest-king.⁹ The priest-kings of the Singamangaraja dynasty were revered as the representatives of Batara Guru, the eldest of the trinity of the gods of the Batak pantheon.¹⁰ Their legitimacy rested on their magical powers to communicate with the cosmos, and they were often invoked in Batak prayers. At the *bius* level, the Singamangaraja was represented by a college of rajas which in Silindung was called *raja opat* (four rajas), probably the *parbaringin* of the four major lineages comprising the *marga* conglomerate called Siopatpusoran ('the four from one navel'), inhabiting the southern part of the valley.¹¹

By the early nineteenth century, the power of the Singamangaraja emanating from his residence in the rock-walled valley of Bangkara on the shore of the southwest corner of Lake Toba—appears to have been limited to religious affairs. Moreover, the further removed from that centre, the less his influence was felt. The Singamangaraja was the head of the largest cluster of lineages in the Toba region, the so-called Sumba group, consisting of numerous minor conglomerates of *marga*, such as the Siopatpusoran in Silindung. Its pendant was the Lontung cluster of *marga*, headed by Ompu Palti Raja, who had a similar status as lineage elder, but, unlike the Singamangaraja, did not claim any sort of authority beyond the Lontung group. Together these two large clusters of lineages occupied nearly the entire Toba Batak region.¹²

- 9 Situmorang (1993:70) emphasizes that one should not regard the Singamangaraja as a *primus inter pares* on a level with the *parbaringin* of the *bius*. He was not the representative of the *bius* where he lived, but revered by all Batak as the representative of the gods.
- 10 The Singamangaraja dynasty traced its divine ancestry through Si Raja Batak, a descendant of the first divine couple who descended from the world of the gods (see graphic 1). On the nature of the Singamangaraja's kingship, see Reid 2008: 254.
- 11 The clans Hutabarat, Panggabean, Hutagalung, and Lumbantobing formed the *marga* conglomerate Siopatpusoran. Two lineages had split off from the *marga* Panggabean, becoming the exogamous *marga* Simorangkir and Siagian, while Hutapea had split off from Lumbantobing. All these *marga* revered the same ancestor, Guru Mangaloksa, a descendant of Raja Isombaon, the second son of the legendary Raja Batak (Siahaan and Pardede 1975:37). For a map of the territories of the four lineages combined in the Siopatpusoran, see Angerler 2009:499. For a different explanation of the origin of the Siopatpusoran, see Andaya 2008:255. Other similar *marga* conglomerates existed elsewhere.
- 12 The Sumba clans spread out over the northern part of the island Samosir, the western shore of Lake Toba, Toba Holbung, Habinsaran, the northern Humbang Plateau and

incorporated the 'secular' rajas to the offices it created (Drijvers 1941, Angerler 2009:4, 362–5, 435–7). Today, only vestiges of the *bius* have survived, in certain areas such as Samosir.

Similar lineage-based leadership was probably also known throughout the rest of the Batak world.

Due to the existence of the *bius*, Batak society appears to have been able to manage its affairs quite well, and apparently had no need for a strong political centre and ruler. But the fragmented power structure of Batak society also had a dark side to it. Rivalry was a common feature. Marsden sketched a vivid picture of this:

The government of the *Batta* country, although nominally in the hands of three or more sovereign rajas, is effectively (so far as our intercourse with the people enables us to ascertain), divided into numberless petty chiefships, the heads of which, also styled rajas, have no appearance of being dependent upon any superior power, but enter into associations with each other, particularly with those belonging to the same tribe, for mutual defence and security against any distant enemy. They are at the same time extremely jealous of any increase of their relative power, and on the slightest pretext a war breaks out between them. The force of different *kampong*¹³ is, notwithstanding this, very unequal, and some rajas possess a much more extensive sway then others; and this must be so, where every man who can get a dozen followers, and two or three muskets, sets up for independence.

MARSDEN [1783]1975:374-5

The usually small-scale wars the Toba Batak waged on each other were rarely a bloody affair, since the Toba Batak dealt with war in a ritual fashion. Armed conflict ended when one of the parties had lost one of its men, but skirmishes could continue for years.¹⁴ The Batak villages were heavily fortified by mud walls, planted with thick bamboo and sometimes surrounded by a moat; and men were heavily armed with loaded guns, pikes, and sabres (Marsden [1783] 1975:379). The heavy weaponry and village fortifications indicate that the Batak lived in more or less constant fear of attack. If a war broke out, and

Silindung, while Lontung occupied the areas South Samosir, Muara, Meat, a number of valleys to the west of Bangkara, the south of the Humbang plateau and the valley Pahae south of Silindung (Situmorang 1993:76–7).

¹³ Note that Marsden does not use the Batak word for village, which is *huta*, not *kampong* (Malay).

¹⁴ Sometimes a small war between two parties could become extended if either side managed to involve a wider network of *marga* lineages and affined *marga* (Vergouwen [1933] 1964:381).

in particular if it was prolonged, it had a pernicious effect on the food supply, because the village population was hindered from cultivating their fields undisturbed.¹⁵ Pernicious, too, were the consequences of arson leaving families homeless, a war tactic used by the Batak (*Ruhut* 1898 [tr. Vergouwen 1932:118]). These conditions caused not only poor health, but probably a higher death toll than actual battle.

No study is available about the exact causes of internal wars in the pre- and early colonial period.¹⁶ The author of *Patik* (1899 [tr. Vergouwen 1932:95]), however, gives a general overview, listing the following causes for conflict: brokenoff betrothals and abductions of women (*hata boru*); disputes over land (*hata tano*); unpaid debts (*hata singir*); and theft (*hata uasan dipogo donganna*). Another probable reason was the killing of a person, usually a child or a slave belonging to another community.¹⁷

In sum, around 1800 the Batak were certainly not cut off from the outside world; and they possessed a loose supra-local organization which existed independently of surrounding Muslim kingdoms in Aceh, Minangkabau, and on the east coast of Sumatra. It appears that the Batak deliberately kept their distance, not wanting to convert to Islam and never accepting effective control. A kind of symbolic but harmless allegiance to a coastal kingship involving some tribute was as far as they were prepared to go.¹⁸

The internal equilibrium of the Batak world, kept by its rules of conduct regulating conflict, became subject to pressure in the early nineteenth century when the Padri armies invaded the southern parts of the Batak world and beyond. Because the common Batak type of warfare did not make the formation of standing armies necessary, Batak society was not equipped to confront this strong and well-organized enemy in the 1820s and 1830s (Angerler

¹⁵ Henny (1869:54) mentioned that the fields in Silindung in 1858 were surrounded by bamboo and that those working the fields were protected by armed men.

¹⁶ References to specific localized wars can be found in the yearly colonial reports (*Koloniale Verslagen*), which may reveal why specific wars broke out, the clans involved, the scope and duration of the conflicts, as well as the outcome and impact on local communities. Lando (1979:150–8) has done this for the so-called Lontung wars involving clans from Samosir and Balige, using interview material.

¹⁷ Such a killing was done on the order of a *datu* who used the body to make a magic staff (*tunggal panaluan*), a custom which Westerners abhorred as much as Batak cannibalism. Procedures for mediation and the administration of justice to solve conflicts have been discussed in the previous chapter.

¹⁸ Reid 2008:255. For the relationship between the royal family of Barus (the Hulu family) and the Batak in the interior since the sixteenth century, see Drakard 1990.

2009:456-7)—nor, for that matter, the Dutch colonial army in the last quarter of the nineteenth century.

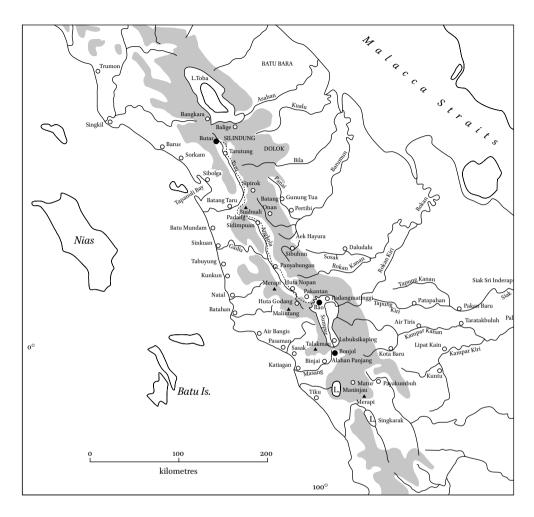
6.2 The Invasions of the Padri and Their Impact (1825–1860)

The man who led the Padri into the Batak region was Tuanku Rao, also known as Pongki na Ngolngolan (illustration 27).¹⁹ This latter name indicates that he was of Batak descent, Nainggolan being the name of one of the clans in the southern Batak lands. This man, a shadowy figure in the sense that not much is known about him, established himself in the most northern valley of the Minangkabau, the valley of Rao. He converted to Islam around 1810 and became an ally of Imam Bonjol, the most well-known Minangkabau leader of the Padri movement. Tuanku Rao made the conversion to Islam of all the Batak his ardent mission and led the Rao Padri first into Mandailing, the Batak region to the north of the Rao valley.

Around 1822 the Padri armies marched from Mandailing into Angkola, crushing local resistance with ease. A few years later—the exact year is not known, but it must have been not long after 1824—Tuanku Rao succeeded in advancing as far north as the Humbang plateau.²⁰ Allegedly, he killed Singamangaraja x in the Butar marketplace, after inviting him there for a meeting. Batak sources say that this murder was probably motivated by revenge (Sangti [1977]:32–9). But Dobbin (1983:183) suggests that Tuanku Rao perceived Singamangaraja x as a figurehead around whom the Toba Batak clans could unite to oppose Islam; he also wanted to cut off the Singamangaraja's profitable commercial relationship with Barus on the west coast. Whatever his reason(s) may have been, Tuanku Rao considered Singamangaraja x a sufficiently important foe to kill him. Tuanku Rao did not stay very long in the northern Batak lands, but his followers returned in 1827 and 1829, probably in search of more booty from the already weakened Batak lands. In 1833 Tuanku Rao was captured by the Dutch in Air Bangis and died shortly afterwards.

¹⁹ The following description of the Padri invasion of the Batak lands is based largely on Dobbin 1983:175–87.

In his letter to Major General Michiels (Civil and Military Governor of the West Coast of Sumatra), written after his return, missionary N.M. Ward of the Baptist Mission Society, who had visited Silindung with missionary R. Burton in 1824, made no mention of any activity of the Padri (KITLV, H 302).



MAP 2 Northern Minangkabau and the Batak lands, 1807–1847. AFTER DOBBIN 1983: 257

The dotted line on the map shows how far and by which route the Padri armies advanced: from Rao in the northern part of Minangkabau along the river Angkola into Mandailing and Angkola, and along the river Batang Toru via Pahae and Silindung (Tarutung was not yet known by that name) to Butar on the Toba Plateau. Bangkara, residence of the Singamangaraja family, is located on the southwestern shore of Lake Toba. The impact of the Padri invasions was dramatic: it left behind a trail of destruction. According to Junghuhn (1847:53), the population decreased by a third.²¹ Van Kessel (1856:57), who visited the region between Sipirok and Silindung in 1844, saw many abandoned villages. There is no way to establish whether the region around Lake Toba was affected as severely as the southern part of the region, but the term for the period of invasion, *tingki ni Pidari*, which means 'chaotic times', was generally known there as well.

The Padri war altered the Batak world forever: the southern part— Mandailing and Angkola—split off. Already during the invasion several rajas in Mandailing and Angkola had converted to Islam. The war also drew in the Dutch, who were determined to destroy the strongholds of the Padri in Minangkabau, as well as in the southern Batak lands. They built a number of fortifications in the south, the largest of which was Fort Elout near Payabungan in Upper Mandailing. A Controller was stationed there, and another one in 1837 in Air Bangis on the west coast, which became the capital of a new Residency, Tapanuli, formed in 1842.²² In 1839 and 1840 small Dutch forces occupied the ports Barus and Singkel on the west coast where the trade routes from Lake Toba area ended. The Dutch presence, however, did not stimulate the rajas who had embraced Islam to return to their ancestral faith. Perhaps a feeling of inferiority towards the worldlier Minangkabau, who looked down on the Batak as pork-eaters and coarse folk, stimulated their desire to become part of that other civilization by conversion.²³

The Toba Batak rajas did not react in the same way as the rajas in Mandailing and Angkola. Further removed from Minangkabau, they remained faithful to their traditional religion and customs. They also remained outside the Dutch sphere of influence. The Dutch had nominally integrated the southern part of the Toba Batak homeland—referred to in the sources at the time as 'Little

²¹ He gave the absurdly exact figure of 232,995 inhabitants prior to the Padri's invasion, which according to his estimation had decreased to around 150,000 in 1842. The figures are probably not valid, but Junghuhn's informants must have made mention of large scale depopulation.

²² The Residency of Tapanuli was added to the *Gouvernement* (governorship) of West Sumatra, formed in 1838, which at first consisted of the Residency of the Padang Lowlands and the Padang Highlands only (Dobbin: 1983:227).

²³ Neubronner van der Tuuk (1982:63) wrote in a letter dated 23-7-1853: "The contempt with which the Muslim treats the Batak borders on the incredible". A similar attitude on the part of Muslim coastal civilizations towards peoples in the interior has been noted for other islands in the archipelago. For example, the Toraja in the interior of Sulawesi and the Dayak in Kalimantan suffered from similar forms of disdain and discrimination as the Batak.

Toba' (*Klein Toba*)—into the new Residency of Tapanuli by decree in 1841; but no occupation followed, because Imam Bonjol's resistance absorbed all the attention and forces of the Dutch.²⁴ After his defeat in 1847, the Dutch adopted a new policy of abstention towards Central Sumatran affairs. Faced with a depleted treasury because of the Java war (1825–1830) and the Padri rebellion on top of it—and also because the English did not allow further Dutch expansion in Central Sumatra—the Dutch refrained from intensifying their involvement in the Batak lands for the time being.²⁵ The rajas in Little Toba only occasionally received instructions from the Resident of Tapanuli. The above mentioned Controller Van Kessel (1856:74) reported that they were very civil and subdued.

This behaviour reflected an attitude of withdrawal on the part of Toba Batak rajas. The years of the Padri conquest had left them understandably traumatized. Many had lost their villages, relatives had been carried off as slaves to the south, and the Padri had destroyed their books of divination (pustaha) out of religious zeal. The Toba Batak rajas, who as recently as 1824 had received two English missionaries of the Baptist Missionary Society, N.M. Ward and R. Burton, in a friendly fashion—the Batak priest-king, Singamangaraja x, still alive then, had even invited them to visit him in Bangkara-became very distrustful towards foreigners. In 1834 two American missionaries from the Boston Missionary Society were stopped on the way from Sibolga to Silindung and murdered. Six years later, many local rajas were far from friendly towards the naturalist Franz Wilhelm Junghuhn (illustration 28), who travelled for over a year in the southern part of the region on an official mission to gather geographic and ethnographic material. Once he was held hostage for several days and feared for his life and that of his followers while an assembly of rajas debated whether or not to execute and eat them. The threat of repercussions by the Dutch helped to discourage them from doing so. On the other hand, there were also rajas who displayed a willingness to swear allegiance to the government in Batavia.²⁶ Perhaps this attitude can be attributed to their being informed about the defeat of Tuanku Rao and other Padri leaders in previous

According to a decree issued in 1841 (Gouvernementsbesluit 11 maart 1841, no. 10), Little Toba was defined as the territory covering Sigompulon, Silindung, and the plains to the east, where the large villages of Sipahutar, Pangaribuan and Silantom could be found. 'Great Toba', comprising the Humbang plateau and the region around Lake Toba, was left out.

For the background of the new policy of abstention of the Dutch government in these years, see Locher-Scholten 2003:95–6.

²⁶ Wormser [1943]:151–5, 158.

years, which must have impressed them since they had been utterly unable to defend themselves against the same enemy.

In 1844 another expedition was sent out under the aforementioned Oscar van Kessel, a lieutenant of the Dutch army, with the task of surveying and charting the river Kapuas and surroundings. Van Kessel met hundreds of armed men on his way to Silindung and found the large market in the valley crowded with thousands of armed men, signs of imminent warfare (Van Kessel 1856:68–9). He planned to travel as far north as Lake Toba, as yet never seen by any European, but could not undertake the journey as his Batak escorts refused to come along. Eight years later, in 1852, the Austrian Ida Pfeiffer (illustration 29), one of the rare but well-known nineteenth-century female travellers, escorted by Kali Bonar, the most powerful raja from Pahae, went as far as Silindung. There a large assembly of Silindung rajas forbade her to continue her journey to Lake Toba. Not daring to push her luck, she returned (Geen kolonie 2003:32–8).

The next person who tried to visit Great Toba was the linguist H. Neubronner van der Tuuk (illustration 30), who had been dispatched by the Dutch Bible Society to study the Batak language and had settled in Sibolga in 1852. In the next year, he travelled to Bangkara, where he met Singamangaraja XI, and saw a glimpse of the southern shore of Lake Toba, the first European to do so. The Singamangaraja, however, was not pleased with Van der Tuuk's visit, distrusting his motives. According to Van der Tuuk, the priest-king, who awaited him with thousands of armed men, wanted to kill him. He was spared this fate because the two rajas who escorted him threatened the Singamangaraja with war if he laid hands on the Dutchman. Van der Tuuk returned in haste over Dolok Sanggul to Barus, again meeting with hostile rajas on the way. After this hazardous adventure, he refrained from any new journey into the interior.²⁷

The travel accounts of the 1840s and 1850s demonstrate that the rajas of Little Toba (Pahae and Silindung) were friendlier towards foreigners than the chiefs further north. In 1857 several chiefs from Sigompulon, in the centre of Silindung, decided to take a more active stance towards the Dutch. The reason for this was armed conflict that had been going on for the previous ten years, which they were unable to resolve amongst themselves. They therefore requested W. Cleerens, the Controller stationed in Sibolga, to help settle their differences.²⁸ On that occasion they also formally accepted Dutch supremacy.

²⁷ Neubronner van der Tuuk 1982:59–62. Van der Tuuk stayed in Barus until 1857.

²⁸ The rajas involved in the conflict were Raja Kali Bonar from Sigompulon (he would later turn out to be an opponent of the mission with whom missionary Van Asselt had to deal), Raja Opoe Tjaba (elsewhere called Raja Tjoboe) in Silindung, and Raja Ompoe Boemboeng (Opoeni Boemboeng in Henny 1869:30–5, 50–1).

CHAPTER 6



ILLUSTRATION 27 Portrait of the Padri leader Imam Bonjol, drawing (no date). SOURCE: STUERS, H.J.J.L. DE, DE VESTIGING EN UITBREIDING DER NEDERLANDERS TER WESTKUST VAN SUMATRA 1849–1850. VOLUME I: 163. AMSTERDAM, P.N. VAN KAMPEN



ILLUSTRATION 28 Franz Wilhelm Junghuhn, explorer of interior North Sumatra during the years 1840–1841. SOURCE: COURTESY OF JOHANN ANGERLER



ILLUSTRATION 29 Portrait of Ida Pfeiffer, traveller (Pahae and Silindung, 1852). SOURCE: KITLV, NO. 37C292



ILLUSTRATION 30 Portrait of H. Neubronner von der Tuuk, linguist and translator of the Bible into Batak, stationed in Barus (1852–1857). SOURCE: KITLV, NO. 2803001

Apparently not all parties had been involved in the peace settlement, or some had second thoughts about it, because hostilities in the interior continued unabated. In March of the following year, Resident J. van der Linden sent Cleerens and his colleague W.A. Henny to Sigompulon to see what could be done. They found the whole area and its population in poor condition. The number of livestock had dwindled, robbed or eaten by the enemy and mercenary troops from Toba; the fields lay unattended; and houses had been destroyed or were left dilapidated out of fear of new attacks. A reconciliation of differences was achieved, but the two colonial officials felt that not all the rajas were convinced of the good intentions of the Dutch government. The more powerful probably dreaded the prospect of losing their independence, while others may have been reluctant to appear too friendly. The raja of "Gotom" (Gultom) in Pangaribuan, for example, did not receive the two Controllers in proper style, which they attributed to his fear of reprisal "from the north", meaning bands from Toba (Henny 1869:55).

But it is likely that there were also external reasons why some Toba Batak rajas were not too keen on an alliance with the Dutch. In South Tapanuli a process of Islamization had followed the introduction of Dutch administration.²⁹ The rajas of Mandailing and Angkola, who had not converted to Islam previously, gradually embraced that faith, as they were under the impression that the Dutch favoured Islam over their ancestral beliefs. Various Dutch policies unintentionally contributed to this impression. The Dutch made use of Muslim Minangkabau personnel to fill the lower posts in the bureaucracy and courts established by them; and Minangkabau were also appointed as teachers in the few schools opened by the colonial government, where Malay (not Batak) was used as the language of instruction. Instead of maintaining the Batak calendar, the government introduced the Arabic one. The rajas probably also regarded the gift of Malay-style clothing and the introduction of the custom of visiting the home of the government official at the end of the Ramadan as indications of the religious affiliation favoured by the government. Last but perhaps not least, the Dutch forbade the Batak to raise pigs, which was considered a health risk. The Batak must have interpreted this as a move against Batak custom, which prescribed the serving of pork as ritual meat at Batak ceremonies, and yet another token of the government's support for Islam. It is plausible that the Toba Batak rajas, informed about these developments in the south, feared that they would have to embrace Islam as well if they accepted Dutch rule. They were probably also averse to the introduction of forced labour, which was

^{29 [}S. van Heemstra and E.J. van Gilse, members of the board of Dutch Bible Society], *Islamisme en Evangelisatie in de Bataklanden* [1856], КІТLV, H. 578; Neubronner van der Tuuk 1982: 77–82.

generally disliked in South Tapanuli and had led to an exodus of young men, who fled to the still independent northern region.

Why, despite all this, did some rajas from the Silindung area still consider it in their interest to seek the mediation of the Dutch in 1857? Perhaps this was a consequence of the Padri invasion, which probably left room for strong local chiefs to dominate others who had seen their village destroyed and the number of their subordinates reduced. Perhaps the activities of these warlords—a notorious one mentioned in the sources was Kali Bonar, the most powerful raja in Pahae—went unchecked because the system of legal mediation had broken down as older and wiser rajas were killed during the Padri onslaught, as were religious leaders, the *parbaringin*, whom the Padris must have regarded as the upholders of the Toba Batak ancestral faith. But whatever the background may have been—and this can be clarified only with further research—the fact remains that some rajas felt the need for an outside agent to bring about peace.

Henley (2004:87) has described the same phenomenon for North and Central Sulawesi: local elites, entangled in endemic competition and conflict, exhibited attitudes to foreign-dominated state systems that were often ambivalent and sometimes positive. These elites were not only in search of external military support against their foes, but also seem to have possessed a "Hobbesian awareness of the inevitability of conflict in tribal life and the desirability of a certain amount of state intervention to alleviate this problem". These elites thus saw the usefulness of mediation by a third party that could ensure impartial adjudication and law enforcement. Mutual jealousy and distrust made it easier for them to accept outsiders. In the Sulawesi cases, that outsider—aptly given the epithet "the stranger king" by Henley—was the VOC, and after 1817 the Dutch colonial government. In 1857 local Dutch administrators were willing to take this role, but they were constrained by the Dutch moratorium on further expansion into the interior of Sumatra, a policy upheld until 1876.³⁰

Between 1861 and 1864 the Toba Batak rajas in Silindung and Pahae came into contact with other Europeans, missionaries of the German missionary society, the Rheinische Missionsgesellschaft (RMG). How did they react?

³⁰ Koloniaal Verslag 1876:10, 13. On the same policy of abstention and its reversion in another Sumatran region, Jambi, see Locher-Scholten (128–31; 157, 163–6.) Noteworthy is that the first military expedition in this region took place at about the same time, in 1878, as the first military expedition in Toba.

6.3 Conversion to Christianity, Ostracism and 'Dutch Brides'

The RMG began the missionization of the Batak in 1860, after it had been forced to give up its mission field in South Kalimantan, where a number of missionaries and their families had been killed by the local Dayak. Missionary zeal flared after the RMG *Missionsinspektor* F. Fabri informed the RMG board that Islam had already made significant inroads in Mandailing and Angkola, whereas the Batak in the north were still pagan.³¹ The still independent Batak lands thus seemed the ideal new mission field.

In 1861 the RMG dispatched the missionaries C.C. Klammer and W. Heine, who had both previously worked in Kalimantan, to Sumatra. There they met G. van Asselt (illustration 31) and W.F. Betz, two Dutch missionaries who entered the service of RMG, after the Dutch missionary society, the Java-Comité, had consented to this. The four men convened in Sipirok on 7 October 1861, a date later chosen as the founding date of the Batak Protestant Church, the Huria Kristen Batak Protestan (HKBP). At this meeting it was decided that Klammer and Betz would stay in Sipirok (Angkola), whereas Van Asselt and Heine would settle in Pahae, a region still outside the jurisdiction of the Dutch at the time.

The rajas of Aek Sarulla and Sigompulon in Pahae received Van Asselt and Heine in a friendly manner, allowing them to build a house and tend to the sick and needy. But otherwise they were indifferent. Heine (1863:184), for example, had to hold a large feast for forty rajas from Sigompulon and Pangaloan in proper Batak style (slaughtering a buffalo) after the construction of a school building was completed, before they would even consider sending him four boys for instruction. The rajas probably mistrusted Van Asselt because previously, while still living in Sipirok, he had worked as an overseer for the Dutch government; this may have instilled the fear that he would force the population to build roads and plant coffee. But most decisive for the aloofness of the rajas must have been the hostile attitude of the notorious raja Kali Bonar in Pahae, who held sway over them. It suffices to mention here that in the following decade very few people in Pahae converted to Christianity. It was fifteen years before this changed, after a young raja, Ama ni Holing, embraced the new faith (Schreiber 1876:394–6).

³¹ By chance, the RMG Missionsinspektor F. Fabri, had read Junghuhn's book on the Batak and had seen parts of Neubronner van der Tuuk's Bible translation during a visit to the Netherlands the previous year. Fabri then decided to consult the board of a Dutch missionary society, the Java-Comité, which had three missionaries working among the Batak population in Angkola and Sipirok (Warneck 1912b:21–4; Aritonang 1994:115).

Early Beginnings: Sipirok, and Pahae



ILLUSTRATION 31 Portrait of missionary G. van Asselt and his wife (1905). SOURCE: VAN ASSELT 1905 (NO PAGE)

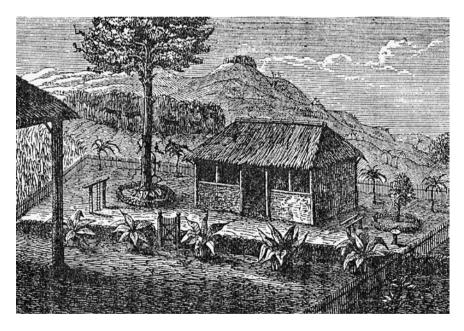


ILLUSTRATION 32 The school in Sigompulon, Pahae, one of the first missionary schools in Little Toba' (drawing, 1865). SOURCE: DER KLEINE MISSIONSFREUND 1865:66

A Promising Field for Missionary Activity: Silindung



ILLUSTRATION 33 The valley of Silindung. One of the most populous regions in the Batak lands, due to intensive rice cultivation, and therefore selected as a missionary field. SOURCE: KITLV, NO. 106313. COLLECTION L.V. JOEKES



ILLUSTRATION 34 Portrait of Ludwig Ingmar Nommensen (1834–1918). Nommensen was the most influential missionary of the Rhenish Mission Society. SOURCE: KITLV, NO. 405738



ILLUSTRATION 35 Portrait of Raja Pontas Obaja Lumbantobing (d. 1900), a close friend of Nommensen and the most important raja to support the Batak Mission. SOURCE: ARCHIVES AND MUSEUM FOUNDATION OF THE UEM (HENCEFORWARD UEM), NO. 203–209

In 1861 Van Asselt and Heine had also explored the prospects for the mission in the valley of Silindung. Raja Pontas of the marga Lumbantobing (illustration 35) received them cordially, which made them optimistic. Still, it was another three years before a third missionary from Germany, L.I. Nommensen (illustration 34), went there. It turned out that he was not welcome at all. An assembly of rajas tried to scare him off, but they did not go so far as to harm him.³² Eventually Raja Aman Dari-also of the marga Lumbantobing and village head of one of the largest villages in southern Silindung-agreed to sell the persevering missionary, who refused to go, a piece of unfertile land prone to flooding on the border of the river Batang Toru.³³ Not daring to take this step of his own accord, Raja Aman Dari first availed himself of the support of three other rajas in the vicinity. One of them was Ompu Bumbung (also called Ompu Sabungan of Parbubu), whom Cleerens and Henny previously had assisted in peacemaking negotiations with an aggressive raja by the name of Ompu Tjoboe (Henny 1869:49–50).³⁴ Ompu Bumbung was thus interested in strengthening a relationship with the colonial government and probably for that reason was friendly to Nommensen.³⁵ One thing is clear: these four rajas were not motivated to help Nommensen because they were interested in Christianity. They withheld any further support to him, even forbidding his trusted Batak helpers from Barus to fell the necessary trees to build a house. They did not convert until many years later.

Nommensen's missionary activities nevertheless soon bore fruit: in August 1865 he baptized eight adults and five children, two families of the *marga* Hutagalung, and one of each of the *marga* Sarumpaet and Nasution (Hutauruk 1980:518). The first two families belonged to the ruling *marga* of their villages. Among these first converts were two remarkable men: Maja of the *marga* Hutagalung, baptized Abraham, was a former shaman (*datu*); and Ama ni

³² The sources differ on why the rajas did not oust the missionary. Was it because Nommensen had successfully intimidated the convened rajas by showing a letter from the Dutch Indies Governor-General that permitted him to start missionary work in the region (*Berichte der Rheinische Mission* 1865:198)? Or because he threatened to write the names of the rajas in a large book, which made them fearful because everything written in Batak script used to involve magic, both white and black (Warneck 1912b:51)?

³³ According to Tobing (1964: 243-5), Aman Dari did this favour for the missionary because he was impressed by Nommensen's forecast that his sick wife, whose condition was considered beyond hope, would recover.

³⁴ The other two rajas were raja Ompu Sinangga of the *marga* Hutagalung, and raja Ompu Tarida (Tobing 1964:244–5; Hutauruk 1980:102, 317, note 113).

³⁵ Hutauruk (1980:101-2) has emphasized that the political situation in the region at the time shaped the conditions for the acceptance of Christianity, suggesting that the rajas hoped to ensure future acknowledgement of their titles by the colonial government by helping Nommensen.

Panggomal of the *marga* Sarumpaet, baptized Isak, was a medium for ancestral spirits (*sibaso*). For their communities, the conversion of these men must have been a tremendous shock: in Ama ni Panggomal they lost a man who had fulfilled an important role in their rituals, and in Maja, someone to whom they could turn in case of illness. About the personal reasons of these two men for embracing Christianity, the missionary sources remain silent. Perhaps Nommensen's argumentative skills, highly respected by the Toba Batak, and his superior healing ability won them over.³⁶

The Batak Mission had a very good reason to rejoice, because the first Christians in Silindung were free Batak, whereas the converts they had made so far in Sipirok in the south were former slaves who had fled their masters after the abolition of slavery in 1859, a policy implemented by the Dutch in Sipirok in 1862. Their flight provoked the anger of their masters, who considered the loss of their slaves an economic blow, but they could take no action to bring them back.³⁷ On the other hand, the conversion of the slaves did not disturb the fabric of society or the veneration of the ancestors.

In Silindung and later in Pahae, however, conversion led to severe social tensions, precisely because the Christians were not slaves, but regular members of their clans. When they refused to partake in any harvest or life-cycle rituals, the communities to which they belonged were extremely upset, probably at first astonished that an individual could decide to step out of the fold.³⁸ They would have felt a deep fear of the wrath of their ancestors: if their Christian descendants failed to honour them, the ancestors would certainly retaliate by causing crop failure, infertility of the women, and general chaos.³⁹ The

- 36 Nommensen was not averse to using his ability to cure (he was knowledgeable about homeopathy) to pressure families to convert. In 1875, he gave a sick boy, the only son of his parents, medicine only after the couple had promised to convert and not take part in the ritual for the *marga*'s ancestor on the next day (Letter by Br. Nommensen, 5-7-1875, KIT, Batak instituut, doss 36, C 38, pp. 11–4). The boy recovered and his parents kept their promise.
- 37 Schreiber 1876:366–7; Koloniaal Verslag 1877:76. In the long run the conversion of the slaves proved unfortunate for the Batak Mission, because the more influential and formerly slave-holding families turned their back on Christianity. In 1867, the most distinguished raja of Sipirok embraced Islam.
- 38 The missionaries were dead-set against their participation in what they called "the service of the spirits" (*Begu-dienst*), which always involved traditional music played by a *gondang* orchestra. Because of the tremendous power of this music over the mind of even the Batak who had become Christian, which they witnessed occasionally, the Christians were not allowed to attend any ceremony where the *gondang* played.
- 39 The same fear took hold of them when missionaries made a frontal attack on the abode of an ancestor. For example, in 1873 missionary Van Asselt ordered the chopping down of a large tree which was revered as such an abode (Van Asselt 1906:194–9).

communities staged rituals supplicating the ancestors to show their might and bring misfortune on the missionaries, which often did not yield the desired result.⁴⁰ Families and community leaders also tried to bring the Christians back into the fold of the old faith. Ama ni Panggomal (Isak), the spirit medium, had a particularly hard time: at the wedding of a nephew, his clansmen made him sit in the centre of the village during the festivities while the *gondang* orchestra played, hoping that the spirit of the ancestor would take possession of him as before. When this did not happen, they wanted to put him in the block, but somehow Isak managed to escape (Warneck 1912b:45–7; 63–4).

Because it turned out that the Christian converts were unwilling to give up their new religion, the Toba Batak rajas decided that strong action was called for to avert the revenge of the ancestors: they ordered the expulsion of the converts from the community. They forbade them to take their transportable wooden houses and rice barns with them to the location where Nommensen had settled, which he had given the name "the village of peace", Huta Dame.⁴¹ They had to leave behind their rice supplies and were forbidden to till their plots of land, because they refused to participate in the necessary pre- and post- harvest rituals. The village chiefs also forced the Christians to settle their debts, increased with the normal high interest (of course considered abnormally high by the missionaries).

Under these circumstances, the missionaries had no other choice than to provide shelter and protection to their Batak followers. The few rajas who allowed the Christians to move to their village also demanded a material reward in return. The missionaries, hard pressed for money, pictured the situation in the bleakest terms to convince the RMG board in Germany that their allowances needed to be raised. The report of their conference held in August 1867 dramatically stated: "the Christians are in danger of their lives if they stay in the village".⁴² Their request was granted. In the course of time, the Christians managed to see to their needs by clearing new fields, and after the initial resistance on the part of the ruling clans in the area, were able to survive.

The first converts also faced the problem that their bridegiving and bridetaking clans wanted to break off the kinship relationship with them. How this worked out in practice is detailed in the report of the missionary conference of 1867. Although the terms 'bridegivers' and 'bridetakers' are not used in this report—probably because the missionaries thought the board in Germany

⁴⁰ For examples, see Warneck 1912b: 58–9; 86–8. Warneck stated that the ineffectiveness of the rituals and other actions merely undermined their belief in the old faith.

⁴¹ An indirect sneer at the Toba Batak rajas' aggression against their Christian kinsmen?

⁴² UEM, F/b 1,1 КР 1867, Silindung I. (n.p.).

might not understand the intricacies of Batak kinship—it is not difficult to make out what problems of the Christians with their affines were meant.

The Christians were most hard-pressed by their (prospective) bridetaking families (marga boru). They told Christian fathers: "our brides have now become Dutch (Wolanda), do not want to take part in our old customs anymore" and broke off the standing betrothals, an act of *sirang*, expressed by the demand to return the advance on the brideprice they had already given.⁴³ This statement reflects their opinion that a Christian man was not a Batak anymore, but a Dutchman, a person who was not a member of their own community, a person with whom it was therefore impossible and undesirable to enter into a marital alliance. The demand for the return of the advance of the brideprice posed enormous problems for the Christians. Just ousted from their villages, they were destitute and could not fulfil the obligation imposed on them to redeem their daughters. A Christian man in Nommensen's congregation had no less than six daughters, four of them already betrothed. Nommensen, feeling obliged to help, used a large part of his yearly income to refund the advances of the brideprice to the families of their fiancés (Warneck 1912b:72). Hard-pressed, too, was a poor man in missionary Heine's congregation in Sigompulon, who had received no less than 210 guilders in total as advance payments of the brideprices for three of his daughters.44

Bridetakers (*marga boru*) who had received a wife from the Christian families in the past also put pressure on their Christian affines. They demanded the settlement of obligations that had been left standing, and the replacement of women who had died without (male) offspring in the (sometimes distant) past—according to the custom known as *ganti tikar* or *singkat rere* described in Chapter 5. The conference protocol of 1867 clarified that the Batak sometimes inherited such an obligation from their father or grandfather thirty to sixty years back. Because their debtor had become a Christian, these bridetakers were not interested in receiving a replacement bride in a foreseeable future, but insisted on the settlement of the account in cash. The Christian families suffered from rejection by their pagan bridegiving families (*hulahula*) as well. The latter required them to pay off all their debts incurred in the past. These debts consisted of portions of the brideprice for the Christians' grandmothers, mothers, and wives which the Christian family had not yet paid, but which their bridegivers had refrained from claiming until then.

⁴³ The quote comes from the missionary report of 1867 (UEM, Fb,1 KP 1867, Silindung), but was probably an accurate repetition of what one bridetaker had actually said.

⁴⁴ Heine (1867:58) called upon the readers of the missionary magazine for children (*Der Kleine Missionsfreund*) to help out the poor man and his daughters.

The patrikin of the converts, their *dongan sabutuha*, who had evicted their Christian clansmen, added to their predicament by making demands that were also related to the contraction of marriage by marriage gifts. They had helped their converted kinsman in the past when the latter had to amass the brideprice for his wife or daughter-in-law. These contributions, the so-called *tumpak*, were now asked to be returned, which was not at all customary.

How did conversion of men affected their female relatives at the time? Only one case was mentioned in the 1867 protocol that throws light on this: a pagan husband sent his wife back to her converted Christian family. He used the fact that she had not yet born him children as an excuse for the repudiation and demanded the refund of the brideprice.

So far, the harsh sanctions inflicted on the Christians were by members of their own lineage members and their affines. Ostracism or "civic death", as Viswanathan (1998:79) has called it following current legal terminology, was common when individuals who belonged to a religiously homogenous society or a powerful majority stepped out of the fold. As in the Indian Hindu community, Batak converts were denied access to communal and family property. But apart from that, civic death always takes forms particular to a given society. In the case of Toba Batak society, it entailed the severance of relationships based on exogamous marriage by way of claims on the restitution of gifts exchanged at the time of betrothal and marriage.

Cut off from their patrikin and affines, the Christians had no one else to turn to in their predicament than the missionaries. Realising that it was impossible to help out in all cases, the missionaries made a pragmatic choice. They choose to redeem only the daughters of Christians who were betrothed to a pagan man. To the missionary board in Germany they wrote that they wanted to spare the girls "dreadful misery" (grausames Elend), because if the girls had to marry their heathen fiancés, they would certainly be obliged to take part in the pagan ceremonies in their husband's village. For this purpose they requested extra money. Although the missionaries were willing to pay in cash, they were unable to help all the girls of Christian families. If a girl still lived with her parents, there was no problem. But if she had been handed over by her father to his creditor as a 'daughter in-law with a debt on her head' they met with resistance, because creditors were not always willing to give up the girl or, according to the missionaries, tried to make the most of the opportunity by asking an excessive amount of money for her release. The missionaries thus inferred that a creditor was driven by the prospect of pecuniary gain, but he may just as well have made an excessive claim in order to express his disgust for the conversion of the girl's father.

In 1868 the issue of redeeming daughters of Christians was raised again. Nommensen and the newly arrived missionary A. Schreiber were in favour of it, arguing that at least the money was better spent for this purpose than if it was used for the purchase of slave girls, as some missionaries had done in the Sipirok area. After all, if the betrothal were called off, the girl would at least remain a member of the Christian community, whereas a purchased slave girl might run away. This sometimes happened, Schreiber admitted, because the missionaries usually made slave girls work harder than their former masters. If a slave girl ran away, the missionary could hardly force her to come back, and then the money to purchase her would be lost. The missionaries also considered the purchase of slaves very ill-advised, because the Dutch had obliged the rajas of Sipirok to free their slaves, a policy followed by the rajas in the Pangaloan-Sigompulon valley. If the missionaries continued to buy slave girls, it would give the highly objectionable impression that they were the only ones in the area who still held slaves. The conference decided on one exception: if the formerly enslaved father had become Christian and his slave daughter was forced to follow the daughter of her master on marriage as part of the latter's bridegift, the girl would be purchased.⁴⁵ Another decision was made regarding Christian widows: if a pagan brother of the deceased husband demanded that she marry him in levirate, the missionaries would pay him off "in order to keep the peace".46

The missionaries had no direct part in the civic death of the members of their flock, the vehemence of which appears to have taken them by surprise. Nonetheless they had of course contributed to it indirectly, because they had created in the eyes of the Toba Batak communities an intolerable situation by luring some of their members to step out of the fold of ancestral belief. The missionaries could respond only by trying to help their converts as far as their financial capacity allowed. But they also added to the trials and tribulations of their young flock in a direct way. In 1867 they issued a set of Christian By-laws, including the prohibition to pay and receive the brideprice.⁴⁷ This prohibition made it virtually impossible for the Christians to marry off their children, which is illustrated by the following example. Apparently, not all affined families of the converts were opposed to maintaining a marital alliance. At one point, the sister of Isak (Ama ni Panggomal) came to visit her brother to ask for

⁴⁵ UEM, F/b 1,1, КР 1867:63–4; Letter by A. Schreiber (1867:53–4).

⁴⁶ UEM, F/b 1,1 KF 1868:73.

⁴⁷ These By-laws were mentioned by Warneck (1912b:74) fifty years later, but the document itself has never surfaced (Schreiner 1972:136, footnote 82). Apparently, Nommensen did not expect the abolition of the brideprice to become effective, because another regulation read that a Christian was not allowed to take away the horses, cows, and rice fields of patrikin to use the money for the payment of a brideprice, as was the custom. A pagan kinsman was also prohibited from doing the same with a Christian's property (Hutauruk 1980:115).

his daughter to be married to her son, bringing with her a ceremonial meal and what is mentioned in the source as "gold and silver", probably the advance on the brideprice. Isak, perhaps desiring to prove his sincerity of faith, apparently felt obliged to follow the above prohibition and rejected his sister's overture, stating:

If your son turns away from the devil and comes to God, he can also have my daughter without paying gold and silver; I do not sell my child anymore as is our heathen custom.⁴⁸

His sister, deeply offended, left and the relations between her family and that of her brother were cut off.

The isolation of the small Christian communities was of a remarkably short duration, due to the conversion of three rajas late in the year 1867. One of them was Raja Pontas Lumbantobing (christened Obaja), the chief who had received Van Asselt and Heine cordially in 1861. The other two were Raja Musa (Batak name unknown), and Raja Panalungkup (christened Nikodemus). It is probable that Raja Pontas and Raja Musa, being chiefs of junior branches of their *marga*, took this step because they wanted to establish themselves independently.⁴⁹ Of these three, Raja Pontas became the staunchest supporter of the Batak Mission and the closest alley of Nommensen in the decades to follow. He seems to have envisioned conversion to Christianity as a useful means to lead the Toba Batak on the path to a modern future.⁵⁰

For the Batak Mission, these conversions were a godsend. Since Nommensen had founded the village of Huta Dame, the converts and the rajas of surrounding villages regarded him as the head of the village. This, he realized, would hamper the missionary cause, as the Christians would remain locked in their own community—as it were, *in statu excommunicationis*. Under such circumstances, they could not influence their kin in other villages. Nommensen tried to make it clear from the beginning that he was not the raja of the Christians,

⁴⁸ This is the wording of the later Ephorus Warneck (Warneck 1912b:65), who probably quoted this from one of Nommensen's letters. Note that Isak's sister asked for her niece, a full cross-cousin of her son (*boru ni tulang*), an example of the most desirable marital alliance (see Chapter 2, Section 2.6.).

⁴⁹ For more information on the motivation of Raja Musa in particular, see Hutauruk 1980:101. On the conversion of Raja Panalungkup, who was a *datu*, see Warneck 1912b:56. He died in 1898, and two of his sons became Batak pastors (*pandita*).

⁵⁰ It was their close cooperation in the following years which led the Toba Batak people into a new future (Schreiner 1987:184). Hutauruk (1987:28) phrased Raja Pontas's role as follows: "[he] opened the way for the Batak to seek light and modernization".

but their teacher. To convince them of this, he referred all disputes they had with others to their former village heads, which was of course not to their advantage. After the above-mentioned three rajas had opted for Christianity, the inhabitants of Huta Dame moved out and resettled in the village of one of these chiefs. This implied the incorporation of the Christians within the Batak kinship-based political and social structure, and established the pattern for the future expansion of Christianity on the doctrine of *cuius regio, eius religio* (Schreiner 1972:117).

The relationships between Christians and their pagan kin were also normalized by the revision of the Batak Mission's policy towards marriage. The prohibition to pay and receive a brideprice was swiftly dropped: the missionary conference of 1868 no longer mentions it. All marriages contracted before conversion were accepted as legal (including polygamous unions) and the rule of exogamy was to be respected, because "their [the Batak] natural feelings are set against it". The missionaries had grasped that going against this established custom would gravely harm the missionary cause.

Gradually, the other major clans in Silindung were brought within the orbit of the Batak Mission. Missionary P.H. Johannsen, who arrived in Silindung in 1866, settled in Pansur na Pitu in the southeastern part of the Silindung valley, in the area inhabited by the clans Panggabean and Simorangkir. Within a year he baptized sixty people.⁵¹ Not long after that, Ompu Mabe of Simorangkir, one of the most prominent rajas in southern Silindung, converted to Christianity and was baptized Constantin. This demonstrated that Christianity was no longer confined to the marga Lumbantobing. Members of yet another clan, the marga Hutabarat, converted, too, shortly after this. Thus, only ten years after the first missionaries had arrived, converts had been made within the four marga making up the Siopatpusoran conglomerate of clans. In 1870 the third missionary for Silindung, A. Mohri, settled in Sipoholon in the northern part of the valley, for which Raja Pontas paved the way. This was the area of another conglomerate of clans sharing a common ancestor, the Toga Sipoholon. Over time, all new missionary stations were selected on the basis of the geographical distribution of clans (Schreiber 1876:398-9; Schreiner 1972:119-22).

For the first Christians, the conversion of members of other clans must have been no small relief, because it enlarged the choice of marriage partners for their sons and daughters, which led to new marital alliances, discussed in Chapter 9. Still, tensions resulting from Christians living in a predominantly

⁵¹ The fact that Johannsen did not succumb, even though the place given to him to set up house was known as the abode of an ancestral spirit, established him as a powerful person.

pagan environment in the northern part or close to Muslim communities in Angkola continued to fester. Examples of this in the latter area are illustrative. Christian girls who dated Muslim boys in the hope of converting them to Christianity and lost their virginity, found that their plan failed.⁵² A married woman who had been repudiated eight years previously found her Muslim husband, who had heard of her intention to convert, on her doorstep. He demanded that she come back to him. He had also betrothed one of their daughters, who had lived with her mother until then. The girl, however, refused flatly to obey her father, saying she wanted to become a Christian with her mother and siblings. The Controller supported the husband's claims, but the missionary intervened on behalf of the women.⁵³ It is likely that cases such as this one occurred in other areas as well.

This case is an early example of the tension between the colonial administration's policy—that the law of the land, meaning Batak customary law, should prevail—and the claims of individual Christians, who desired to be exempted from customary law because they had converted.⁵⁴ In this matter the stance of the Batak Mission and colonial administration were also opposed, causing friction which continued well into the twentieth century.

6.4 Resistance and Conquest (1876–1883)

With the tensions in the southern part of Silindung having subsided by the end of the 1860s, the missionaries began to think of expansion northwards. In 1873 the missionaries Heine, Mohri, and Johanssen travelled on horseback over the Humbang plateau and looked down on Lake Toba and the numerous villages and extended terraced rice fields on its southern basin. They immediately grasped the rich promise the area offered for missionization (Warneck

⁵² A missionary in Sipirok who reported this incidence said the girls had to bear "the shame", implying that they had to marry the Muslim boys. But although he lost the Christian girls to the other side, in the same report he mentioned that he had married seven Muslim girls to Christian boys ("Sipirok und Bungabondar", *Berichte der Rheinische Mission* 1889: 25).

^{53 &}quot;Aus der Battamission", *Berichte der Rheinische Mission* 1885:333–45, page 338–9.

⁵⁴ Viswanathan (1998: 75–117) describes in detail very interesting lawsuits of this kind involving Indian Christians, who were treated by the British colonial courts as legal Hindus. The application of Hindu law put female claimants at a distinct disadvantage (as appears to have been the case in the suit above) by applying customary law. The Christians were denied the legal status of Christians and access to the law applied to Christians, because the British administration wanted to keep the law applicable to the native and European populations separate.

1912b:121–2). Three years later the Mission opened its first mission station on the Humbang plain in Bahal Batu. In the same year Nommensen and Johannsen visited Great Toba for the first time, in the company of several rajas from Silindung and under the protection of other rajas in Toba. They came as far as the market of Balige and attracted huge crowds everywhere they went. On the way back, they met with a hostile crowd and had to take refuge in the village of Butar which was then besieged, allegedly by forces of Singamangaraja XII. Raja Pontas had to intervene to negotiate their safe return to Silindung.

The young Patuan Bosar Ompu Pulo Batu, who had succeeded his father as Singamangaraja XII in 1875, had good reason to be worried about the advance of the Batak Mission. His father's orders about bius rituals were still being followed ten years earlier in Silindung, but this was no longer the case. He must also have been informed that the Batak way of life had changed beyond recognition in the valley. Villages were no longer fortified; churches had been erected, their bells ringing out with the confidence of the new faith. The former five-day cycle of markets had been changed, because the missionaries forbade the population to hold market on a Sunday.⁵⁵ Then—and this he perhaps found even more disturbing-even prominent members belonging to his own Sumba group, such as Raja Pontas, had converted to the new faith. Whether the Singamangaraja indeed took the decision to attack the Mission has been the subject of debate (see below). But this much is clear: at the end of 1877 rumours started to spread through the large markets (onan) in the region that Singamangaraja XII was gathering forces to attack the missionary stations and that he had hired Acehnese mercenaries who were stationed in his residence in Bakkara.⁵⁶ The rumours caused unrest as far south as Silindung, as well as among the missionaries. Informed about these, the Governor of West Sumatra, E. Netscher, and the Resident of Tapanuli, J.B. Boyle, decided on an intervention, deliberately deviating from the official policy of abstention. In early February 1878 a small Dutch force (seventy-five soldiers equipped with a mortar) under the command of Captain J.E. Scheltens arrived in Silindung from Sibolga.

⁵⁵ This description is derived from A. Schreiber (1876), who returned to Sumatra as *Mission-sinspektor* in 1876. He concluded that the old faith was in decay, even in regions where the population had not yet converted to Islam or Christianity. As an example, he mentioned that more than once no replacement was found for an old *sibaso* (medium for an ancestor) who had died.

⁵⁶ Koloniaal Verslag 1878:10–3 (source for most of the following).

This was considered a provocation by Singamangaraja XII, who shortly afterwards sent an official declaration of war to Controller G.W.W.C. van Hoëvell, who had accompanied the troops. Scheltens then marched on to Bahal Batu, the most northerly mission post. In the following days, Batak forces consisting of a thousand to two thousand men besieged the missionary station and kept the Dutch locked in for two weeks. Confronted with such a numerically superior enemy, Scheltens asked for reinforcements, which hastily arrived from Sibolga and Padang. Boyle, the Resident of Tapanuli, came along as well. This time the government in Batavia had given its approval to march against the Singamangaraja's forces. Nommensen and three other missionaries were also present in Bahal Batu, as well as Raja Pontas Lumbantobing and other rajas from Silindung, who had come along to act as mediators between the Dutch and the rajas of the hostile regions. By mid-March, the Dutch forces were ready for a major military expedition.

In the following two months, the Batak allies of the Singamangaraja and their men were confronted with war on a scale that was beyond anything they had ever witnessed before. Despite the fact that their forces were numerically far superior—the Dutch troops amounted to a little over two hundred soldiers—they found that, armed with rifles of an inferior quality, spears, and daggers, they stood no chance against the guns, grenades, and mortars of the Dutch troops. The Dutch subjugated Butar, where several villages were burnt down, subsequently marching against Lobu Siregar, which was punished in the same way. These expeditions each took a day or two.

Once reinforcements from Padang arrived, Resident Boyle and the commanders of the troops marched against Bakkara, the village of the Singamangaraja's residence, with the objective of capturing the priest-king. They took the village, which was burned down, but the priest-king had fled. The Dutch then followed the trail of the Singamangaraja to Paranginan and Gurgur, but they failed to get hold of the priest-king, who managed to escape over Lake Toba, where he found refuge with his bridegiver, Raja Babiat Situmorang. He was not pursued further. Instead, the troops were directed to one of his staunchest supporters, Raja Partahan Bosi of the *marga* Hutapea in Laguboti. To force his surrender, a number of villages in the densely populated area were burned down, and eventually he was killed (Sidjabat 1982:174,177,184). On their return to Bahal Batu, the troops passed by the marketplace Si Geanggeang, which belonged to one of the Singamangaraja's fathers-in-law, who had already taken the dramatic step of burning down his own village.

The rajas on the Humbang plateau and the southern shore of Lake Toba who had sided with the Singamangaraja must have been terrified and outraged by the punitive measures of the Dutch. The first rajas confronted with Dutch demands were those of Butar. Some of them surrendered, but others thought it better to flee, which immediately brought about the burning down of their villages. The rajas who surrendered, however, found to their utter dismay that the Dutch kept them hostage until they had pledged their allegiance to the Dutch crown. This treatment deterred the rajas of Lobu Siregar, who faced the Dutch next, of further resistance: they lost no time in offering their surrender and payment of war fines, the customary Batak way of acknowledging defeat. But they refused to meet Resident Boyle in person, fearing that they, too, would be taken hostage. To their despair, the reprisal for this was that their villages were burnt down anyway. Subsequently sixty-five rajas from Lintong ni Huta, who must have been intimidated by the fate of their neighbours, bowed immediately to the demand to pledge allegiance to the Dutch government. At the same meeting, several rajas from Butar came to pay the war fine imposed on them—the extraordinary sum of 3,865 guilders—for which their followers had to sell all their firearms, making them effectively incapable of launching any resistance in the near future. The rajas from Lobu Siregar followed suit.

The rajas of Bakkara, the Singamangaraja's area, found that, besides the usual demands, they had to agree to additional conditions meanwhile set by Batavia, which included the abolition of slavery and abstention from cannibalism. The rajas of 156 villages in the Balige area also opted for subjection, paying their war fines to the Dutch in Butar, where the troops had gathered on their way back to the south. The village rajas of the *marga* Hutapea in the Laguboti area, who had seen their clan chief Raja Partahan Bosi killed, were the only ones who chose to disregard the Dutch demands: they left their villages, taking their belongings with them and fled with their families, probably to the mountainous region lying to the east.

After the campaign, the colonial government decided on permanent involvement in the region. A small military force was left behind in Sipoholon, where a fortification was planned for the protection of Silindung. In 1879 Silindung and surroundings were added as a new sub-district (*onderafdeeling*) to the residency of Tapanuli. G.W.W.C. van Hoëvell, who had been the Controller at Sibolga, was transferred to the new administrative centre Tarutung. For the time being, no attempt was made to bring the Humbang plateau and Toba under colonial rule; but in this and the next year, many of the rajas from those areas came down to Tarutung to pledge their allegiance.⁵⁷ In 1881 the military force in Sipoholon crushed the resistance of four rajas in the region east of Silindung,

⁵⁷ In May 1879, three rajas from Bakkara came to Tarutung and swore allegiance to the Dutch king. An older brother of the Singamangaraja, Ompu Malapeeg, however, did not show up (Koloniaal Verslag 1880:8).

Sipahutar and Pangaribuan, who had not reacted to Van Hoëvell's summons.⁵⁸ The rajas were not captured but died shortly after this for unknown reasons. Their sons, sensing a new era had arrived, offered their allegiance, following the example of the son of the deceased Raja Partahan Bosi of Laguboti.

Singamangaraja XII versus the Dutch

Patuan Bosar Ompu Pulo Batu, better known as Singamangarja XII (ca. 1857–1907), was the main adversary of the Batak Mission and the Dutch. There is no photograph of him. One of his staunchest supporters was Guru Somalaing Pardede (no. 36), who defected after the military conquest of the Dutch. In 1890 he was E. Modigliani's guide for the part of his journey in the independent Batak lands. One of Singamangaraja's adversaries on the Dutch side was L.Ch. Welsink (no. 37), stationed as Controller of Toba in Balige in 1883. He became Resident of North Tapanuli in 1898 until his death in 1908.



ILLUSTRATION 36 Portrait of Guru Somalaing Pardede (1890). SOURCE: RMV, NO. A 56-16. PHOTOGRAPH BY E. MODIGLIANI



ILLUSTRATION 37 Resident L.Ch. Welsink (1898–1908). SOURCE: TM, NO. 10018655

58 One of them, Guru Sumillam, was the government's main target because he had stolen no less than 400 water buffaloes in the neighbouring region of Pangaribuan, part of the sub-district Silindung. The villages of the rajas were burned down (*Koloniaal Verslag* 1881:9–10).

Warfare



ILLUSTRATION 38 War canoe on shore of Lake Toba (1870). Canoes such as this one, rowed by up to 50 men, were used by troops under the command of Singamangaraja XII. SOURCE: KITLV, NO. 10449. PHOTOGRAPH BY K. FEILBERG

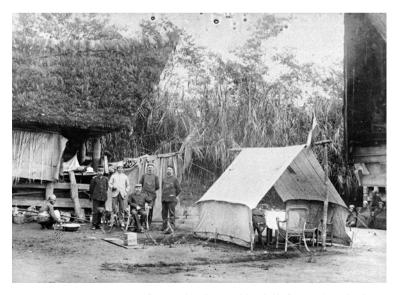


ILLUSTRATION 39 Bivouac of a patrol in the Batak lands (before 1894). Welsink is seated. One of the Europeans standing is P.A.L.E. van Dijk, who succeeded him as Controller of Toba in 1898. SOURCE: TM, NO. 10002025

The uprooting of their priest-king by the Dutch must have made a deep impression on the adherents of the old faith throughout the region. This expressed itself in conversion on an unprecedented scale, although mainly in the southern parts, Silindung and Pangaloan. Between 1879 and 1882, the number of Christians rose from 3,402 to 7,586 (Aritonang 1994:152). Thus within three years, the number of Christians had increased more than during the entire previous period of missionization (1861–1879).⁵⁹ These conversions reflected a change of mind among the rajas in the south who until then had kept to the old faith. For example, the branches from Ompu Somuntul and Aman Dari of the Lumbantobing clan embraced Christianity in 1881 (Hutauruk 1980:107-8). It should be mentioned, however, that the Christian community, amounting to approximately 3,500 persons in that year, still made up a small minority of Silindung's population, estimated at 25,000 people at the time. Moreover, the Christians were still concentrated in the southern part of the valley: Pearaja alone, Nommensen's station, counted 2,634 souls in 1882. This made the village the main Christian centre in the region, a position it has kept until today.

In Toba the rajas faced a difficult choice. Many were still very attached to the Singamangaraja, some of them by marital alliance.⁶⁰ Knowing that the priestking was still alive and had a burning desire to defeat the Dutch, they kept their distance from the Dutch and the Batak Mission. But other rajas, notably from Balige, reasoned that it might be wiser to bet on the Dutch return. In 1879 and again in 1880, a delegation of rajas came to Silindung to ask Nommensen for a missionary.⁶¹ The government, however, wanted to ensure the safety of a missionary and his family posted there and therefore set the terms for his permit very high: the rajas had to accept a military garrison and a Controller. In 1883 they accepted these conditions, and the new sub-district Toba was formed with a Controller stationed in Balige and a garrison in nearby Laguboti, a strategic location in view of the former resistance by the *marga* Hutapea in that area. New missionary stations were opened in Lintong ni Huta, Meat, Huta Ginjang, Tangga Batu, and Huta Julu.⁶² (*Koloniaal Verslag* 1883:108).

⁵⁹ Schreiber 1876: 396, 399; Koloniaal Verslag (1881:12) mentions 1,600 new converts and (1882:10) another 1,091.

⁶⁰ For the Singamangaraja's marital alliances see Chapter 3, Section 3.2.

⁶¹ The Sumba conglomerate of clans, part of which populated the Balige area, had their own spiritual leader, the Sorimangaraja (Situmorang 1993:105). This perhaps explains the Balige rajas' withdrawal of support for the Singamangaraja's struggle against the Dutch after 1879 and their overtures to the Batak Mission and willingness to accept Dutch annexation.

⁶² *Koloniaal Verslag* 1883:8, 108. The sub-district (*onderafdeeling*) Toba encompassed: Lintong ni Huta (marga Sihombing), Si Lando, Huta Ginjang, Tangga Batu, Meat, Gurgur,

Thus the Batak Mission reaped the fruits of the military expedition. Besides the growing number of converts and the opening up of Toba, there were other pay-offs. The presence of Controllers in Tarutung and Balige eased communications with the authorities, and the safety of the missionary stations was guaranteed by the Dutch military forces in Sipoholon and Laguboti. The Mission also received the generous gift of a thousand guilders from the government for its loyal assistance during the campaign; and the expenses for rebuilding the missionary station in Butar and the construction of a school there were covered by the government as well. More important of course was the official permission to open missionary stations in Toba (*Koloniaal Verslag* 1878:114; 1881:103; 1882:108).

The pace of administrative and missionary expansion in Toba after 1878 reflected the government's confidence that the Singamangaraja would not be able to resume hostilities on a significant scale. This proved premature. After his retreat in 1878, he continued to rally support in the Batak regions outside the government's jurisdiction.⁶³ In May 1883, only a month after the first Controller for Toba, L.Ch. Welsink (illustration 37), had arrived in Balige, he was ready for a large scale attack (Koloniaal Verslag 1884:11-5). On 18 and 19 July the Singamangaraja attacked the recently built mission stations of Lintong ni Huta, Meat, Paranginan and Muara, which were all destroyed. He then moved on to Lobu Siregar and Bahal Batu, but was stopped by a military force from Sipoholon. His initial successes greatly increased his prestige, however, and several regions that had supported him in 1878 went over to his side. In Laguboti, the stronghold of his old ally, the late Raja Partahan Bosi, his men murdered Welsink's secretary and seven others in the marketplace, and a police officer was wounded. They also killed Ompu Batutahan of Balige, who had supported the Batak Mission in Toba (Warneck 1912b:36).

On 29 June the Singamangaraja showed up near Balige and Laguboti with about four hundred men, but this time his luck ran out. On the following morning he was taken by surprise by Welsink and a European sergeant, turning up with only twenty men: in the ensuing shoot-out, eight of the Singamangaraja's

Lintong ni Huta, Tarabunga, Balige, Lumban Pea Toruan, Lumban Pea Dolok; Huta Pea Si Raja Deang, Laguboti, Tandohan, Si Poki Pintu Bosi, Paik Sabungan, Lobu Siregar. The population of the new sub-district was estimated at 14,000–15,000 people, living in 388 villages.

⁶³ These regions included Nai Pospos between the rivers Simpang Kanan dan Kiri (west of Toba), Pakpak (north of Toba), and Uluan and Si Gaol (east of Toba). The Singamangaraja even went as far as Deli and Asahan (*Koloniaal Verslag* 1884:100). See also Castles 1972:74.

men were killed and several more wounded. More serious was that he was shot in the arm himself, because it proved he was not invulnerable, as Batak belief had it. He escaped on horseback. His backup, consisting of a large fleet of forty prows with about twelve hundred men on board, tried to land on shore the same day, but they were scared off by gunfire (Dietz 1885:429; Warneck 1912b:129–30).

Welsink had meanwhile asked for reinforcements, which arrived from Padang with over 500 men (including 350 forced labourers). The Resident of Tapanuli, C.F.E. Praetorius, also came along. The Dutch troops punished the Batak rajas in the still-independent areas of Laguboti and Sigumpar, where the Singamangaraja's forces had gathered again. The rajas of Lintong ni Huta, Naga Saribu, Paranginan, and Muara—who had sworn allegiance to the colonial government in 1878 but had immediately switched over to the Singamangaraja when he entered their regions—were taught a hard lesson: they had to pay high fines. In Bakkara thirteen villages were burnt down. After that, the stillindependent areas east of Laguboti were subjugated to ensure that no hotbed of revolt could develop there. Most rajas paid the demanded fines, partly in gold or livestock because they had not enough cash (Dietz 1885:630–40). By early September the Dutch troops returned, leaving a force of seventy-five soldiers in Laguboti, where the construction of a military fortification had already started.

Later that month, the Governor of West Sumatra, H.D. Canne, summoned all the rajas of the Toba districts to Balige to discuss the purpose and results of the punitive expedition. Canne challenged them, saying that they could withdraw the oath of allegiance they had pledged in 1878. Prudently, they declined the offer. The rajas convened in Tarutung were asked to capture three alleged allies of the Singamangaraja who had been very successful in creating havoc in July and August 1883: they had burned down the church and fortification in Sipoholon, and a convention hall and the prison in Tarutung (*Koloniaal Verslag* 1884:14; Warneck 1912b:135). To strengthen the government's hold on the region, Canne also ordered the construction of a six- to ten-meter-wide road connecting Laguboti with Tarutung, and minor roads to various other places, facilitating faster movement of military forces. With Canne's visit, the third episode in the encroachment on the Batak world was brought to a close.

6.5 Changes in the Balance of Power

In the short time span between 1878 and 1883, the political map of the Toba Batak region was altered irrevocably. The most populous parts of the region

were brought under colonial rule, first Silindung in 1879, then Toba in 1883. The incorporation of several adjacent regions to the east, north, and west of Toba gradually followed before the end of decade, after two minor punitive expeditions in 1887 and 1889 against supporters of Singamangaraja, who himself remained in the background. What did these changes mean for the major stakeholders in the region—the Batak Mission, the colonial state, the Singamangaraja as the adversary of both, as well as the Toba Batak rajas and ordinary villagers?

The driving force behind the military conquest of Toba was the Batak Mission, although it is too far-fetched to say that it was the result of missionaries' scheming. Once the Dutch troops had arrived on the scene, the missionaries actively supported the military expedition by serving as interpreters and intermediaries, urging the reluctant Batak rajas on the Humbang plateau and in Toba to submit. In the end it was the Batak Mission that gained most from the expansion of the colonial state in this region, at least in the shorter run. After the first expedition, the numbers of Batak converted rose dramatically; and although the Batak Mission was not granted as much freedom to settle in still-independent areas after 1883 as it would have liked, the missionary work within the new sub-district of Toba provided a large enough field for action in the following years.⁶⁴

The Singamangaraja came out of the military clashes a defeated man. After the Batak Mission had taken the bold step of establishing a new missionary station on the Humbang plateau in 1876, he was confident that he could stop the advance of the Batak Mission and even oust the missionaries from Silindung. In the three years after he had succeeded his father at the young age of eighteen, he had been able to forge political unity among the rajas of the Humbang plateau and Toba, something none of his predecessors had been able to achieve.⁶⁵ After the 1878 expedition he must have begun to foster a bitter hatred against the colonial state as well, as the Dutch forces had hunted him down in Bakkara, had killed one of his most trusted allies, Raja Partahan Bosi of the *marga* Hutapea in Laguboti, and subjugated many of the rajas in Humbang and Toba who had supported him. That he could launch an even stronger attack five years later is an indication of the strength of his alliances, forged in part by his marriages to daughters of other chiefs. This attack also reveals the extent of the Singamangaraja's statesmanship: he had travelled all

⁶⁴ The colonial government turned down the request by the RMG to begin missionary work in eight places in independent Batak territory (Koloniaal Verslag 1884:100).

⁶⁵ According to Sidjabat (1983:404), Singamangaraja XII was seventeen years old when he visited Nommensen in 1875. In 1883 he must therefore have been twenty-five.

CHAPTER 6

over the northern part of the Batak interior to solicit support and he had got it. The finest hour of his life was his unchecked march in June 1883 from Bakkara to Balige, obliterating the still-new traces of Christianity in Toba.

When shortly afterwards he was forced to leave the battlefield wounded, he may have realized that by becoming a down-to-earth military commander, he had put his stature as the mystical priest-king of the Batak people at risk.⁶⁶ The colonial army had proved him to be as vulnerable as any other human being, and the destruction of his residence a few weeks later demonstrated his inability to defend even his village of origin. Apparently fearing that he might never be able to return, he took the precaution of digging up the bones of his ancestors, which he took with him before the Dutch troops arrived in Bakkara. It must have been a very sad moment for him; yet it proved a wise decision: when the troops arrived they destroyed not only his house but also the sacred edifice for worship there, the *bale pasogit* (Koloniaal Verslag 1884:15; Sidjabat 1983:196). After his flight he also had to swallow the bitter pill of the defection of Guru Somalaing, who had helped him to rally support. This wellknown datu subsequently even undermined his status of priest-king by starting a millenarian movement of his own, the Parmalim. He also lost another of his erstwhile commanders, Si Alapiso Siahaan from Balige, who embraced Christianity, was baptized Laban, and became one of the Batak Mission's main supporters in Toba. Another misfortune was his divorce from his first wife on the instigation of her father.

The Singamangaraja's last campaign in 1889 was not very impressive. His former allies in Toba and Humbang were unwilling to fight openly by his side, but at least they did not turn against him, allowing his forces to advance to Silindung. This implicit token of veneration dismayed the local Controllers, who had accepted the oaths of allegiance of these same rajas not long before (Van Dijk 1895:465). They were punished for their disloyalty by yet another punitive expedition. The troops tried to capture the Singamangaraja in Lintong on Samosir, where he had taken refuge after 1883, but in vain. On arrival they were appalled by the humbleness of his new abode.⁶⁷ During this campaign, the army marched for the first time into Samosir, where Djonggi Manaor, the

⁶⁶ Illuminating proof of the demise of his spiritual power was also the acceptance of a German missionary, P. Pohlig, by the members of another millenarian movement, the *Parhudamdam*, as the new Singamangaraja only a decade later, when Singamangaraja XII himself was still alive (Hirosue 1994:342). Of course, the missionary refused the honour.

⁶⁷ Van Dijk (1895:486–7) depicted his impression in Lintong: "And *here* the most auspicious and revered raja of the Batak had lived during the past years, here lived the well-known priest-king Si Singa Mangaradja. We could hardly believe it".

chief of the *marga* belonging to the Lontung group, pledged his allegiance. After this the Singamangaraja was incapable of organizing new forces and was forced to spend the rest of his life in Dairi, where he was hunted down and killed in $1907.^{68}$

Interestingly, the historiography on the Singamangaraja is divided about whom the priest-king actually fought. The Batak Mission's later Superintendent (Ephorus) Warneck (1912b:122) argued that he objected only to the Mission's advance into Great Toba, which is not a tenable assumption in view of the Singamangaraja's supporters' attacks on the church in Sipoholon-Silindung—in 1883. The Batak author Sidjabat (1983:161-2; 395-407) even denies that he was against the Batak Mission and Christianity, but fought only against the Dutch. This is not at all convincing if we bear in mind that Christianity was a frontal attack on the old faith of which he was the highest spiritual leader. The Singamangaraja also gave vent to his animosity in 1878, when two slips of paper (brandbrieven) threatening Nommensen and Raja Pontas were attached to the entrance door of Bakkara when the Dutch troops arrived (Dietz 1885:627). That the Singamangaraja was displeased, but also sad, about Raja Pontas's siding with the Dutch has been communicated by his son, Raja Buntal, to the author Sidjabat (1982:175), who quotes him as follows:

Hey Raja Pontas, people say that these soldiers came to fight your brothers of the same kin, while I am the one you confront as your enemy. Because of that, let us now fight in battle.

The official version of Indonesian history (*Sejarah Nasional Indonesia*, Poesponegoro and Notosusanto 1985:264) has it that the Singamangaraja intended to crush the Mission. Only Simanjuntak (1995:144) states firmly that the Singamangaraja fought both the Batak mission and the colonial state, which comes closest to the truth. It is understandable, however, that not all Christian Batak easily accept the opposition to Christianity of the former priest-king, who was pronounced a national hero for his undeniably heroic struggle against the Dutch only after Indonesia's independence.⁶⁹

The account of the clashes in the previous section shows that many Toba Batak rajas on the Humbang Plateau and in Toba rallied behind the Singamangaraja and that he could count on the support of his bridegiver Situmorang on Samosir; but other chiefs—mainly belonging to clans who were part

⁶⁸ For an account of his last years and death, see Chapter 9, Section 9.3.

⁶⁹ http://en.wikipedia.org/wiki/Sisingamangaraja_XII.

of the Lontung group of *marga* not affiliated to him by marriage—were less inclined to take his side (Situmorang 1987:221–2). But even his staunchest supporters in the end opted for submission. They did not follow the Singamangaraja into exile, but chose to stay in their villages. The question is why. Insight into a raja's resources may explain this. A Toba Batak raja was not more than the chief of a clan, lineage or branch, and as such he was tied to the territory where the members of his clan and *marga boru* lived. He had access only to the natural products of his ancestral land, the labour of his subjects (and slaves), and a variety of dues and tithes the latter were obliged to give him (*upah*).⁷⁰

The Singamangaraja had nothing of the sort to offer his followers. He did not possess the material resources to support a standing army over a longer period of time, and could not pay his leading supporters nor bestow auspicious titles and fiefs to them. The only way in which he could obtain support was through his own kinship group and marital alliances. It was thus impossible for the Singamangaraja to build up a strong resistance movement that could hold out for a prolonged time: the edifice of Batak society based on territoriality of clans was not conducive to it. Seen from this perspective, the Toba Batak rajas had hardly any other choice than submission, as they had no other way to preserve their title and access to material resources. That many of them supported the Singamangaraja for so long is in fact more remarkable than their submission.

The submission of even the most unwilling Toba Batak raja was certainly also the result of the punitive expeditions, which left a trail of burnt villages. Only by pledging allegiance to the Dutch could a raja prevent his village from being incinerated. That many Toba Batak rajas did not want to take this risk is evident from their swift submission once it became clear the Dutch would resort to this measure if they did not comply. Nevertheless, hundreds of villages, perhaps a total of twenty percent in Toba, were set on fire and razed to the ground between 1878 and 1889.⁷¹ The population of these villages had usually fled in time. Civilian casualties were therefore low, as the Dutch rarely took the trouble to hunt villagers on the run.

⁷⁰ Adatinkomsten 1922; Adatheffingen 1932. These overviews contain information on traditional sources of income (some of them standardized by the colonial authorities).

⁷¹ The report on the 1883 expedition mentions the number as twenty-three (*Koloniaal Verslag* 1884:14). (Sidjabat 1983:195) gives a figure of eighty-four incinerated villages for the badly hit areas Laguboti and Tambunan alone (whereas the entire sub-district Toba, of which Laguboti and Tambunan were part) counted 388 villages (*Koloniaal Verslag* 1883:8).

The rajas feared the destruction of their village because it would cause long-term hardship for their people and consequently a painful reduction in their own sources of income. The villagers not only saw their houses destroyed, but their food supplies were always confiscated by the armies-by both the colonial and the Singamangaraja's troops. The precaution of burying the family's rice supplies was often not effective: the hiding places were usually found. Often the wooden roof tiles were also buried, as the villagers wanted to prevent their houses being used as bivouac by the troops. When found by the Dutch troops, they were used as firewood (Van Dijk 1895:478). After the village had been razed to the ground, the villagers would be exposed to hunger, cold, and disease for a long period of time, a situation the village raja naturally wanted to avoid. Pledging allegiance was already bad enough, as it left the rajas who had sided with the Singamangaraja penniless, because they had to pay the Dutch high war fines. Probably less cause for worry was the immediate death toll of the war. Few lives were sacrificed on the battlefield; the Toba Batak soldiers were not accustomed to fight to the last man. It is therefore not surprising that the colonial reports make no mention of a high number of casualties.

The conduct of the colonial armed forces in Toba was not unusual at the time. Razing villages to ground was most extensively practiced during the war in Aceh. Unlike in Toba, however, many soldiers on both sides lost their lives in battle in Aceh, and ordinary villagers were not spared.⁷² In Toba, destroying villages proved sufficient to coax the Toba Batak rajas into submission. The Toba Batak rajas were not detained or harmed personally, which they obviously feared very much. By requiring the payment of a fine from those who fought on the side of the Singamangaraja, the Dutch acted according to Batak adat: it was a standard procedure in Toba Batak society to admit defeat.⁷³ In this manner the colonial government kept the door open for a

⁷² I thank Petra Groen for this information. Violent methods of warfare were questioned only after the Aceh war was brought to a close, due to reports on the killings in the Gayo and Alas region (north of the Batak lands) in 1904 under the command of Colonel G.C.E. van Daalen. The casualties reported were 1, 778 men—an estimated 25% of the male population—1,149 women, and 224 Acehnese (fugitives?). The Dutch parliament demanded guidelines on military ethics, but nothing came of this. The last independent areas of the colony had to be won, by whatever means (Groen 2002).

⁷³ The heaviest fines were imposed on Laguboti (2,000 *spaanse matten*), Lintong ni Huta (2,602), and Sitorang (2,146), while several other regions paid less than 1,000 (*Koloniaal Verslag* 1884:13–4). In the campaign of 1889, the fines demanded were much less: 20 *spaanse matten* per village (Van Dijk 1895:473).

future political relationship that was acceptable for them. More violent action would probably have been counterproductive: it might have ignited embittered resistance.⁷⁴ The Dutch officials also wisely paired the punishment of enemy rajas with giving a reward to those rajas who had assisted them: they were appointed to the offices of *jaihutan* or *raja paidua* after the military campaigns.

For the Dutch government, the incorporation of the heartland of the Batak world was not the outcome of a deliberate policy of imperialist expansion, nor was it given high priority at the time.⁷⁵ It was solely the result of local conditions getting out of hand, as reported by the missionaries. The Governor of West Sumatra, who lent an ear to their call for assistance and sent troops, acted without permission from Batavia, which he received only later, after the small Dutch military force was besieged by the Singamangaraja's forces at Bahal Batu.⁷⁶ In 1883 local conditions—the unexpected aggression from the side of the Singamangaraja—again propelled the Governor of Sumatra into action. In sum, colonial expansion between 1878 and 1883 was primarily the consequence of problems faced by missionaries and colonial officials on the spot.⁷⁷

After the incorporation of Toba in 1883, the Dutch government refrained from further expansion. The costs of the Aceh war already caused enough headaches for the liberal P.J. Sprenger van Eyk, Minister of the Colonies in The Hague between 1884 and 1888 and financial expert (Kuitenbrouwer 1985:100; 103–7).

⁷⁴ Thanks to Petra Groen for pointing this out to me.

⁷⁵ If there was ever a motive on the part of officials to thrust a Christian Batak wedge between Muslim Aceh and Minangkabau, it was not endorsed by the colonial government in the 1870s when the first expedition was sent (Kuitenbrouwer 1985:76–7).

⁷⁶ This is consistent with Fasseur's (1979) and Kuitenbrouwer's (1985:77) conclusions that local government officials in the 1870s generally were more prone to adventures than was the government in The Hague or Batavia.

⁷⁷ Dobbin (1983:226) has drawn a similar conclusion for the Dutch advance in Minangkabau in the 1830s and 1840s due to the resistance of the Padri to the Dutch, thwarting the profitable coffee trade. She terms the arrival of the Dutch (following David Fieldhouse, 1961) 'a classic case' of a response to 'a crisis in the periphery'. Locher-Scholten (2004:22–5) discusses the insights into the process of imperialism in peripheral regions in more detail, stating that "[I]mperialism is no longer viewed as a deliberate policy of expansion devised by the mother country, specifically arising from the economic interests of a small group in that country". The case of the Toba Batak region demonstrates that economic factors were absent.

In Toba and Silindung, the Toba Batak rajas finally got what they had been looking for in 1852. In the person of L.Ch. Welsink, the first Controller in Toba in 1890 promoted to Assistant Resident, and in 1900 to Resident of North Tapanuli—they found their true "stranger king". Welsink became very adept as a mediator of old festering disputes, and stayed until 1908, serving the longest term of office of any colonial official in the Batak lands during the colonial period.⁷⁸

Meanwhile the missionaries, outnumbering the colonial officials and military commanders by far, remained the dominant force pressing for change. A bright future for geographical expansion beckoned: Toba lay waiting to be conquered for Christianity. The magic Batak word used by Nommensen, elected as the head of the Mission in 1881 with the title Ephorus, was *Tole*: "March forward!" But the missionaries were not satisfied with the prospect of mere numerical success. They had become worried that the fast-growing number of converted people would become an obstacle to creating a truly Christian society. In the next two chapters I discuss their efforts to create just that, by focusing on their strategies and policies to foster Christian Toba Batak marriage.

6.6 Modes of Encroachment and Their Impact

We must [...] eschew the compartmentalizing tendency of so much of social history that relegates sex and gender to the family, associates class with the workplace and the community, and locates war and constitutional issues exclusively in the domain of the 'high politics' of governments and states.

JOAN WALLACH SCOTT 1988:6

This chapter has covered the major watersheds in the history of the nineteenthcentury Batak world, summarized below. But this concluding section has two

⁷⁸ He used to hold great judicial assemblies of two hundred-odd chiefs in newly-annexed areas, settling disputes as far back as a hundred years (Castles 1979:34). The Toba Batak bestowed on him the honorary title *ompu*, which means 'grandfather' ([Obituary] "Resident Welsink. Een pionier van het bestuursgezag in de Bataklanden", *De Sumatra Post*, clipping KITLV, Korn OR 435.421) The only other European raised to the status of *ompu* was Nommensen, who also served his entire professional life in the region from 1861 to 1917, fifty-six years in total (UEM personalia missionaries). Probably not coincidentally, both men died in their beloved Sumatra.

other specific objectives. First, it intends to highlight that violence does not come only in the form of military violence, and second, that each phase had a specific impact on families and the formation of marital alliances.

When the Padri armies from Minangkabau in the south swept through the region between the years 1825 and 1830, it was probably the first time the Batak population had faced a foe so powerful and destructive. There is no record of the killings, but allegedly many died; others were captured, carried off, and sold as slaves, leaving families torn apart. After the Padri bands left, the region was probably destabilized; more powerful rajas, who had not seen their villages destroyed and population reduced, preved on weakened ones. The murder of Singamangaraja x around 1825, and perhaps other religious leaders as well, must have been a heavy blow to the network of religious communities, the bius. The Padri brought the Dutch into the region, who established themselves only in Mandailing and Angkola and unintentionally promoted a process of Islamization there. Between 1840 and 1870 many rajas converted to Islam, although in Sipirok only after 1860. The desire to maintain kinship ties played a role in this process.⁷⁹ This Islamization drove a wedge based on difference of religion between the Mandailing and Angkola Batak in the south and the Toba Batak (in what used to be termed in the Dutch sources at the time the independent regions of Little Toba—Silindung and environs—and Great Toba—the Humbang Plateau and the southern shores of Toba) in the north. The Toba Batak, traumatized by the Padri invasions, retreated in isolation and kept their ancestral religion. The gulf between north and south proved to be permanent.

Like the first phase in the encroachment of the Batak world, the second was not the result of intervention by the Dutch colonial state. The agent on the spot was a German missionary society, the Rhenish Mission. Social disruption was the result of the missionaries' success in converting small numbers of Toba Batak in the valleys of Silindung and Pahae in Little Toba. The type of violence deployed was not of a military nature, but came in the form of strong pressure to conform to rules set by the missionaries: abstinence from participation in pagan rituals, and initially a prohibition of marriage with marriage

⁷⁹ When the missionaries arrived in 1861, the population of Sipirok was still predominantly pagan, but by the end of the decade the most influential rajas had converted to Islam. Schreiber (1876:366) wrote that one raja in Sipirok embraced Islam after a Muslim raja in Angkola threatened to sever the kinship relations if he did not do so. Whether the Sipirok raja was the *hulahula* or *marga boru* of the Angkola raja is not clear.

payments.⁸⁰ Again families and village communities were ripped apart, albeit on a more modest scale and in a different way than during the Padri war. The severance of kinship ties formed by marital alliances led to unprecedented demands of settlement of debts and other obligations. Although initiated by the pagan bridetakers and bridegivers, the unbinding of those ties was just as utterly unsettling for them as for the Christians.⁸¹

Even though over time the Christian communities were accepted, tensions must have remained, not by the unbinding of ties, but rather by their preservation. Marrying a partner from another faith must have been particularly stressful for women, because upon marriage they entered their husband's clan and were expected to follow his religion. Nothing is written about this, but the implications are clear. A girl raised by a Christian family married off to a pagan man thus had to convert to the old faith, a religion which she had been taught to abhor. She also must have felt sad when her Christian parents would not participate in any of the rituals held in her new family. For a girl of a pagan family married off to a Christian, things stood differently, because her parents did not object to her conversion to Christianity, otherwise they would not have consented to the marriage. Moreover, she would be eased into a Christian lifestyle by her in-laws and the congregation. Nevertheless, she must have felt sad as well, because she and her husband were not allowed to attend any rituals in her family of origin. But it is likely that the affined parents tried to cope as best as they could to keep the relations as good as possible. It must have been even more difficult for married women who did not wish to convert to Christianity when their husband did, or the other way round.

The deepening divide in the Batak world between the Mandailing and Angkola Muslim south and the Toba Batak Christian north has been generally acknowledged in the historical literature on the Batak.⁸² In contrast, the later ruptures in Toba Batak society have hardly been given recognition. The tensions due to the severance of family ties between Christian and pagan families

⁸⁰ Höckner (2000) describes the use of similar methods of the mission working among the Lobedu in Transvaal, South Africa, calling this "structural violence" (*strukturelle Gewalt*).

⁸¹ The term 'ties that (un)bind' is borrowed from Tony Day's lucid article on the importance of family ties in pre-modern Southeast Asia (Day 1996).

⁸² For an historical overview of the antagonism between these two Batak groups, see Keuning 1953/4. This overview, however, does not place the origin of the divide in the wider framework of the spread of world religions in the nineteenth century across the globe, in this case Islam and Christianity.

in the southern part of the Toba region in the 1860s have faded into oblivion. This also accounts for the subsequent divide between the Christian southern and pagan northern part of the Toba Batak homeland during the last four decades of the nineteenth century. These episodes deserve a legitimate place in the nineteenth-century history of the Toba Batak.

The third phase of encroachment on the Batak world was marked again by considerable military violence and brutality, which affected the regions of Humbang and Toba in 1878, 1883, and 1889. The rajas in these regions saw their world fundamentally transformed within a very short time span. Some chose to go along with the times, and quickly pledged allegiance to the Dutch. But those rajas who had sided with the Singamangaraja must have harboured hate against the Dutch because of the violent campaigns of the colonial army and the humiliating punitive measures they were subjected to afterwards. They must also have held a grudge against the German missionaries who assisted the Dutch in the conquest. The experience of the rajas and the population in these regions with the forces of colonial imperialism were thus of an entirely different nature than those of the rajas in Silindung and Pahae two decades earlier. The latter, in their encounter with the missionaries, had the choice to convert or not, and could choose the moment for this as they saw fit. These very different collective memories of the rajas' first encounter with the West cast a long shadow, influencing the discourse on marriage customs in the following decades.83

⁸³ See Chapter 9, Section 9.1.

CHAPTER 7

Negotiating the Future Social Order (1881–1885)

Twenty years after their arrival in the Batak region in 1861, the missionaries of the Batak Mission thought the time had come for vigorous expansion and internal consolidation. Expansion was made possible by the military operations of the Dutch colonial armies in 1876 and 1883. Demoralization by the defeat of the Singamangaraja, and a healthy portion of opportunism, caused the rajas in Toba to abandon their policy of isolation. Those with foresight opted for adjustment to the change in the regional balance of power and opened the door to the Batak Mission.

In July 1881, three years after the first military campaign, a delegation of rajas from Balige in Toba visited the Mission's centre in Pearaja to request a missionary. This visit was of crucial importance, because Balige was the largest village on the southern shore of the Lake. The missionaries, delighted at this overture, eagerly accepted their offer to facilitate the establishment of a new missionary post in densely populated Toba.¹ The government granted its permission after the rajas from Balige approved of the stationing of a Controller, L.Ch. Welsink, in Balige and the building of a small garrison in the town of Laguboti near Balige. Subsequently missionary G. Pilgram built his missionary station in Balige in 1881, where he remained until 1913.² Two years later missionary P. Bonn settled in Muara. After his missionary station was destroyed during the second offensive of the Singamangaraja's army, his colleague V. Kessel took over and started all over again in nearby Lintong ni Huta in 1884. The Batak Mission also entered the region east of Silindung, establishing a new missionary station in Sipahutar in 1881, manned by missionary L. Hanstein. The impressive increase in the number of Christians between 1879 and 1882 has already been mentioned in the previous chapter. The board of the Rhenish Missionary Society (RMG) responded to the geographical and numerical

¹ Warneck (1912b:125) mentioned that raja Ompu Batutahan of Balige vouched for the safety of the missionaries. He was probably of the ruling *marga* Siahaan in Balige (Siahaan 1964:84, 95–6).

² Pilgram celebrated his 25th jubilee in 1905. The Balige congregation had at that time 4,873 Christians and eighty church elders, and consisted of eleven branches (*filialen*), nine schools, and sixteen teachers with 537 male and 274 female pupils, and another 1,108 pupils at the Sunday school. Warneck (1912b:132) wrote enthusiastically: "That is bringing in the harvest!" (*Dast ist Erntearbeit*!).

expansion by dispatching ten new missionaries to Sumatra between 1879 and 1882, bringing the total to eighteen men.³

The outward expansion of the Mission and arrival of the colonial administration brought about a heightened sense of change among the Toba Batak, which the missionaries exploited with vigour and shrewdness. In 1881 they promulgated a new Church Ordinance (*Gottesdienstordnung*), introduced a new division of districts, and established a yearly general synod, meant to be a forum for communication between them and the Toba Batak Christians (Schreiber 1972:120; Hutauruk 1980:118–20). The first general synod was held in July 1881 in the Batak Mission's stronghold, Pearaja. It was a show of force: no less than 400 persons were present, comprising Christian rajas, evangelists, and teacher/preachers, church elders, and interested lay persons.⁴ It was therefore a suitable occasion for the presentation of the Church Ordinance.

The aim of the missionaries, however, was not only the formalisation and unification of the internal affairs of the Batak Christian congregations through the Church Ordinance. They were also intent on transforming Toba Batak customary marriage. To achieve this objective, they worked towards a reformation of Toba Batak customary law in the form of Christian By-laws (henceforth referred to as CBLs), which were developed in cooperation with the Toba Batak rajas. The draft was presented to the general synod held in 1883, again in Pearaja; but it needed two more general synods before consensus was reached. This was partly because some articles of the CBLs deviated significantly from established customs, but also because the debate was muddled by discussions about a much more fundamental change proposed by the missionaries: the abolition of the brideprice.

It is likely that the time and place for the next synod—in 1884, in Balige were chosen deliberately: it was only a year after the Singamangaraja had been forced to withdraw for the second time, and the three-year-old mission station in Balige had barely escaped destruction by his troops. It was a celebration of victory that had to be fully exploited. The Church Ordinance was proclaimed in force for all congregations, and the debate on the Christian By-laws and the abolition of the brideprice, started a year earlier, was now continued in a wider circle.

³ UEM, Personalia UEM missionaries. In 1878 twelve missionaries worked in Sumatra; four of them left between 1879 and 1883.

⁴ UEM, F/b 1,1 KP 1881: 278. According to Warneck (1912b:90) 3,500 people attended this first synodal conference in Pearaja.

Of course the Church Ordinance of 1881 and the CBLs did not come out of the blue: they were the products of the twenty-year encounter between the missionaries of the Rhenish Missionary Society and the Toba Batak, both Christian and pagan. Throughout these years, matters of principle were discussed, along with problems that occurred and which called for a policy guideline. The topics discussed were varied, including Sunday service, market days, school observance, funeral rites, gambling and indebtedness, traditional music and dance, and so forth, and—especially—marriage. Toba Batak marriage caused so many problems (discussed in the next chapter) that hardly a general or district conference passed without reference being made to it. In the 1881 Church Ordinance a large chapter was devoted to the subject of marriage (VII. Die Copulation) and no less than twenty of the twenty-one Christian By-laws dealt with it. This of course reflected the prominent role of marriage in maintaining and creating alliances between marga, and its numerous functions in the economic and political life of traditional Toba Batak society in the nineteenth century (see Chapter 3). Whether they liked it or not-and most often they did not like it much—the missionaries were forced to come to terms with Toba Batak marriage in all its varied manifestations.

Why the missionaries decided upon two sets of regulations instead of one to steer Toba Batak society in the direction they desired is explained in the first section of this Chapter (7.1). The policies on the brideprice (and the Christian By-laws) had to be implemented by the Toba Batak rajas, because the rajas concluded marriages and were in charge of the administration of justice.⁵ Their cooperation was thus vital. How the missionaries viewed the role of the rajas as well as customary law and how they co-opted the rajas is described in Section 7.2.

The remainder of this chapter focuses on the debate on the abolition of the brideprice, a policy the missionaries had already had in mind in 1866, but which they had failed to implement at the time. Why they brought up the issue again and why their effort was unsuccessful once more are the topics discussed in the next two sections, followed by another on the aftermath. It should be noted that Toba Batak women were excluded from the debate. Fortunately there are other sources informing us about their views on the brideprice (Section 7.6). Why the outcome of the debate marks a—hardly acknowledged turning point of great importance in the social history of the Toba Batak people is explained in the conclusion. The results of the Batak Mission's efforts to alter marriage customs through the Church Ordinance and Christian By-laws are discussed in the next chapter.

⁵ Described in Chapter 5, Section 5.1.

7.1 The Batak Mission's Dual Strategy for Transformation

The Batak Mission's two-pronged policy to transform Toba Batak society stemmed from the European idea of the separation of church and state.⁶ This conceptual framework made it possible to divide Batak adat into a set of customs and practices related to the veneration of the ancestors and other spirits, defined as 'religion', and another set of social mores and customary laws, defined as 'adat'. While the ancestral beliefs of the Toba Batak were rejected, Batak adat was accepted in principle.

In the religious realm, according to the Mission, ancestral belief had to give way to the Batak Mission's version of Christianity. Consequently, the missionaries saw the spiritual leaders of the old faith, the Toba Batak priests (parbaringin), as their opponents. This included their wives, the paniaran (see illustration 40). They undermined their position of authority by forbidding Christians to take part in any 'heathen' ceremonies (see illustrations 42 and 43), including the largest ritual for the ancestors of a marga conglomerate, the bius ritual.⁷ In the newly established religious community, the missionaries positioned themselves as the upholders of spiritual authority, entitled to decide on the rules the Christian community had to abide by, such as the regulations encoded in the Church Ordinance of 1881. The dominance of the missionaries in religious affairs in the Batak Mission was inevitable: Christian Toba Batak leadership was yet to be formed. A seminary for Toba Batak missionary personnel (teacher/ preachers or guru), which offered a two-year training course, had started in 1877 in Pansur na Pitu. In 1879 the first thirteen students graduated, followed by a second class of nearly forty in 1883. These graduates were young men whose duties were to serve their parish, preach at the Sunday service, and teach in the village school.⁸ They were no match for the older, more knowledgeable and experienced German missionaries, who enjoyed a much higher status in the eyes of their parishioners. Probably for this reason, their views were not recorded in the protocols of the general synods, which they must have attended. It would take another fifteen years before the missionaries recognised that a Toba Batak

⁶ Schreiner 1972:125; 135-9.

⁷ Angerler (2009:362–3) reports that the missionary literature paid very little attention to the social-political organization of the Toba Batak (including the *parbaringin*). Unfortunately he does not portray himself the process that made the *parbaringin* disappear in most parts of the Toba Batak region.

⁸ For a detailed description of the training of Batak teachers at the seminary in Pansur na Pitu in Silindung (moved to Sipoholon in 1901), at the catechetical school at Prausorat in the Sipirok region (1868–1877) preceding it, and at the seminary Depok on Java, see Aritonang 1994:137–45.



ILLUSTRATION 40 Priestess (paniaran) from Samosir (ca. 1920), where Batak religious rituals survived longest. SOURCE: TM, NO. 10001050



ILLUSTRATION 41 A Batak datu with his book of divination and magical staffs. SOURCE: TM, NO. 10016338

Dignitaries of the Old Faith Sidetracked by the Batak Mission

The Toba Batak priests (*parbaringin*, see photograph 25) and priestesses (*paniaran*, no. 40), often but not always the wife of a *parbaringin*, officiated at religious rituals of all kinds and were therefore perceived by the Batak Mission as their main opponents to missionization. Christians were strictly forbidden to attend pagan rituals (no. 42), which included participation in ritual dances (no. 43).

The Batak Mission also tried to marginalize the shamans (*datu*, no. 41, for two reasons: first, because the Toba Batak always consulted him for an auspicious day, whenever they wished to hold a life-cycle ceremony; second, because they turned to him if someone had fallen ill. The missionaries believed that the protective charms he gave were useless, based on superstition, and that his medicine did more harm than good.



Rituals of the Old Faith: Attendance Forbidden for Christians

ILLUSTRATION 42 Ritual with buffalo slaughter at Huta Tano; note the buffalo's head next to the farthest house on the left (1890). SOURCE: RMV, NO. A 56–9



ILLUSTRATION 43 Toba Batak welcome dance by women, early nineteenth century. COURTESY OF UEM

Christian church elite had been formed and another fifty before they accepted members of that elite as near equals in the management of the Batak Church when it was established in 1930.

Unlike their position on the rituals and practices that were part of the old faith, the missionaries did not try to abolish Toba Batak customs, defining these as belonging to the secular realm. This manifested itself in the missionaries' conscious use of the Batak marga-based village organization as the basis for the geographical organization of the church. It also showed in their acceptance of the right of the Toba Batak to define the law they wanted to live by, which therefore had to be adjusted to Christian norms with their cooperation. A relevant question at this point is why the Batak Mission chose to reform Toba Batak customary law instead of working towards its replacement by European-based law, as missionaries belonging to other missionary societies had done previously in other Christian regions in the Indonesian archipelago. Older Christian communities in the Moluccas, Minahasa, and the Sangir and Talaud islands—intensively missionized since the early nineteenth century were subjected to two ordinances for native Christians issued in 1861 and 1868.9 Perhaps the Batak Mission, belonging not to a Dutch but German missionary society, refrained from introducing these regulations because they were not sufficiently informed about them.¹⁰ But a more plausible reason for not introducing these regulations was their need for the cooperation of the Toba Batak rajas, as well as their own generally positive evaluation of the function of Toba Batak customary law.

7.2 Rajas and Missionaries as Partners

Missionaries Nommensen and Johannsen had not yet involved the Christian rajas when they issued the first sets of Christian By-laws in 1867 and 1868, allegedly because they did not consider the Christian rajas ripe for this, but probably also because there were still too few Christian rajas whom they could consult (Hutauruk 1980:117). In the following decade, the missionaries changed their opinion. In 1874 missionary Mohri presented a paper entitled "About the relations in Batak matrimony" (*Ueber die Battaschen Eheverhältnisse*), which

⁹ Staatsblad 1861 no.38, also called the Moluccan marriage regulation (*Molukse huwelijks-reglement*) and Staatsblad 1868 no.13 (regulating divorce).

¹⁰ The regulations led to social disruption in the regions mentioned, because local customs on marriage were discarded (Prins 1949:7–12; Van Randwijck 1981:279; Van Bemmelen 1987), but I doubt whether this was already apparent in the 1880s.

convinced the missionaries that guidelines were required on issues such as polygamy, child marriage, marriage between a Christian woman and a pagan man, and divorce.¹¹ Two years later Nommensen informed the RMG board that a start with this had been made and that several Christian rajas had been asked to take part in the small committee that was set up to draft the guidelines. He also informed the board that the new by-laws would apply not only to the members of Christian congregations, but also to those who were still pagan but maintained relations with Christians by marriage or otherwise. The preliminary discussions, however, had not yet resulted in the intended revision of customary law, because the few older, more experienced missionaries could not free the time for the task, and the younger ones still lacked a comprehensive understanding of the subject. He also pointed out that the social basis for the introduction of Christian By-laws (bürgerliche Gesetze) was still too weak, as the Batak Christians were too small in number compared to the rest of the population. He added that only one lineage of one marga-the Somurung branch of the Tobing clan, of which the raja Pontas Obaja was the chiefhad become Christian. The enforcement of the by-laws was therefore bound to misfire, as the cooperation of non-Christian rajas could not be ensured. "But", he assured the RMG board, "we will make preparations for this matter in silence, and start—with God's help—in earnest next year with the effort to introduce these [by-laws]".12

Apparently this did not take place, but the consultations with the rajas bore some fruit. Missionary Simoneit presented a paper entitled "On Batak laws in Silindung" (*Ueber Bataksche Rechte in Silindung*) at the missionary conference in 1879.¹³ He believed that customary law generally had a beneficial influence:

[F]or the people themselves it (i.e. customary law and the administration of justice) has for many generations proven a blessing; it was nearly the only invigorating factor keeping the people continually busy and active and was surely most instrumental in safeguarding it from moral decay and degradation.¹⁴

¹¹ UEM, F/b 1,1 KP 1874:128. I have not found the text of Mohri's paper in the UEM archive.

¹² Letter by Nommensen 16-12-1876, КІТ, Batak Instituut doos 36, С. 44.

¹³ Regrettably, I have not found the text of Simoneit's paper in the dossiers I consulted at the UEM archive.

¹⁴ UEM, F/b 1,1 кр 1879:239.

This quote also demonstrates that because of their law he did not regard the Batak as an entirely degraded and amoral people, a point of view shared by many of his colleagues.

The other missionaries deemed Simoneit's paper of great value, even though the contents pertained to customary law as applied only in Silindung. They were aware that customary law in other areas of the Batak region such as Toba differed from that in Silindung, and also that it covered many more topics than those discussed in Simoneit's paper. "One needs to write at least a book in order to exhaust the subject", the conference report stated.¹⁵ Thus the combination of the very prominent role of customary law in Batak society and the missionaries' perception of its positive influence were the reasons why the missionaries thought it opportune to bring Toba Batak marriage law into line with Christian values rather than replace it with European-based law.

The discussion following the presentation of Simoneit's paper also provides the insight that the missionaries held the ability of the rajas to administer justice in high esteem:

... it is quite astonishing with what skill the better qualified chiefs know how to uphold it [that is, the law]. When we say that the Batak chiefs are all shrewd and cunning lawyers, it is certainly no hollow phrase. They breathe life, movement, and strength into the simple letter of the law with their sense of humour, their proverbs and comparisons, with which they impress their audience, [but] first of all the chiefs who are present, in order to win them over for the case they fight for.¹⁶

This sketch of the rajas in action was undoubtedly based on observation: the missionaries must have witnessed numerous disputes adjudicated by the rajas. By the end of the 1870s they were acquainted with all the rajas in Silindung personally and also knew who were the best versed in Batak adat law and most highly respected within and outside their own lineage. It is therefore fully understandable that they wanted to co-opt the most trusted among them to discuss the revision of customary laws which would become applicable for the Christians in the future. They hoped, perhaps even expected, that these men would also be able to convince the other rajas to accept these laws.

As it turned out, it did not take another year, as Nommensen had predicted in 1876, but nearly a decade to achieve a consensus with the Toba Batak

¹⁵ Writing that book is what Vergouwen (1933) did over fifty years later.

¹⁶ UEM, F/b 1,1 кр 1879: 239.

rajas in Silindung on the contents of the Christian By-laws. The drafting was probably slowed down by the political disturbances and military campaigns in the region in 1879 and 1883. On the other hand, a longer process of deliberation allowed the conversion of more lineages from different clans after 1879, significantly broadening the potential social basis of the CBLS.

Why did the Toba Batak rajas who were directly involved in the discussions on customary law accept the missionaries as their partners? Unfamiliar as they were with the concept of the separation of church and state, they may not have been confused about the missionaries' initiative to revise that law, regarding their own involvement as a natural state of affairs.¹⁷ As Nommensen already complained in 1866, when the first converts still remained in the village Huta Dame, they and others regarded him as the Christian village's raja and therefore as having the authority to adjudicate disputes. Over time, the Toba Batak rajas and their subordinates attributed even more spiritual power (*sahala*) to the missionaries. An example of this is illustrated in the following impression of the young missionary J. Warneck after he served his first six months on Samosir:

We [the missionaries] are regarded by them as the highest authority, as the last resort in difficult cases. [...] Overall, it is an oppressive feeling for me, that we missionaries stand there as great lords; we may contradict this as much as we like, being so much superior to the pagan in every way, rich, 'magnificent' as they say, [we are] in their eyes like heroes and beings of a higher order.

WARNECK 1894b:29-30

Warneck's last characterization appears to come close to the reverence the Toba Batak had for their *parbaringin*, who combined the position of religious leader with that of supreme arbitrator. Therefore when the missionaries, who claimed to be spiritual leaders only, took the lead in the revision of customary law, this may not have struck the Toba Batak rajas as incongruent.

¹⁷ In view of the Batak holistic concept of adat, the dichotomy between a religious and secular realm was of course an alien concept to the Toba Batak. Schreiner (1872:138–9) wrote about this: "As clear and plausible the distinction between a religious and secular order may be from the point of view of European theology and worldview, this had to appear and function in the Batak kin-based culture as new and alien".

7.3 The Batak Mission's Aversion to the Brideprice

As mentioned in the introduction to this chapter, the negotiations between the missionaries and the Toba Batak rajas which took place between 1883 and 1885 focused not only on the contents of the Christian By-laws. The missionaries also proposed the abolition of the brideprice in the context of those negotiations. Why they chose to raise this issue at the same meetings in which the draft of the CBLs was discussed is a matter for speculation. They probably hoped that discussion of all the problems arising from the exchange of marriage payments would convince the rajas that a shortcut might be a preferable alternative. After all, the abolition of the brideprice would make the Christian By-laws superfluous.

Why were the missionaries so keen on the abolition of the brideprice? As early as 1867 the missionaries made it clear that they objected to the brideprice out of principle: they spoke of "the purchase of women" (*die Frauenkauf*). In other words, they viewed the contract of Toba Batak marriage as a "business transaction" (*Handel*)—a wife for a brideprice. G. Van Asselt (1906:134–5), for example, wrote that if one asked a Batak how many children he had, he would answer "so many children and so many items for trade".¹⁸ According to Van Asselt, the main question on a father's mind was: "who will give the most for her?" Missionaries also compared the negotiations about the brideprice with the haggling about the price of cattle in the market.¹⁹

The missionaries rarely made note of the reciprocal character of the gifts and mutual duties of bridegiving and bridetaking parties, nor of the meaning of the gifts from the bridegiver to the bridetaker as spiritual blessings. Perhaps their own narrow ideas of what constituted valuables induced them to look only at those items of substantial material value which constituted the brideprice given by the groom's father (*paranak*) to the father of the bride (*parboru*): the cattle, the gold, the money. What may have limited their understanding is that these items were transferred at the time of the marriage ceremony and

¹⁸ The Batak language lacks a general term for child. In Malay the word *anak* covers children of both sexes, but in Batak it is only used for sons, whereas a daughter is called *boru*. I have no idea which Batak term Van Asselt referred to when speaking of 'items for trade' (*handelsartikelen*).

^{19 &}quot;Most marriages target only profit [...], the sale's contract between the interested parties is made like one sells and purchases a piece of livestock" (UEM, F/d, 2,1 Ref. Volkmann 1893: 7). "One haggles about the bride to be acquired even more than about a piece of livestock at the market..." (Meerwaldt 1901b:86).

in public view, whereas the cloths bestowed on the bridetaker by the bridegiver appeared to them of little value, and the paddy field promised by the bride's father as bridewealth was not a visible gift.²⁰ The obligation to return the brideprice when a betrothal was broken off or a marriage ended in separation also fed their idea that marriage among the Batak was mainly a type of business affair. All this may explain why the missionaries continued to frame the debate solely in terms of the brideprice. The missionaries' perception of the brideprice as an economic transaction was not exceptional at the time: travellers and officials who wrote about Batak society in the nineteenth century described Batak marriage in similar terms.²¹ Missionaries working in other regions of the Indonesian archipelago and elsewhere held comparable views.²²

The missionaries were also against the brideprice because it led to a variety of consequences they found objectionable. These consequences, listed in the 1867 conference proceedings, were as follows: forced and child marriage; easy repudiation of women who had been unable to give birth to a son; the obligation to provide another daughter for a wife who had died without male offspring (*singkat rere*); and indebtedness. In contrast to their limited and therefore mistaken understanding of the exchange of marriage payments, the missionaries were correct in noting that these consequences were indeed offshoots of that custom.

There were also practical reasons why the missionaries wished to get rid of the brideprice: the disputes about the refund of marriage payments were a financial burden for them and took a lot of their time. Such was their experience during the initial stage of missionization, when the first Christians had suffered from the demands of their affines after their conversion, as described in the previous chapter. Even though these problems occurred less frequently in the following years, the missionaries' unpleasant memories of those early days must have intensified their already strong dislike of the brideprice and contributed to the persistence of their aversion to the practice in the long run.

²⁰ Warneck (1909:116), for example, wrote: "Often the woman is given a bit of a bridewealth (*Mitgift*), usually a plot of land". Despite this observation, he still emphasized that the woman was bought and that because of the brideprice "in marriage the point of view of purchased property [of the wife] prevails".

²¹ Marsden [1783] 1975:382; Junghuhn 1847:131; Henny 1869:20; Haan 1875:44.

See Boersema (1997:190-2; 197-200) about missionaries' and indigenous views on the brideprice (*belis*), as well as the controversies on the subject and the policies of different churches on Sumba in colonial times and post-independence Indonesia. Prodolliet (1987:96-100) describes the rejection of marriage as a monetary transaction (either brideprice or dowry) by the Basler Mission, which had mission fields in southeast India, China (Canton), Africa (Cameroon, Gold Coast, and Togo), and British Borneo.

That aversion did not abate, because the Christians, once they were integrated into society again, continued to involve the missionaries in their disputes. The missionaries considered it their Christian duty to assist them, but they were extremely wary of the "haggling" over the repayment of marriage gifts, the unrest in the Christian community caused by marital problems of some of its members, and the demand their mediation made on their precious time.²³ The need for financial assistance to the Christians, however, ceased to be a problem.

In the sources on the first years of missionization, the practical reasons why the missionaries objected to the brideprice and their moral indignation about customary marriage as a sales contract are prevalent. Their own views on Christian marriage were left implicit. For example, the conference report of 1874, after summarizing missionary Mohri's paper on relations in Toba Batak marriage, contained only the succinct statement: "Only mutual agreement can count as a condition of Christian marriage".²⁴ Nearly twenty years later, W. Volkmann, a young and romantic missionary, elaborated on what that mutual agreement entailed, according to him, in another treatise entitled "Christian Marriage" (*Die Christliche Ehe*):

Christian marriage exists above all in devotion, in mutual love and care, and besides that is an excellent learning school for eternal life. [...] How then should one seek a marriage according to the spirit of the Scripture? Above all through constant prayer and by heeding God's guidance. [...] In addition, the fitting together by God cannot consist of any outward human act, but consists of a mutual attraction, the inclination of the heart to one another and the promises that follow it, or the betrothal. If I speak of an inclination of the heart, I by no means mean a sensual desire of the man towards the woman and the other way around [...], but an inner impression often occurring at the spur of the moment, which the personality from a physical and mental aspect evokes in the other. [...] That inner inclination does not come from human beings, but from God and is also generally the most natural and proper way leading to a union in marriage. Just as in eternity, God has planted love in the hearts of mankind.²⁵

²³ On the latter, the general conference of 1879 is outspoken: "The addiction of people to legal dispute is tiresome for the missionary and deprives him of a lot of time" (*Dem Missionar ist das Prossessinn des Volkes lästig und raubt ihm viel Zeit*), UEM, F/b 1, 1879:279.

²⁴ UEM, F/b 1 КР 1874:128.

²⁵ UEM, F/d 2,1 Ref. H.W. Volkmann 1893:4–5.

Love at first sight! Of course one should proceed with caution and consider carefully whether mutual attraction was not a sensual impulse or a fleeting feeling of well-being, cautioned Volkmann, before one could say with Biblical Adam: "this is flesh from my flesh, bone from my bone".²⁶

Not surprisingly, Volkmann also held the view that in general a truly Christian marriage was not yet found among the Toba Batak. Mutual attraction could be observed, but it was sexual attraction: "The animal in people, if I may say so, looks for his business and most people do not bring it any further". He connected this animal lust with the Batak desire to have many children, in particular sons, adding that the Batak expected to gain eternal life through their male offspring. Of course sex for procreation was not the elevated form of attraction that should be the pillar of a Christian marriage. In its way also stood the right of a father to "sell" his daughter without her consent, of which he gave a few heart-breaking examples encountered in his own congregation.²⁷

The other missionaries attending the conference found the picture Volkmann sketched too bleak for Silindung. Moreover, they considered love as the basis for marriage too high a standard for Batak Christian marriage.²⁸ Perhaps they did not even expect as much for themselves, their own marriages rarely being the result of a sentimental attraction followed by a period of courtship prior to marriage. The policy of the RMG was to dispatch young unmarried missionaries to their mission field. A young man could then marry on the spot with his fiancée sent out no less than two years later. Many managed to find a bride during their studies in Barmen. But sometimes the engagement was broken off or the RMG, which screened the fiancées, found the prospective bride unfit. In these cases the *Missionsinspektor* of the RMG chose the bride for the missionary, and the couple saw each other for the first time when she arrived.²⁹ This could sometimes lead to odd surprises. Missionary Heine, for example, had asked for a tall blond woman, of whom he had received a photograph; but the bride who arrived was her sister, a short corpulent brunette (Van Asselt 1906: 121). Some marriages were happy, because husband and wife truly fell in love or came to love each other dearly during their marriage.³⁰ It also helped that many firmly believed that they had been destined for each

²⁶ UEM, F/d 2,1 Ref. H.W. Volkmann 1893: 6. Take note of the male perspective here.

²⁷ UEM, F/d 2,1 Ref. H.W. Volkmann 1893:7–8.

²⁸ UEM, F/b 1,3 KP 1893: 82.

²⁹ Töpperwien, 2004:1–2. The Basler missionary society had the same policy as the RMG (Prodolliet 1987:29–43). Prodolliet also gives a touching insight into the troubled state of mind of a missionary's fiancée prior to her departure to the mission field and a list of the duties of a missionary's wife.

³⁰ Missionary H. Püse (1896), for example, wrote an endearing booklet on his two wives. His second wife was his first wife's sister who had married him after the latter had died (an

other and faithfully fulfilled the roles prescribed for each of them. If husband and wife did not get along very well, they tried to find satisfaction in their own work. A divorce was out of the question: it was not acceptable in the circle of the missionaries. Moreover, where could a missionary wife go without independent means? Second marriages occurred fairly often. If a missionary wife died, colleagues helped the bereaved husband to find a new wife (and mother for his children).³¹ These marriages must often have been marriages of convenience rather than marriages of love.

In sum, the missionaries of the RMG were set against the Toba Batak practice of brideprice payment for the following reasons: the payment degraded women to things that could be bought; the appalling situations to which the practice gave rise; their own time-consuming involvement in disputes about marriage; and the belief that marriages of the Toba Batak were not based on the right kind of Christian love. Which of these reasons prevailed is difficult to say. But their aversion was surely kept alive by the repeated demand of their flock to mediate in 'disputes about women' (*hata boru*) and the excesses they witnessed in their congregations, such as girls committing suicide because of a forced marriage, widows and girls left destitute by the patrikin of the husband, and so forth.

7.4 The Abolition of the Brideprice Rejected (1884–1886)

In 1883 the missionaries presented the draft of the Christian By-laws at the district conference in Pearaja with Christian rajas and church elders. After the discussion on the By-laws' articles, the issue of the brideprice was brought up, leading to a lively debate:

Our Ephorus brother Nommensen made the proposal not to pay the brideprice anymore in the future, as because of it countless disputes and lawsuits come about when a man or woman dies [...]. In the case that somebody still wishes to pay something like it, it should be considered a pure gift, which should entail absolutely no claim to restitution or any obligation whatsoever for the woman or her family in the case of death. The majority of the elders agreed with this proposal, but the implementation of it was postponed for further consideration to the next synodal conference.³²

example of a marriage in the category of 'replacement of the mat' according to Toba Batak custom!). Püse survived them both.

³¹ I assume that if the husband died, his wife went back to Europe.

³² UEM, F/b 1,1 КР 1883:335.

The next general synod was held in Balige, Toba, in the following year. This time the missionaries did not propose the abolition of the brideprice, but merely a reduction of its value: a brideprice should not exceed the amount of 150 Spanish dollars. This led once more to a heated debate, and again no consensus was reached.³³ The missionaries, however, were not prepared to give up and tried to present the issue in yet another way at the district conference held in Sipirok in early 1885. This time they suggested the abolition of the brideprice paid in cattle (*karbu und lambu*), but not the payment in money, which could be used by the father of the bride to cover the expense for his daughter's *trousseau*. The debate ended again in deadlock because opinions diverged too widely. Further discussion on the subject was postponed yet again to the next synod.³⁴

At that synod, held in July 1885 in Simorangkir, Silindung, the missionaries attempted to change the opinion of the Toba Batak rajas and church elders for the last time. Again, it turned out to be in vain. While the reports on the previous synods had given factual summaries, this one differed remarkably in tone. Nommensen, who wrote the report on the conference, was unable to hide his exasperation and disappointment:

Once again the question of the brideprice aroused a real commotion, and unfortunately one had to see all too clearly how the poor Batak heart is still attached to the old, how difficult it is to replace it with something new and better. In particular the chiefs feel offended because, according to them, they would receive in that case too low a price for their daughters and would lose their former high standing. It was in particular the old Constantin from Simorangkir who behaved in a less honourable way, not in line with his position as a Christian chief, and caused offence. But there were also a few chiefs who declared their willingness to start giving a good example and to minimize the brideprice as much as possible. The entire negotiations, however, led to no result, and had to be given up around three o'clock in the afternoon.³⁵

This sketch of the discussion highlights that on this occasion Nommensen met for the first time with very strong opposition. Raja Constantin of Simorangkir, Ompu Mabe, was one of the most senior and influential rajas of the

³³ UEM, F/b 1,1 КР 1884: 389-90.

³⁴ UEM, F/b 1,2 КР 1885, Sipirok:3.

³⁵ UEM, F/b 1,2 КР 1885, Simorangkir.

Siopatpusoran, the conglomerate of clans occupying the southern part of the Silindung valley. Apparently Ompu Mabe had had enough of Nommensen's pressure to accept his proposal and wanted to shelve the issue for once and for all. He made no bones about his point of view: abolition of the brideprice was out of the question. It is certain that he voiced the opinion of the majority of the rajas, who must have felt relieved that he confronted the missionaries head on. Clearly Nommensen was greatly disappointed by Raja Constantin's lack of support. But his portrayal of Ompu Mabe in such vindictive and denigrating terms was perhaps also prompted by his feeling that his personal status was tarnished by the raja who had overruled him in the debate.

Of course Nommensen was correct in pointing out that the rajas rejected the proposal to abolish the brideprice because it threatened their interests. And their concern was not only that their high status was threatened if they could not receive a high brideprice from the marriages of their daughters. No less important was that they earned a considerable part of their income in the contracting of marriages and from lawsuits about marriage payments. In particular, Nommensen's critique that the rajas wanted to maintain their high social status through high-profile marital alliances within their own circle is difficult to understand. In missionary circles it was a commonly held view that a shared social background was an important factor in determining a successful marriage. Missionary Volkmann, for example, stated that spouses should be of equal social standing (Stand und Ebenbürtigkeit): "that is the best and the most proper".³⁶ Moreover, in the missionaries' home country, Germany, the gentry, bourgeoisie, and well-to-do peasantry at the time also practiced endogamy within their own class by way of marriage payments, albeit in the form of dowry.37

But aside from their self-interest, the Toba Batak rajas may have rejected the missionaries' proposal to abolish the brideprice because they could not imagine how their society could function without the exchange of marriage payments. How should one forge political alliances, gain access to economic assets, create trustworthy trade relations, deal with debt, and so forth, if these arrangements could not be sealed by that exchange? In their view, the idea of

³⁶ UEM, F/d 2,1 Ref. Volkmann 1893:14.

³⁷ Kaplan's (1985) exquisite analysis of marriage strategies among Jews in imperial Germany based on dowry of the bride demonstrates convincingly that these strategies did not deviate significantly from similar practices in the German gentile and bourgeois circles.

abolishing the brideprice must have seemed very odd, even outrageous, beyond reason. No wonder that after the discourse on the subject had dragged on for over two years, Raja Constantin finally said "No!" to the missionaries.

From that moment onwards, the abolition of brideprice was removed from the Batak Mission's official agenda in their negotiations with the rajas. Henceforward the discussion remained focused solely on the contents and observance of the Christian By-laws. Nevertheless, it remained a simmering issue which resurfaced a quarter of a century later.

7.5 Reluctant Resignation (1885–1911)

In 1909 a letter from Dr. C.W.Th. Baron van Boetzelaer, the Dutch Consul for Missionary Affairs in the Netherlands Indies, arrived, which was addressed to Nommensen as the Superintendent of the Batak Mission.³⁸ The letter informed the Batak Mission that the Netherlands Department of Education and Religion of the Netherlands Indies Government intended to introduce a uniform marriage law for all native Christians throughout the colony.³⁹ The letter stirred up a renewal of debate in the Batak Mission over the next two years, not only on the Christian By-laws, but also on the brideprice, *der Frauenkauf.*

The 1910 missionary conference reviewed the all-too-well known objections to the custom. The participants vehemently and specifically condemned the practice that a man could make use of his daughter as a corollary for debt, the arrangement known as 'a girl with a debt on her head' (*boru sihunti utang/garar*). They found this unacceptable because they regarded the girl's condition as similar to slavery (which it probably often was).⁴⁰ Also abhorrent to them was that "at present a girl can now and then be made responsible for a considerable sum which she never has used for herself".⁴¹ This statement is noteworthy because it reveals the missionaries' view on the individual as an independent legal subject responsible for his or her actions only—a concept

³⁸ This function had been created in 1906. The *zendingsconsul* had the task of working towards uniformity in the policies of the missionary societies working in the Netherlands Indies and liaison with the Dutch Indies government on behalf of these societies in all matters pertaining to religion (Jongelingh 1966: 25–46).

³⁹ UEM, F/b 1,5 KP 1909:202.

⁴⁰ It is plausible that their attention had been drawn to the extent of this problem by the report of Controller W.G.T.M. Dekker in 1904 on slavery and debt bondage in Toba.

⁴¹ UEM, F/b 1,5 кр 1910:20–1.

alien to the Batak.⁴² That marriages formed in this way often ended in divorce they saw as another drawback. Remarkably, they did not regard it as their task to do something about the custom. Instead, they expressed the hope the colonial government would use the new marriage law for indigenous Christians at that time still in the making—to outlaw the practice.

The leadership of the Batak Mission apparently considered the subject still insufficiently explored, because at the 1911 conference, missionary H. Brakensiek presented a paper "The sale and purchase of women illuminated from all sides: for and against" (*Die Frauenkauf allseitig beleuchtet: Für und Wider*).⁴³ Possibly, he was given this task because he worked on the island of Samosir at the time, the district with the smallest percentage of Christians, where the old customs were still generally upheld by the majority of the population.

As indicated by the paper's title, Brakensiek started with an explanation of the positive aspects of the brideprice: it fostered marital stability and functioned as a protection of the wife as well. He made an interesting comparison in this context: because of the brideprice, Batak women were more respected and less often molested by their husbands than Christian women in Europe. Subsequently he went over all the old arguments against the brideprice; but unlike other missionaries who had covered the subject in the past, he pointed to the economic background of the institution. Forced child marriages were rooted in poverty: daughters were betrothed because money was needed to pay the brideprice for a brother's wife, to buy a rice field to feed the family or a buffalo to plough the fields. Brakensiek reported that a girl was sometimes even betrothed to two, three, or more persons by a dishonest parboru, a strategy that perhaps was the only way he could ensure his family's survival.⁴⁴ Although he did not refer to it, he thus came to the same conclusion as Controller W.G.T.M. Dekker who had investigated slavery and debt bondage in Toba in 1904; Dekker's report probably had circulated amongst the missionaries. Brakensiek also pointed out that the rajas fared well under these conditions, as all the disputes arising out of these practices provided them with a nice income.

⁴² I will return to this subject in the conclusion of the next chapter and Chapter 12, Section 12.7.

⁴³ UEM, F/b 2,1 Ref. Brakensiek 1911: 2–3. This treatise is the most comprehensive and best informed on the subject of Toba Batak marriage produced by a missionary during the colonial period.

⁴⁴ Note that the poverty-stricken sons in the myth about the seven sons and only daughter of a widowed mother used the same strategy to obtain money for their mother's funeral (Chapter 4, Section 4.2.).

The solution to these problems suggested by Brakensiek was not the abolition of the brideprice but the establishment of the right of daughters to inherit the same portion as given to their brothers:

If the female sex is not granted the right of the child, then the sale and purchase of women must remain. Then, the woman is and will remain a commodity and equal to a slave. If however the female sex is given the right of the child, then the legal basis for an honourable position for her in human society is provided for and as a result, the sale and purchase of women will disappear automatically. Then we also possess the external foundation on which a Christian marriage can be built and flourish.⁴⁵

How inheritance rights for daughters could lead to the disappearance of marriage payments the missionary did not explain. Nevertheless, at the conference an even more farfetched idea was ventured: that an individual could make use of the option to register as a European, an option already open to Minahasan Christians. In that case, European civil law would apply, which included inheritance rights for daughters. Change would then follow organically.⁴⁶

Informed about the discussion, the RMG board in Germany correctly pointed out in their response that inheritance rights for daughters would not remove the cause of child marriages, which was poverty. Advocacy for the abolition of the brideprice was therefore opportune only if economic conditions in the region had improved.⁴⁷ The board probably also had second thoughts about the abolition, remembering that a few years earlier missionary Warneck had cautioned against it, because in Mandailing in South Tapanuli, it had allegedly led to "horrifying moral conditions" (*greuliche sittliche Zustände*). At that time, Warneck had thought that the issue was best left unregulated. That would provide the necessary room for a gradual transformation of the custom as a result of the slow but persistent moral influence of Christianity.⁴⁸ Warneck did not stand alone: his point of view was shared by P. Wegner, the RMG caretaker

⁴⁵ UEM, F/b 2,1 Ref. Brakensiek 1911: 12.

⁴⁶ UEM, F/b 1,5 KP 1910:22.

⁴⁷ UEM, F/b 1,5 Letter Barmen Board 1911:4. For the rest of the discussion on inheritance for daughters, see Chapter 8, Section 8.8.

⁴⁸ UEM, F/m 1. Letter by J. Warneck to Missionsinspektor Wegner, 21-5-1907; Wegner to C. Seegers, Barmen, 9-7-1907 and 22-7-1907.

(*Haussleiter*). A few years later, Warneck (1912b:74) wrote that one should wait to abolish the brideprice until the Christians themselves demanded it.

The debate in the circle of the missionaries did not escape the attention of the local administration. In 1911, the military officer in charge of civil administration (*civiel-gezaghebber*) of Habinsaran, H.J. Köhler, wrote a letter to the Commission for Adat Law in which he followed Brakensiek's arguments closely and professed himself a supporter of the abolition of the brideprice (Köhler 1913: 16–9). The exchange of marriage payments not only awakened "the vilest passions of the Batak" (*vuilste hartstochten*), but over half the lawsuits in Habinsaran (recently brought under colonial rule) were directly or indirectly related to it. He thought that the local population, aware that they were in the process of transition, would feel relieved when freed of the "burden" of the *sinamot* and would be willing to accept its abolition. His ideas were not shared by higher-level officials.⁴⁹

After 1911 the Batak Mission refrained from pushing for the abolition of the brideprice and inheritance rights for daughters. This policy of abstention was based not only on a more realistic evaluation of Toba Batak facts of life. The relationship between the Toba Batak rajas and the Batak Mission had become strained over the years. The rajas had not been very cooperative in applying the Christian By-laws even after these had been endorsed by the colonial government in 1892, for reasons explained in Chapter 9. The Christian Batak elite of pastors (pandita), teacher/preachers (guru) and church elders were also not prepared to support the missionaries' push for radical change. They continued to marry their children in the traditional way by exchange of marriage payments. That some of them felt uneasy about this is evident from a paper presented by the Batak pastor Lamsana Lumbantobing at a separate conference of pandita in 1904. He explained apologetically that although the payment of brideprice was not a laudable custom for a Christian society, it could not be abolished simply by legal means. Only after Christianity had become a moral force could one consider this.⁵⁰

After 1911 the missionaries awaited further developments concerning plans for the codification of marriage laws for indigenous Christians. The outbreak of the First World War provided them with so many other pressing problems that the issue of the abolition of the brideprice faded into the background, never to return.

⁴⁹ J.C. Kielstra, drafting a new customary code of law in 1914, did not question the custom.

⁵⁰ UEM, F/b 1,4 Ref. Lamsana 1904:332. (Translation of the Batak text by Nommensen).

7.6 Women's Views on the Brideprice

The views of Toba Batak women are conspicuously absent in the entire debate on the brideprice. Like the common man, they were excluded from the negotiations on this issue and, for that matter, on all other matters discussed at the missionary conferences and general synods over the years. Fortunately there are a few clues about how women thought about the brideprice. The first is the following excerpt of a lamentation (*andung*) of a Batak bride about to leave her parental home:

And yet your hearts are made up *damang dainang* (my father, my mother) to accept my brideprice, yellow, yellowest, gleaming gold Gold that overflows its container Better that I yank tight the suicide-rope, my mother Hang my body parallel to my hanging tree Hang upright in the blowing wind [an *andung* phrase for 'to die'] So your heart's wish is had, my father, my mother. RODGERS 1990:329–30

The anthropologist Susan Rodgers taped the lamentation in Sipirok in Angkola in the early 1980s. But a bride lamenting her departure was a much older custom, already referred to in the report of the missionary conference of 1870.⁵¹ Rodgers draws attention to the bride's resentment of her mother for valuing brideprice gold over her. The threat of suicide in this context is illustrative of a girl's sense of loss: she has to leave her beloved mother referred to as 'the soft spoken one', her sisters and brothers, and her home where everything is familiar. Rodgers also explains that a lamentation such as this does not necessarily imply that the bride is displeased with the marriage. It is ritualised behaviour, which may or may not reflect a bride's feelings.

Hester Needham, an English lady who joined the Batak Mission in 1890 on her own expense, mentioned a different evaluation of the brideprice by Batak women: "The girls themselves are in favour of it, as where there is no idea of marriage for love, it is a kind of guarantee of good treatment".⁵² This refers to the Batak norm that a husband had to treat his wife well, otherwise he might risk the anger of her father or brothers, to whom he had to pay due respect as his *hulahula*.⁵³

⁵¹ Chapter 8, Section 8.1.

⁵² Enfield 1898: 96. Note that Brakensiek also reported this view.

⁵³ An example of this is the reaction of a father to his son-in-law, whom he accused of an unreasonable dislike for his wife (Chapter 5, Section 5.3).

That Toba Batak women found the idea of marriage without the paying of a brideprice a disgrace for a woman is evident in conversations between them and missionary wives. Mrs Brinkschmidt wrote that the village women in her husband's district were eager to know how much her husband had paid for her, guessing that she must have been worth at least fifteen hundred German marks. When she told them that she had married her husband out of love and that he had not "bought" her, the women would not believe her (Allerlei 1911:28-9). Mrs Dannert received a similar reaction when she told a Batak woman that her husband had paid nothing for her. Shocked, the Batak woman replied: "So you have thrown yourself away?" It may have crossed the woman's mind that Mrs Dannert had eloped with her husband without her parents' consent and therefore her marriage lacked legal status, which made Mrs Dannert worthless. This cannot but have puzzled her, as the missionary couple was highly respected. Mrs Dannert's husband, who narrated this incident, added that girls did not regard lengthy negotiations on the brideprice as offensive, because these were an expression of their personal value and the social standing of their family (Dannert 1922:70).

Similar views are still held by the Sumbanese in eastern Indonesia, who usually take marriage payments "to exemplify rather than threaten the distinctiveness of self-worth" (Keane 2007:204–5). Marriage without the exchange of goods, in their view, signifies sexual promiscuity and anarchic disregard for ancestral regulations and marital obligations towards immediate and affinal kin. Keane argues that those relations cannot be maintained without, and are inseparable from, material entailments. This was also true for the Toba Batak.

Returning to Toba Batak brides, it is probably safe to say that at the time of their marriage they were both sad and happy for different reasons. Sad to leave home, happy because they were highly valued.⁵⁴

7.7 The Significance of the Debate

References to the attempt of the Batak Mission to abolish the brideprice have been made in the theological and academic literature—but rarely, and only in passing. At least aware of its significance was J. Prins (1949:13), professor of customary law at Utrecht University, who said in his inaugural speech that

⁵⁴ Rodgers (1990:331) gives us a number of short phrases used to refer to the bride at the time of her wedding: bringer of luck; bringer of peace, bringer of health, the Greatest Gift (the supreme blessing presented by her family to its bridegiver).

the Mission once challenged marriage with brideprice: that central tenet of the social order! In vain. Fortunately, because if one had succeeded in dismantling it, how could one have been able to preserve any other part of the people's law!

However, Prins, like others, did not situate the Batak Mission's attempt in the historical context of the debate, nor did he allude to the decisive role of the Toba Batak rajas in the outcome of that debate.⁵⁵

Still, the significance of the discourse on the abolition of the brideprice during the years 1883–1885 for the future of Toba Batak society cannot be overstated. By opposing the Batak Mission's proposal to abolish the brideprice between 1883 and 1885, the Toba Batak rajas preserved the Toba Batak social order based on the *dalihan na tolu*, the triadic relations between clans who exchanged women and marriage payments. This feat also demonstrates that in the interaction with the missionaries the Batak rajas wielded their power to have their way. What would have happened to their society if this had not been the case is difficult to fathom and I will refrain from speculating on this.

Nonetheless, although the Batak Mission's demand to abolish the brideprice misfired, the constellation the missionaries created in the mid-1880s, based on the concept of the separation of church and state, proved durable.

⁵⁵ One would have at least expected reference to the debate in the following publications. The jurist Van Straten (1927:70–1) wrote in his doctoral thesis on the Indonesian brideprice that, compared to other Christian regions, the Christian influence on customary law was most pronounced in the Batak lands, but referred only to the Christian By-laws of 1892. The theologian Schreiner (1972:131–51), who has extensively discussed the creation of Christian adat, including the CBLs, has not paid attention to the debate on the brideprice. Neither do we find reference to it in the chapter on the Toba Batak region in the *History of Christianity in Indonesia* (Aritonang and Steenbrink 2008:527–634).

Engineering Christian Toba Batak Marriage (1866–1913)

The missionaries of the Batak Mission were representatives of their own European Christian culture as it was at that time in their home country, Germany. Their mind-set included a fixed set of values on marriage briefly summarized as follows. Bride and groom should preferably adhere to the same (Christian) faith, and they should enter matrimony in a virgin state. Marriage must be monogamous, based on love and mutual consent, and preferably with the consent of the parents as well. It should be a union for a lifetime; and although not prohibited, divorce was permissible only in case of adultery. Widows who did not remarry and her children should be taken care of as best as possible, and daughters should have the same rights to their father's inheritance as sons.

Most of these values did not match well with those of the Toba Batak. Because they attached tremendous importance to fertility, the Toba Batak placed no particular value on virginity. Consent to marriage was of secondary importance compared to the intertwined political, economic, and kinship interests of the lineages forming an alliance through marriage. Monogamy was the common state of affairs, but Toba Batak men desired to have as many wives as they could afford to serve these interests and also because it increased the possibility of reaching the 'pinnacle of life' if they fostered offspring of both sexes in large numbers. Divorce, considered highly undesirable, rarely took place because of adultery, which according to customary law was a capital crime. The reason for divorce was usually an aversion of the spouse-on the part of the husband called *magigi*, on the part of the wife *mahilolong*. The custom of the levirate was the Toba Batak solution for widowhood. Therefore, they felt no need to make special arrangements for widows and their children. Daughters had no rights to inherit, because they had left their family of origin at the time of their marriage, and were endowed with bridewealth if the family had the resources to do so.

In view of the disparity between the values of the missionaries and the Toba Batak, the question arises of how the missionaries tried to steer Toba Batak marriage in a direction more in conformity with Christian dogma and other values and practices common in Western Christian society. The previous chapter showed that the missionaries were very ambitious in their efforts to transform Toba Batak marriage by the abolition of the brideprice, a proposal rejected by the Toba Batak rajas. Therefore, they had to resort to a piecemeal approach to transform Toba Batak marriage on the points mentioned. The development of the Batak Mission's policies and resulting regulations on these points are discussed in the first seven sections of this chapter.

The two instruments they used were the Church Ordinance and the Christian Bylaws (CBLs), both of which they revised more than once. The 1866 Church Ordinance¹ was revised twice: in 1881 and 1907.² The first modest set of CBLs was drafted in 1867 and 1868.³ It was expanded significantly in 1883, and accepted with minor alterations by the Toba Batak rajas of Silindung in 1885. After a few other changes, the Governor of West Sumatra endorsed the CBLs in 1892 (Decree 28 November 1892, no. 548).⁴ In 1913, the colonial administration requested the revision of the 1892 version.⁵ The contents of the Church Ordinance and CBLs and their revisions were discussed during the yearly missionary conferences, and occasionally individual missionaries were requested to write a paper on relevant issues in advance.⁶ The detailed character of these different sources makes it possible to trace the development of the Batak Mission's policies regarding marriage over a period of nearly fifty years (1866–1913).

The two-pronged strategy, using a combination of the Church Ordinance and special laws for Christians, was already evident from the very beginning of the Batak Mission's activities in Silindung. Both sets of regulations shared the same objective: the transformation of customary marriage. They mutually reinforced each other, and to some extent overlapped. All regulations had the purpose of unifying policies that had been introduced in a more or less haphazard way as a response to specific problems.

Yet the Church Ordinance and Christian By-laws differed in several ways. First, the Church Ordinance was a creation of the missionaries and most clearly

4 UEM, F/m 1 contains a German and a Batak/Dutch version of the 1885 By-laws; 1892 CBLs in *Adatregeling* 1913:44–50.

¹ Hutauruk 1980:113–6. According to Schreiner (1972:136), the first Church Ordinance was designed without taking the conditions in the mission field into account and had no relevance for the development of Christian adat. However, Hutauruk's description shows that several regulations already had the purpose of changing certain customs.

² The Church Ordinance of 1881 is attached to the conference proceedings of 1884 (UEM, F/b 1, 1:343–61).

³ Hutauruk (1980:117–8) used Nommensen's personal correspondence; UEM, F/b 2,1 KP 1868:73 gives four regulations; KP 1883 (draft of the CBLs is attached to the conference proceedings).

^{5 1913} CBLs in Adatrecht 1915:3–13. Schreiner (1972:143–6) mentions the CBLs draft of 1883, but does not refer to the 1885 finalization, and concentrates on the 1892 and 1913 versions of the CBLs.

⁶ UEM, F/b 1,1 КР 1874, abstract of [A.] Mohri's paper *Ueber die battaschen Eheverhältnisse*; UEM F/d 2,1 Ref. [W.] Volkmann 1893, Ref. [W.] Metzler 1897 and Ref. [H.] Brakensiek 1911.

expressed their own values, whereas the CBLs were the product of negotiation between the missionaries and the Toba Batak rajas.⁷ The CBLs thus reflected Batak customs and values more closely than the Church Ordinance. Second, the authority to impose sanctions for the transgression of a prescribed rule differed. The missionary and, at a later stage, the Batak pastor (*pandita*) imposed church disciplinary sanctions, whereas it was for the Batak elders to admonish members of the congregations if their conduct was out of line.⁸ The rajas, on the other hand, as the secular upholders of the law, had to monitor adherence to the CBLs and impose the sanctions detailed in them. The type of sanctions prescribed also differed. Church disciplinary measures included separate seating of a Christian who had sinned during the Sunday service and denying him or her attendance at the Holy Supper, or excommunication if the transgression was of a serious nature. Sanctions for violations of the CBLs took the common Batak form of fines and the offering of a ceremonial meal to the aggrieved party.

The self-imposed task of the Batak Mission to transform customary Toba Batak marriage proved far from easy. This was not simply a matter of introducing desirable practices and prohibiting undesirable ones: creative policies were constantly called for, and both the missionaries and the Toba Batak rajas had to make concessions (Section 8.9 and 8.10). Why the transformation of Toba Batak marriage was so important to the Batak Mission is explained in the concluding section, by situating this project in the wider context of Christian modernity.

8.1 Customary and Christian Marriage

The first guidelines formulated in 1867 and 1868 are of particular interest because two of the four pertained to a very fundamental matter: the relationship between Toba Batak adat marriage and Christian marriage. The missionaries decided to acknowledge traditional marriages with marriage payments as legal.⁹ This was consistent with their own Lutheran perception that marriage

⁷ Schreiner (1976:136) quotes Nommensen's letter (UEM B/f 6, 14.11.1867): "The most important men in the Christian congregation convened to design civil laws, so I do not have to settle every little dispute in person. This is possible because several rajas have converted to Christianity and an upturn in civilian respect is necessary [...]".

⁸ Hutauruk (1980:118) states that the authority of the missionaries was not explicitly mentioned in the Church Ordinances of 1866 and 1881, 1906/7, and 1912. According to the author, this explains the dependency of indigenous Christians on the missionaries.

⁹ The practice had apparently already been introduced by some missionaries, but through the mentioned guidelines it was elevated to general policy.

was not a God-given sacrament, but a man-made institution.¹⁰ The customary marriage ritual witnessed by the rajas was equated with a civil marriage, which made the marriage legal, whereas the blessing by the missionary confirmed its recognition by the church. Thus, by relegating customary marriage to the worldly realm, it became an acceptable institution for the missionaries. They still considered it desirable, however, to clothe existing marriages in a Christian mantle. The 1868 missionary conference introduced a new custom—the blessing by the missionary of already married couples at the time of their baptism, defended as "charming and fine and a pleasant custom".¹¹

The decision to accept the adat marriage ritual had the advantage that the missionaries need not interfere with it, thus allowing the Toba Batak to maintain their marriage customs undisturbed. Nevertheless, they did not entirely refrain from intervention. They forbade the traditional way of determining an auspicious day for a wedding, because the use of divination by its expert, the *datu*, was regarded a pagan custom.¹² They were also unhappy with the customary lamentation of the bride when she left her parental home, probably considering such public display of sorrow inappropriate for an occasion as happy as a wedding. But they did not classify it as "an oppressive prohibition".¹³

Not wishing to cause offence, the missionaries also upheld the prohibition of marriage within the *marga*, because "their [Toba Batak] feelings are set against it".¹⁴ This decision of course was wise: allowing marriage within the *marga*, considered equivalent to incest by the Toba Batak, would certainly have hampered the progress of conversion. It was not a difficult concession, as the missionaries had no principled objection to this prohibition anyway. It was only unfortunate, because during the first years of conversion most converts belonged to the same *marga*, so it was difficult for young Christians of marriageable age to find suitable partners outside their own *marga*.

Besides the confirmation of an adat marriage, the new custom of holding a wedding in church was also introduced to imprint on the mind of converts that marriage within the same religious community was preferable, although it was obviously not realistic to forbid marriage with a non-Christian partner, as the community of Christians was just too small. The missionaries designed a creative policy which left open the option to marry a partner who was not a Christian while conveying the message that such a marriage was not ideal. Two

¹⁰ UEM, F/d 2,1 Ref. Volkmann 1893:17.

¹¹ UEM, F/b 1,1 KP 1868:73. I have not come across later references to this new custom, but it seems to have been abandoned at some time.

¹² UEM, F/b 1,2 кр Sipirok 1885:2.

¹³ UEM, F/b 1,1 KP 1870:98. See for this custom Chapter 7, p. 180, Section 7.6.

¹⁴ UEM, F/b 1,1 кр 1868:73.

types of Christian weddings were introduced: one for couples who were both baptized and of unblemished conduct, and another for couples of mixed faith. The first were entitled to a full festive Christian wedding ceremony in church where they received the blessing from a missionary, whereas the other couples received the Christian blessing in the village from a *guru* (teacher/preacher) in the company of church elders (*sintua*).¹⁵ If the groom was a pagan, however, such a marriage was possible only after he had promised to abide by the Christian By-laws.¹⁶ This did not apply to pagan girls who married a Christian, because she married into her husband's family and was therefore expected to follow his faith, which meant she would be baptized after marriage.¹⁷ The missionaries hoped that the difference in prestige of the two types of Christian blessing would stimulate Christian parents to do their best to find Christian spouses for their children and to see to it that their children fulfilled the requirements for the more prestigious blessing in church.

Not all Christian parents were so easily manipulated, however. Some ignored the Christian wedding and continued to marry their children according to adat only. Reasons for by-passing the Christian wedding were their unwillingness to wait until the children had reached the minimum age for marriage required by the Batak Mission (see below), or reluctance to put pressure on a pagan groom if he refused to promise that he would honour the Christian By-laws and learn the Creed. In such cases, parents might have wanted to have their children married because the girl was pregnant. Another reason parents might not have their children married in church was if the latter were not yet confirmed as members of the congregation. This became an obstacle after 1890, when Confirmation was added as a new requirement for a Christian wedding.¹⁸

To make Christian parents understand that the Christian blessing was obligatory, the 1885 and 1892 CBLs stipulated a penalty of four *pilaarmatten*—the equivalent of approximately eight Dutch guilders—if Christian parents married their children according to custom only. This measure was not very effective: in 1891, missionary Volkmann reported that he had more than once refused couples the blessing because they did not fulfil the requirements.¹⁹ To his dismay, he discovered that a former church elder had once ignored his

¹⁵ Draft CBLs 1883, article 1; CBLs 1885, 1892 and 1913, article 3.

¹⁶ CBLS 1885, article 45; 1892 CBLS, article 30, and 1913 CBLS 1913, article 29. The 1883 draft even demanded that the pagan groom had to promise to become Christian, but this requirement was left out in the final version of 1885.

¹⁷ Compare the articles mentioned in the previous footnote with 1885 CBLs, article 46, 1892 CBLs, article 31, and 1913 CBLs, article 30.

¹⁸ UEM, F/b 1,3 кр 1890:7.

¹⁹ Volkmann, "Nog een en ander uit Sumatra", *Rijnsche Zending Tijdschrift* 1891: 37–38.

refusal and given a couple the Christian blessing—in secret, *nota bene*—with the cooperation of the most important chief in the area, Raja Saul, the *jaihu-tan* of Onan Kasang. The raja had to atone for this by confessing his trespass in front of the congregation and paying a penalty of five *thaler* to the church treasury. This incident illustrates that the families involved highly appreciated a Christian blessing of their children's marriage; but this apparently escaped the missionary. Volkmann even expressed the opinion two years later that the fine of four *pilaarmatten* for contracting an adat marriage only was far too low and should be raised fivefold.²⁰

Most missionaries, however, thought that one should rather be forgiving than too harsh on Christians who had sinned, provided they were willing to confess their mistake.²¹ For this reason, they introduced a third, even less prestigious, form of Christian marriage in 1897, which was meant for couples that had "fallen" (engaged in premarital sex) and for persons who married again after a divorce, on condition that the separation had not been due to their misbehaviour.²² These couples were denied a blessing by the missionary or *guru*, but could receive it from a church elder at the time of the adat marriage ceremony. This new regulation thus elevated the previous "secret" practice found by Volkmann to formal status. The policy served the purpose of being able to keep Christians of not entirely unblemished conduct within the fold of the Christian flock.

The 1904 synod reconfirmed the hierarchy in types of marriage. But this time the RMG board in Germany protested in strong terms, reasoning that only a missionary or ordained pastor (*pandita Batak*) had the authority to marry a couple. The missionaries defended their policy the next year, explaining that that principle was still upheld, because the second and third types of marriage were merely the church's acknowledgement of a marriage. The board may not have been convinced, but chose not to pursue the matter. The Toba Batak Christians never voiced a protest: they were probably unaware that the blessing by a *guru* or church elder (*sintua*) was not regarded as a proper Christian marriage.²³ The tiered marriage system remained in force throughout the colonial period and even long after.²⁴

²⁰ UEM, F/d, 2,1 Ref. Volkmann 1893: 18.

²¹ UEM, F/b 2,1 Ref. Metzler 1897:1; UEM F/b 1 КР 1904:7.

²² UEM, F/d 2,1 Ref. Metzler 1897:6–7.

²³ UEM, F/b 1,4 Letter Barmen 1904:229; KP 1905:245.

²⁴ Schreiner (1972:144) wrote: "(...) in the congregations there persists until today [1972] a misunderstanding about the graded religious worth of the giving of blessing of the Church at the conclusion of marriage".

The account above demonstrates that over time the Toba Batak Christians came to value the Christian blessing. This is clear not only from their efforts to ensure a Christian blessing in a way not initially approved of by the Batak Mission, but also from the growing number of girls who finished their confirmation classes so they could marry in church (Joustra 1899:271). On the other hand, it is also evident that Christians had difficulty complying with the onerous requirements for a Christian blessing. The Batak Mission responded to this by widening the options for a Christian wedding in an unorthodox way and despite misgivings of the mother organisation.

By the second decade of the twentieth century, with the tiered hierarchy of bestowing the Christian blessing in place, the Batak Mission thought the time ripe for a firmer policy. In the 1913 Christian By-laws (article 3), the penalty imposed on a Christian bridegiver (*parboru*) and bridetaker (*paranak*) for marrying their children according to custom only was raised significantly, to twenty guilders. The rajas and other witnesses also had to pay a penalty of ten guilders each. The colonial administration, however, did not support this measure, for reasons explained in the next chapter.

8.2 *Rite de passage* at Puberty: Suppression and Replacement

As described in Chapter 3, boys and girls marked their coming of age with a tooth-filing ritual. From that moment on, they engaged in a stylized form of communal mutual acquaintance followed by formal courtship ending with marriage. The missionaries were displeased with nearly all aspects of this traditional Toba Batak youth culture.

The tooth-filing ceremony became a topic of discussion as early as 1870. The missionaries could not discern elements of objectionable spirit worship in the ceremony,²⁵ but were against it mainly because the *datu*, the expert in divination, officiated at it. They also found filed and blackened teeth a disgusting sight, much as they abhorred the red stained lips caused by betel-chewing, a habit young people engaged in immediately after the tooth-filing ceremony.²⁶ But unlike the Toba Batak funeral rites, the tooth-filing ceremony was not prohibited. The policy the missionaries decided upon was that "one should work

²⁵ Missionary Warneck (1909:23) wrote: "It is, for example, not clear to me whether the custom of tooth-filing signifies an offering to the ancestors".

²⁶ This was prudent, because it forestalled infection of the gums, the *sirih* leaf used for betelchewing being a disinfectant.

towards it, [so] that (it) does not take place".²⁷ Fifteen years later, a stricter rule was introduced by way of the 1885 Christian By-laws:

If a girl, according to the old heathen custom, has her teeth filed, her parents must pay four dollars; if it takes place in a Christian village, the one who files the teeth should also pay a four-dollar fine.²⁸

Note that tooth-filing was forbidden only for girls, probably because the teeth of girls were filed up to the gum, whereas boys had only their canine teeth filed, so the difference with a normal set of teeth was less visible.²⁹

To suppress the tooth-filing ceremony, the missionaries introduced an additional rite de passage: the Confirmation. Children who were eligible to become members of the congregation had first to follow confirmation classes, preferably after they had finished their primary school education. The obstacle was that many Christian parents were unwilling to send their children to school, in particular their daughters; so in 1885 the rules for school attendance were sharpened. Children had to go to school at the age of seven and register for baptism. Their names were then announced in church at the time of the Lord's Supper. Parents who refused to send their children to school were rebuked for this in public, during the Sunday service. Another 'incentive' to conform made shrewd use of a vital interest in the eyes of the Batak: if disobedient parents were engaged in a lawsuit, the missionary would withhold any assistance to them.³⁰ By enforcing school attendance, the missionaries ensured that children would be exposed daily to Christian morality in school, where a large part of the curriculum was devoted to religious instruction and learning Christian hymns. The idea behind this was also that children would finish school around the age of twelve, follow confirmation class for a year or two, and then receive baptism, precisely at the age their tooth-filing ceremony would normally take place.³¹ If parents wished to celebrate the occasion and have the teeth of the

²⁷ UEM, F/b 1,1 KP 1870:98. At the same conference, a prohibition was issued on another *rite de passage* into puberty, the circumcision ceremony for boys in Sipirok, the southernmost parts of the missionary field. In this region, part of the population had embraced Islam and apparently this ceremony had already been adopted among Muslim Batak.

^{28 1885} CBLS, article 37. The same article was also included in the CBL draft of 1883 (article 17).

²⁹ Bruch 1912:10-11.

³⁰ UEM, F/b 1, KP Sipirok 1885:2. See Chapter 9, Section 9.4. about the missionaries' legal assistance.

³¹ If children had not gone to school, the confirmation class took longer (Warneck 1898:146).

children filed, they could do so, albeit only superficially; and the person who did this had to be a Christian. By submerging the tooth-filing ceremony into the Christian *rite the passage* to become a member of the Church, the tooth-filing ceremony may have retained its function as a *rite de passage* into puberty, but the missionaries surely took care that the traditional open allusions to eroticism were left out.³²

It cannot have been lost on Christian parents that the missionaries did not look favourably on the tooth-filing ceremony, and for that reason many may not have dared or no longer wanted to hold the ritual. An indication of this is that the 1892 and 1913 revisions of the 1885 Christian By-laws no longer contained an article on the subject. Many Christians had come to accept the Confirmation as an alternative *rite de passage* confirming the nubility of girls, because they often married soon afterwards, to the dismay of the missionaries who still found them too young to enter matrimony at the age of fifteen.³³

But the custom of tooth-filing did not die out without further ado. Around 1910 a prominent Christian woman revived it, probably because she had not conceived and attributed this misfortune to her teeth not being filed. Many followed her example.³⁴ After this brief resurgence, the custom seems to have disappeared for good in Christian congregations: in any case, no more references are made to it in Batak Mission sources.

Although the suppression of the tooth-filing ritual was certainly a minor issue in the Batak Mission's grand scheme of 'purifying' Toba Batak marriage customs, it had nevertheless an important impact. A new generation of young Christian adolescents emerged who had un-filed white teeth, which set them apart from their pagan age mates who had undergone the old ritual. This identity marker was part of an overall gradual change in the outward appearance of the Christian Toba Batak, which also encompassed new fashions in clothing and hairstyles for men and women.³⁵ The photographs presented on the next pages are a vivid testimony to these changes.

³² Chapter 3, Section 3.4. on erotic poetry related to the tooth-filing ceremony.

³³ Schreiner (1972:230) is of the opinion that the Confirmation was not meant as *rite de pas-sage.* announcing a child's nubility, although Toba Batak parents seem to have viewed it precisely as such.

³⁴ Missionary P. Landgrebe (1912b:82), who reported this resurgence of the custom, suggested that the Batak Mission should henceforward forbid it, but this did not happen.

³⁵ Interesting to note is that missionary Bruch (1912:11) deplored the change in clothing in particular. He preferred the traditional Batak cloths over the European jackets, vests, and trousers that had become the fashion for men, in particular among the Christian Batak elite (see pictures next pages).

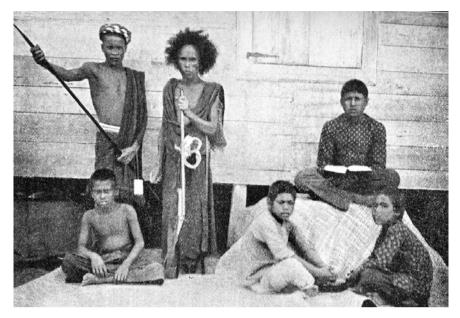


ILLUSTRATION 44 Pagan and Christian Toba Batak: emphasis on difference. SOURCE: DER KLEINE MISSIONSFREUND 1897:133 (COURTESY OF UEM)

Introducing 'Civilized' Appearance

44. This evidently staged photograph (with the caption 'three heathen Batak, three Christian Batak') was clearly made to impress Christian congregations in Germany that the Batak Mission had succeeded in 'civilizing' the Toba Batak in regard to their outward appearance. The differences are obvious: the heathen men (*left*) have their torso uncovered and wear woven shoulder- and hip-cloths. One of them wears the typical headdress of folded cloth, whereas the other looks particularly wild with long uncombed hair. Note the contrast between these two men who carry arms and the man on the right with a Bible open on his lap. The Christians are thus presented as more peaceable. They also look more civilized in the western sense, because their hair is cut short and they wear shirts and trousers. The men and child in the Christian group also seem better fed.

A. Bierens De Haan, Photographer of Batak Christianity (1890)

Bierens de Haan made photographs of Angkola (Sipirok), Silindung, and Toba Christians at about the same time as E. Modigliani photographed Toba Batak from the still independent Batak lands. Their collections are thus an excellent illustration of the differences in clothing and hairstyles within the region. Bierens de Haan's collection, more realistic than no. 44, also shows that within the Christian community regional differences were still striking, reflecting the different periods in which Toba Batak had adopted Christianity, and that Christians still commonly wore woven cloths.

The Sophisticated Christians from Angkola (1890)

45 and 46. The photographs on the next page were taken in Angkola, where the first Christian congregations developed in Angkola, a region already brought under colonial rule in the 1860s. Apparently, the Sipirok congregation was wealthy. The women in illustration 45, looking their very best, wear a variety of hip and shoulder cloths, some made of batik imported from Java. Several women wear a necklace of whitish beads (ivory?). They all wear a jacket, although judging by their faces, not all of them seem to be maidens. They wear their hair in a knot (*sanggul*) at the back of the head. The marching band members on photograph 46 wear jackets, although only some of them the preferred white uniform. Those in the front row (except the one on the right and center) still wear a hip cloth. Their headwear consists of a folded batik cloth. The Batak Mission popularized marching bands as a substitute for traditional *gondang* music, at least equally 'thunderous'.



ILLUSTRATION 45 Female members of a Christian congregation in Sipirok (1890). SOURCE: KITLV, NO. 121651. COLL. A. BIERENS DE HAAN



ILLUSTRATION 46 The marching band of the Christian congregation in Sipirok (1890). SOURCE: KITLV, NO. 121650. COLL. A. BIERENS DE HAAN

Silindung Christians: Simple but Tidy

47. The first families converted to Christianity in Silindung in 1867, about a decade after the Batak Mission baptized the first Christians in Angkola. The two men at either end of the back row are dressed as missionary teachers, wearing buttoned jackets of a dark fabric, a style becoming *en vogue* in the circle of missionary personnel during the late nineteenth century. The women are still dressed traditionally, the two in the centre of the front row wearing an *ulos ragi idup*. Note that the woman sitting in the front row at the far right has not bothered to cover her upper body, definitely 'not done' for a Christian woman in later years. The toddlers on the lap of two women still seem to be virtually naked. Christian 'decency' was apparently not easily enforced.

48. Bierens de Haan's collection does not include many family pictures, but he probably reserved a special one for the wife of Raja Pontas Lumbantobing and their children, because Raja Pontas was the most prominent Christian raja in Silindung. The clothing of Cornelia and the girls is similar to that of the women in illustration 47. Like their mother, the daughters wear a long-sleeved blouse. Cornelia wears the most prestigious woven cloth as shoulder cloth, the *ragi idup*, her daughters a different type of cloth. All three of them wear their hair Batak style, a knot on the left side of the head. The boy is clothed in the way adult Batak missionary personnel were dressed (see men standing, illustration 47).



ILLUSTRATION 47 Members of a Christian congregation, probably Silindung. SOURCE: KITLV, NO. 12161. COLL. A. BIERENS DE HAAN



ILLUSTRATION 48 Cornelia, wife of Raja Pontas, and their children (1890). SOURCE: KITLV, NO. 12145. COLL. A. BIERENS DE HAAN

Balige Christians: The Poorest Lot

49. The first missionary station in Toba was opened in 1881, meaning that the Christian congregation was still young at the time Bierens de Haan came to this area. This is apparent in the two photographs presented here. The female members of the Balige congregation look far less groomed compared to the Christian women from Silindung and even less so compared to those from Sipirok. But all women, including those with children, have done their best to look decent by covering their upper body with a loosely wrapped a cloth. Only one woman in the second row conforms to the new dress code, wearing a blouse. The European woman in the photograph is the wife of missionary Pilgram.

50. The church elders, the Christian lay leaders of the congregation, were expected to be an example of Christian virtue and decency. This picture demonstrates that the Balige church elders tried to conform: those who did not have a jacket (the two men in the centre), at least covered their torso with a simple cloth. The headwear of the men is a curious mixture of traditional and modern (the man in the back row is wearing what seems to be a cap). Judging from his clothing, the man on the extreme left is probably a teacher/preacher.



ILLUSTRATION 49 Female members of the Christian congregation in Balige (1890). SOURCE: KITLV, NO. 12152. COLL. A. BIERENS DE HAAN



ILLUSTRATION 50 Church elders of the Balige congregation (1890). SOURCE: KITLV, NO. 12148. COLL. A. BIERENS DE HAAN

Awareness of Regional Differences

The occasion *par excellence* for the Toba Batak Christians to become aware of their differences in appearance and manners was the yearly synod, which until the end of the nineteenth century was preceded by the 'Mission's Feast'. Warneck (1897:74) describes such a feast, held in Balige in 1897 (or 1896). People came from as far as Padang Bolak in the southern part of Tapanuli and Uluan in the north-east, by foot, on horseback, and from Samosir and regions opposite Lake Toba by canoe. He estimated the number of participants between 7000 and 8000 people and remarked that he had never seen such a large crowd in the Batak lands before. He gives a vivid description of the differences in clothing and demeanour of the attending rajas:

[T]he chiefs from the south, from Sipirok for example, behave very politely, are also cleaner and finer in appearance than those of Silindung and Toba. The majority of Toba chiefs, on the other hand, still wearing genuine Batak clothing, that is, without coverage of the legs [trousers?] and jacket, but with long cloths, artistically woven by their wives, look much more original [*urwüchsiger*, also meaning 'primitive'], in particular when they proudly go about with their sword over their shoulder and their lance bearers behind them, and in their left hand the universal calfskin tobacco bag, their mouths still dripping with red *sirih* juice. However, amongst them are many strikingly tall and handsome men with an aristocratic and self-confident bearing [...]. Several of the Angkolese men were very unpleasantly surprised by the filthiness of the Toba houses, [and] also found it outrageous [strange] that at the mass meals the Tobanese served themselves wearing nothing else than a loin cloth.

He ended this description remarking that despite these "small" differences, the same (Christian) spirit imbued all of them.

51 and 52. Photograph 51 shows Raja Israel who was one of the first Christian chiefs on the southern shore of Lake Toba (chief of the *marga* Sinaga from Urat on the east coast of Lake Toba, whom Nommensen befriended). He is not dressed in traditional style, but still wears his golden earrings and carries a sword under his left arm. The raja from Silindung (no. 52), on the hand, has pierced earlobes but does not wear earrings anymore and does not carry a weapon. Both men wear jackets and a kind of cap instead of the traditional head cloth.



ILLUSTRATION 51 Portrait of Raja Israel from Balige (1890). SOURCE: KITLV, NO. 12142. COLL. A. BIERENS DE HAAN



ILLUSTRATION 52 Portrait of a Christian raja from Silindung. SOURCE: KITLV, NO. 12143. COLL. A. BIERENS DE HAAN

CHAPTER 8

8.3 Enforcing Virginity

The missionaries had serious misgivings about "questions of dishonourable relationships" (*ehrlose Verhältnisse*), mentioned as a problem as early as 1867. What was actually meant by "dishonourable relationships" or "gross immorality" (*grosse Unsittlichheit*)—a favourite term in the missionary literature of the time—often remained obscure. An example is the following picturesque description of Batak nightlife by missionary A. Bruch:

[When] at last solemn silence has enveloped the village, one still hears the monotonous sound of the *andalu* or rice pounder ringing through the clear, silent moonlit night. The diligent Batak woman or also her just-asdiligent daughter is still busy with her arduous work hulling the rice for the next day. Regrettably, for the mother as well as for the daughter, this is often an hour of temptation to sin against the sixth commandment, as youngsters and widowers who are too poor to buy a wife make use of the opportunity to engage in indecency, which unfortunately festers in the marrow of the pagan Batak people like a terrible pestilence.³⁶

This description confuses pre- and extra-marital sex, but the two forms of "indecent" conduct were in practice the subject of different policies. Here I focus on the missionaries' strategies to suppress premarital sexual intercourse.

The missionaries, wanting to forestall sexual intercourse between young people, forbade "frivolous" courting (*martandang*) by young men in 1885.³⁷ A suitor could court a girl in the house where she slept with other girls only after he had proposed to her father through the mediation of a *guru* or a church elder. They also tried to discourage young people having sex before marriage through the CBLS.³⁸ If a man had slept with a girl and the girl subsequently had walked over to his house (the custom known as *maiturun* or *mahiempe*), he had to pay a penalty of one *tail* of gold if he married her. But if he refused to do so, he had to pay half of the brideprice considered appropriate for the girl to the rajas. On the other hand, if he had not violated the girl's honour and her father agreed to the marriage, no fine needed to be paid and the usual

³⁶ Bruch 1912:51. Bruch worked on the island of Samosir, where the Mission entered as late as the 1890s, and the description is probably based on his observations there.

³⁷ UEM, KP Sipirok 1885:3. Apparently, this prohibition had already been in force for some time unofficially, but in this year, a formal prohibition was issued.

³⁸ Compare article 11 and 12 of the 1885 CBLs. The redaction of the articles was not revised in the 1892 CBLs. A *tail* (Batak) or *tahil* (Malay) was a gold weight, worth 16 *duit*, or 25 *ringgit* (Warneck 1977:248).

negotiations on marriage payments would follow. In other words, the missionaries made a distinction between *maiturun/ mahiempe* with and without the loss of a girl's virginity.

Church disciplinary measures were also put in place to deter young lovers from giving in to their sexual desires: they had to stand at the church door for four subsequent Sundays, if found out.³⁹ On refusal to comply with this public humiliation, they were not allowed to take part in the Lord's Supper, held four times a year, if they were not expelled from the congregation altogether. As a matter of course, they were denied the Christian blessing for their marriage, implying that their union was regarded as "illegal" (*Wilder Ehe*) from the point of view of the congregation.⁴⁰ This also meant that later on they could not have their children baptized.

Despite these harsh sanctions, some excommunicated couples still continued to attend the Sunday Service and expressed the desire for re-admission as church members—or, if that could not be granted, at least the baptism of their children. Missionary A. Mohri, who had pity on these couples, asked his colleagues in 1890 whether he could grant such requests, but they rejected his proposal.⁴¹ Several years later, in 1897, missionary Metzler again advocated a more lenient policy, which was then accepted. The children of offending couples could be baptized, but only after their parents had confessed their sin in front of the church elders and the rajas, paid the penalty stipulated in the 1892 CBLs, and offered a ritual meal to the community for their offence.⁴² This was hardly a more benevolent policy, but at least it offered a way out for the parents and kept them within the fold of the Christian community.⁴³ The harsh sanctions for wayward couples went hand in hand with a reward for virtuous couples: they could wear "an adornment" at the marriage service in church.⁴⁴

The measures to foster virtuous behaviour were apparently quite successful in Silindung by the end of the nineteenth century. In Toba, however, young people still often engaged in premarital sex, which shocked the young missionaries stationed there in the 1880s and 1890s.⁴⁵ J. Warneck, for example,

³⁹ UEM, F/b 1,2 КР Sipirok 1885:3.

⁴⁰ Not necessarily from the point of view of the Toba Batak themselves, if the traditional wedding ceremony and transfer of marriage payments had taken place.

⁴¹ UEM, F/b 1,3 KP 1890:21.

⁴² It is noteworthy that the Batak Mission also demanded a fine, which was mainly a sanction imposed through the CBLS.

⁴³ UEM, F/b 2 Ref. Metzler 1897:6.

⁴⁴ Church Ordinance 1881, article 9. The kind of adornment was not specified.

⁴⁵ UEM, F/b 1,3 KP 1895: 116. According to the older missionaries, they had not faced a similar problem in Silindung in the past, because parents in Silindung had always more strictly supervised the behaviour of their daughters than parents in Toba did.

although appalled by the "bottomless" immorality in Toba, tried to be realistic about it. One should not judge the young Christians too harshly, he argued, because they still lived in the midst of pagans who did not regard sexual relations outside marriage as sinful.⁴⁶ *Missionsinspektor* A. Schreiner evaluated the situation in 1899 quite positively. Although loose morals had not yet been rooted out completely, he observed a real improvement, even amongst the Batak who had only recently registered for baptism. He was optimistic about the positive influence of the missionary sisters who had started girls' schools in Tarutung (Silindung) and Laguboti (Toba): their pupils impressed him as very pleasant and modest.⁴⁷ Much less benign was the opinion of his successor J. Warneck in 1920 upon his return after fourteen years of absence, who was overall a more judgemental person than Schreiner. Wryly he remarked that nothing much had changed in the "old national shortcomings" (*alten Nationalfehlen*), including immodesty.⁴⁸

The question thus remains to what extent the Christian flock adopted the imposed norm of chastity. After all, it conflicted with the old custom of finding out whether a couple was compatible (*rongkap*), of which a girl's pregnancy was regarded as proof. And it is likely that the flesh was still often weaker than the mind.

8.4 Free Will as a Condition for Marriage

One of the Christian tenets held in high esteem by the missionaries was the free will to marry. Following the European marriage formula, bride and groom had to express their consent to the marriage verbally when they married in church. Apparently, the missionaries were pessimistic about whether this would be a sufficient safeguard against forced marriages, because article 6 of the 1885 CBLs stipulated: "no girl is to be married to a man she does not want". The same article also included a punishment for the man who married a woman against her will: he had to pay a fine of thirty *pilaarmatten* to the rajas. Missionaries

⁴⁶ Warneck even remarked that "marriage was not that far removed from free love of the social democratic state of the future", probably referring to promiscuous behaviour (Warneck 1894a:9.12).

⁴⁷ A. Schreiber 1899:106. Schreiber had worked as a missionary in Sipirok in the 1860s, returning in 1876 and 1899 as *Missionsinspektor*, so he was in a good position to observe social change.

⁴⁸ Warneck 1920:36. The other shortcomings he mentioned were the tendency to quarrel, bring disputes to court, and gambling.

also wanted to prevent the suicide of a girl because of a forced marriage. To deter a man from marrying a girl who disliked him, he was denied the refund of the brideprice if she committed suicide.⁴⁹ These two stipulations were left out of the 1892 revision for unknown reasons.

Another strategy of the missionaries to prevent forced marriages was to raise the age of marriage. The reasoning behind this was that a father could not so easily force his daughter to marry against her wish, because being older she already had a mind of her own and had learned in school and in the confirmation classes that she had the right to choose her own spouse.⁵⁰ Already in 1874, a "certain maturity" (*bestimmte Reife*) was therefore stipulated as a condition to marry, followed in 1881 by an exact minimum age requirement for marriage: eighteen for a girl and twenty for a boy (Church Ordinance of 1881, article 8.2). Even compared to European standards at the time, this age requirement was exceptionally high.⁵¹ As might have been expected, many Christian parents ignored this minimum age for marriage. In 1892 it was lowered to sixteen for girls and eighteen for boys.⁵² This still left a gap of one to two years between the Confirmation and the time parents could marry off a daughter. At first this proved difficult, but by the end of the century they generally respected the new norm.⁵³

The repertoire of the Batak Mission's strategies against forced marriage also included discouragement of the traditionally accepted custom of the abduction of a girl (*mangabing*). The missionaries were against the custom not only because a girl could be abducted against her will and forced to marry, but also because she was usually deflowered after the abduction. They fully endorsed the heavy fine imposed on the abductor already common according to Toba Batak customary law, but only if he had abducted the girl against her wish. In that case he had to pay half the brideprice the girl was expected to fetch, while

⁴⁹ Draft CBLs 1883, article 3 and 1885 CBLs, articles 6 and 7.

⁵⁰ UEM, F/d 2,1 Ref. Volkmann 1893:20.

⁵¹ Missionary Volkmann pointed out that this minimum age requirement was very difficult to apply in Batak society: the social conditions conducive to postponing marriage in Germany—girls had the opportunity to work in a factory, learn a trade or take a job as a maid after they had left school—did not exist (UEM, F/d 2,1, Ref. Volkmann 1893:20).

^{52 1892} CBLS, article 6. It is possible that the colonial government advocated the lowering of the minimum age for marriage so that it would be in conformity with the Dutch regulation on the subject.

⁵³ *Missionsinspekto*r Schreiber (1899:72) wrote that most girls married shortly after their sixteenth birthday.

only a fifth if the girl agreed to marry him.⁵⁴ Taking into account that a couple could have resorted to abduction as a way to put pressure on their parents to agree with their marriage, the missionaries apparently did not want to press for the criminalization of abduction.

As demonstrated by all these regulations, the Batak Mission had the earnest intention to implant the free will to marry as a new norm and to work towards the eradication of forced marriage. But they were also troubled by a dilemma: should a couple marry without the consent of their parents? This would overrule the fifth commandment: honour thy father and mother. Article 3 of the Church Ordinance of 1881 gave a categorical answer: "without the consent of the parents, or if no parents are alive, the closest relatives, no marriage can be concluded". In 1885 the Sipirok district conference formulated an even stricter rule:

[If] a girl runs off to a young man to marry him without the consent of her parent, she will be turned out of the house without further ado; if she resists, with force.⁵⁵

A few years later missionary Volkmann challenged this policy, arguing that marriages which had come about in this way (by *maiturun/mahiempe*) were, in his experience, more peaceful and caused fewer problems than arranged marriages, because the husband and wife truly loved each other.⁵⁶ He suggested that a couple desiring to marry without parental consent should never take action without engaging a third person who could give testimony on their chastity. In 1897, missionary W. Metzler followed up on this idea, suggesting that that third party could very well be a *guru* or church elder, who could provide refuge to the couple and vouch for the chastity of the girl. The church dignitary could give the couple the wedding blessing and bring the parents together to start the negotiation on the marriage payments.⁵⁷ Couples could thus overcome parental disagreement with their marriage without having to resort to the customary ways.

⁵⁴ Draft CBLS 1883, article 10, 1885 CBLS, article 10, 1892 CBLS, article 8. It is noteworthy that the article on abduction in the CBLS draft 1883 (article 10) made no mention of the girl's consent or rejection of the abductor, reflecting the old adat which did not recognize her as a person in her own right.

⁵⁵ UEM, F/b 1,2 KP 1885, Sipirok:2. The Batak text probably used the word *parboru* for 'parent'.

⁵⁶ UEM, F/d 2,1 Ref. Volkmann 1893:10.

⁵⁷ UEM, F/d 2,1 Ref. Metzler [1897]: 6.

Gradually the traditional customs of abduction and *maiturun/mahiempe* were replaced in Christian communities with the newly created option of elopement with cooperation of church dignitaries, a practice that became known as *mangalua*. Therefore there was no longer any need for lenience towards abduction. The 1913 revision of the CBLs (article 8) outlawed it by imposing a fine of fifteen guilders on not only the abductor, but also his sweetheart if she had cooperated with him. This was something new, because customary law had never held a girl legally responsible for her behaviour, which reflected her traditional status as a legal minor.⁵⁸ Abduction against the will of a girl was criminalized: a man found guilty of this offence had to go to prison.

Their support for marriages out of love also implied that the missionaries had no mercy on a stubborn father who obstructed the marriage of his daughter by refusing the brideprice. According to the 1885 CBLs (article 9) and its revision in 1892 (article 7), the rajas and a church dignitary could then marry her nonetheless, after the missionary had investigated the case and judged her father's objection unfounded. The 1913 revision transferred this role to the rajas, as the upholders of the CBLs, but left to the parish the task of accepting and keeping the brideprice until the father had come around. However, couples had to wait until the girl had reached the exceptionally advanced age of twenty-five before they could make use of this option. It is unlikely that many couples had the patience to wait that long.

All the regulations discussed above were meant to restrict the room of fathers as well as daughters to impose their will on the other, and to compel both to make a greater effort to come to a mutual agreement. Were girls, because of this, less often forced to marry than in the past? Apparently some girls realised they had a better bargaining position. One girl, when asked by missionary Volkmann in 1891 in front of the congregation whether she wanted to take a man referred to as N.N. for her husband, answered with a determined "No". As a matter of course, the missionary called off the marriage.⁵⁹

⁵⁸ The Commission for Adat Law wondered who had to pay the fine imposed on the girl, assuming that she had no possessions of her own: her father could hardly be expected to pay for something she had done against his will (*Adatrecht* 1915;6). This reasoning is not correct: it was the traditional responsibility of a *parboru* or *paranak* to pay fines for any unlawful act of his child, whether a son or daughter (see for example article 15 of the 1883 draft CBLs and article 36 of the 1885 CBLs on theft by a woman). Moreover, girls sometimes had a rice field of their own or earned cash by weaving and therefore might have a little money.

⁵⁹ UEM, F/d 2,1 Ref. Volkmann 1891:36.

8.5 Crusade against Polygamy

Polygamy was another problematic issue for the Batak Mission. Although viewing the practice as utterly objectionable, the missionaries nevertheless assumed a lenient stance, at least initially. Missionary A. Mohri justified this in 1874 as follows:

[Polygamy] is a custom of all peoples, among one more established than among another. As it is tolerated in the Old Testament, we may allow it here as well. Immediate abolition would make the entrance of the Word here very difficult; all the more because the man who sends away one of his wives risks endangering his own life.⁶⁰

These considerations formed the background for the policy regarding polygamy and bigamy that would remain in vigour during the next decades. A polygamous man could become a Christian, with or without his wives, but only if he already had more than one wife prior to his registration for confirmation class. If he married again while still in confirmation class, baptism was denied to him. If he married another woman after his baptism, the death knell was rung immediately after the local missionary or Batak church leader was informed of it—a policy abolished in 1897, because it was considered cruel and lacking educational value.⁶¹ On the next Sunday, the missionary excommunicated the culprit in front of the entire congregation and declared the man a pagan and a "publican" (*Zölnner*, a Biblical term for a sinner).⁶² A polygamous Christian who had lost one of his wives was prohibited to marry another one to replace the deceased spouse.⁶³ The missionary also had to make sure that the groom was not yet married before the couple could be wed in church.⁶⁴ The obligatory announcement of the wedding (*martingting*) on three, later two, consecutive

⁶⁰ UEM, F/b 1,1 KP 1874:127. What is meant here is that to return a wife without a proper reason for divorce could induce her family to take up arms against the husband.

 $^{61 \}qquad \text{UEM, F/b 1,3 KP 1897:199. Although prohibited after 1897, some congregations revived the practice later, for which reason the Batak Mission reinforced its prohibition in 1920 (UEM, KP F/b 1,7 1920:56).$

⁶² ием, F/b 1,1 кр 1869:78; ием, F/d 2,1 Ref. Metzler 1897:4.

⁶³ UEM, F/b 1,1 КР 1874:127.

⁶⁴ The Church Ordinance of 1881 stipulated: "it must be established for a fact that neither of the bridal couple is engaged in a marriage still standing" (UEM, F/b 1,1 Gottesdienstord-nung VIII. article 11).

Sundays was introduced as a safeguard, as it gave the Christian congregation the opportunity to report any objections to a marriage.⁶⁵

The Christian By-laws were used as an instrument to deter Christian men from taking a second wife as well. Aware that not a year passed without having to excommunicate several Christian men for bigamy, the missionaries managed to convince the Christian rajas that very strong measures were called for.⁶⁶ Article 13 of the 1883 draft of the CBLs read:

If an already married man marries a Christian widow or takes another woman as his second wife, he has to pay a fine of thirty dollars and the woman is denied to him. If notwithstanding he persists, the woman should be returned to her relatives, even if she has sons $[\dots]$.⁶⁷

This article violated several Toba Batak customs and sensibilities. First, it contravened the previously unencumbered right of Toba Batak men to marry multiple wives. Second, a man was fined for something that was not considered a crime according to traditional customary law. Moreover, the thirty-dollar fine was very high indeed, even higher than the fines for adultery and the abduction of a betrothed girl, for which offences the penalty was set at twenty-four dollars (1883 draft CBLs, articles 14 and 16). Third, the stipulation forbade a married Christian man to marry the widow of his patrikin in levirate, which was the usual practice in Batak society. Fourth, a man had to send a second wife back to her family, which was entirely unacceptable in Toba Batak eyes if she had given him sons. To make matters worse for the bigamist, article 13 of the 1885 CBLs stipulated that he had to forego the refund of the brideprice after he had sent her back.⁶⁸ The 1885 Christian By-laws (article 26) imposed an even harsher sanction on a Christian who took a baptized girl for his second wife: he risked the very severe sentence of one year of forced labour. This sanction did not reappear in the 1892 revision of the By-laws: perhaps the colonial government, on the request of the rajas, withheld its endorsement.

Despite all these regulations and church disciplinary measures, not all Christian married men were deterred from marrying again. Some cunningly

^{65 1885} CBLS (article 4) still required announcement at three consecutive Sundays, while the 1892 revision (article 4) required only two times.

⁶⁶ UEM, F/b 1,1 КР 1883:336.

⁶⁷ The redaction of the 1885 CBLs was the same. This by-law indicates the custom of the levirate as the most frequent reason for bigamy.

⁶⁸ This article even stated that after the death of the bigamist his heir could not claim the refund.

exploited the regulation on the admission of a bigamist into the congregation provided his marriages were contracted prior to his conversion. They married a second wife, had themselves excommunicated, and then unscrupulously registered again for admission in the congregation. The missionaries could not stomach such deviousness and denied them re-admission unless they divorced the second wife.⁶⁹ There were also witty Christian men who argued with the missionary that polygamy was apparently a custom among the Israelites, according to the Old Testament; so why were they not allowed to marry more than one wife?⁷⁰ This argument was difficult to counter, but Volkmann had an answer: he pointed out that the disharmony in the household of Jacob and his two wives, Sarah and Hagar, and King Solomon's relapse into paganism and idolatry were sufficient proof of God's disapproval of bigamy.⁷¹

The reasons why Toba Batak men continued to take another wife were lack of male offspring and their obligation to marry the widow of their brother or more distant patrikin. Some missionaries felt that it was not fair to hold this against these men. Missionary Metzler, for example, told his colleagues in 1897 that several men in his congregation had remarried with the consent of their first wife, because all their children had died or they had remained childless.⁷² He confessed that he had not had the heart to excommunicate them, as they had been faithful Christians. He had even continued to give them the Lord's Supper, although not with the other parishioners, but in private. When they showed remorse, his heart had melted and he had readmitted them as members of the congregation. Metzler also protested against the prohibition forbidding a polygamous man to take another wife after his conversion if one of his wives died. He recalled the predicament of a man in his congregation who had lost his younger wife while their children were still young. His first wife, who had grown-up sons and daughters and with whom he had had no sexual relations for twelve years, refused to take care of her motherless stepchildren. According to the missionary, the man in question had therefore no other choice than to marry again with a woman who was willing to bring up the children. His plea to allow a man to take another wife under these circumstances was heard, and an exception to the prohibition of bigamy was granted.73

⁶⁹ UEM, F/b 1,1 КР 1873: 122–3.

⁷⁰ Warneck (1912b:80) recorded that one of the first Christian converts, Kenan Hutabarat, justified his taking a second wife with this argument and was excommunicated.

⁷¹ UEM, F/d 2,1 Ref. Volkmann 1893:19–20.

⁷² UEM, F/d 2,1 Ref. Metzler 1897:6.

⁷³ UEM, F/b 2,1 Ref. Metzler 1897:4–6.

The cases put forward by Metzler demonstrate yet again how attached Christians had become to their new religion. Even though excommunicated for bigamy, they did not return to the old faith but continued to regard themselves as Christians, went to church regularly, and led an otherwise unblemished life. One excommunicated couple even turned to the missionary conference in 1890 with the request that their children be baptized. The missionaries, unsure how to respond to this, asked the RMG board for advice. The board replied that one should have compassion with such couples and that the missionaries should by no means withhold their children baptism. The missionaries were also willing to grant a Christian bigamist a Christian funeral if he confessed his sin on his deathbed.

It is noteworthy that the policy towards the wives of a bigamist was more lenient than towards the husband. A first wife was not always excommunicated together with her husband, even though she had cooperated with his remarriage. She remained a member of the congregation but was not allowed to take part in the Holy Supper. A second wife from a pagan family who wanted to convert was accepted.

Examining the missionaries' policies in the nineteenth century, one can conclude that they did not enforce the prohibition of polygamy and bigamy very strictly. This changed after the 1900s, probably due to pressure from the international community of missionary societies that convened in Edinburg in 1907.⁷⁴ On this occasion it was decided that bigamy should be forbidden under all circumstances, a decision accepted by the RMG mother organization of the Batak Mission. The 1913 revision of the Christian By-laws (article 22) showed no leniency and maintained the fine on bigamy, set at thirty Dutch guilders, the new currency in the region. It also explicitly stated the illegitimacy of the second marriage. The harsh sanction of the 1885 CBLs of a year of forced labour for continued cohabitation with a second wife was reintroduced, specifying that her husband had to return her to her family and accept the loss of the entire brideprice if she had no children and half if she did.⁷⁵

The CBLs' stipulations against polygamy were not very effective. Missionary A. Lombeck remarked bitterly in 1910 that when the rajas enforced the CBLs regulations on bigamy, they only did so to pocket the fine.⁷⁶ Nor was the

⁷⁴ KITLV, Adatrechtstichting H 1051, 80 II, [Vergouwen] to Resident, 16-7-1928; Resident to Vergouwen, 26-7-1928.

⁷⁵ Footnote of the Commission for Adat Law: "This does not tally with the original adat, according to which the idea that a son may receive the brideprice for his own mother is considered highly offensive" (Adatrecht 1915:6).

⁷⁶ UEM, F/d 2,1 Ref. Lombeck 1910:16.

instrument of excommunication effective: Christian men continued to marry more than one wife until the end of the colonial period. How to counter bigamy was thus an issue that continued to haunt the Batak Mission.⁷⁷

8.6 Divorce: Pragmatism Overruling Dogmatic Constraints

Divorce was another knotty problem for the Batak Mission: the Scripture allowed for divorce only in the case of adultery. Adultery was rare, however, because Batak customary law treated adultery as a crime committed by the man involved, the *pangalangkup*, and was punishable by death or the imposition of heavy fines.⁷⁸ More frequently, the grounds for divorce were mutual consent or dislike of the husband for his wife (*magigi*).

It was the wretched marriage of one their own *guru*, a certain Simon, which induced the missionaries to deviate from their dogmatic principle, because the quarrels he had with his wife upset the congregation of Bungabondar.⁷⁹ In 1872 the missionary conference discussed the implications of his case on general policy:

It was admitted that cases could occur which could compel one to allow divorce based on other grounds [than adultery], to preserve the souls. Such grounds could be wilful desertion and unrelenting repugnance, but in the second case, the divorce should proceed only after a temporary separation of one year and repeated attempts at reconciliation.⁸⁰

Missionary A. Schreiber defended this policy in a letter addressed to the RMG board. He added that, with the exception of England, all Christian states allowed for other grounds for divorce than adultery and that "one should not set a higher norm for our young Christians than is in force even amongst Christian Peoples".⁸¹ Thus, practical concerns prevailed over religious dogma.

⁷⁷ Chapter 12, Section 12.4.

⁷⁸ Nommensen reported a case of *anggi ni langkup* (using the term 'adulterer' for the *pan-galangkup*), sexual intercourse with a betrothed girl, for which the rajas convicted the offender with a penalty of two cows, one for the purification of the girl, the other for the rajas (KIT, Batak instituut doss. 36, C 46:5).

⁷⁹ UEM, F/b 1,1, KP 1871:120. Simon was temporarily suspended as a church elder and the couple denied participation in the Holy Supper.

⁸⁰ uem, F/b 1,1, kp 1872:101.

⁸¹ UEM, F/b 1,1, KP 1872: 104–5. Letter from Inspektor A. Schreiber to RMG board.

A pragmatic approach remained the overall guideline for the Batak Mission's policy throughout the period, despite occasional objections of individual missionaries.⁸²

This does not imply that the missionaries made it easy for Batak couples to obtain a divorce. They did their utmost to prevent it, soliciting the assistance of pastors, teacher/preachers (*guru*), church elders, and Christian rajas in their attempts to reconcile husband and wife. They also made use of church disciplinary measures to convey the message that divorce was anathema: for example, a divorced *guru* or church elder was usually relieved from his office.⁸³ Men and women who were divorced had to sit separately during the Sunday service and were prohibited from taking part in the Holy Supper.⁸⁴ They were accepted again as regular church members only after a long period and after they had repented. If a husband wilfully deserted his wife and married another woman, he was excommunicated.⁸⁵ Moreover, divorced people could not marry in church if they remarried. This policy was mitigated later: from 1897 onward, the innocent party's second marriage could receive the blessing from a church elder; from 1904 he or she could marry in church (Müller 1916:16).

The Christian By-laws were used to make it more difficult for a man to divorce his wife and easier for her to obtain one. The missionaries objected to the comparative ease with which a man could divorce his wife by sending her back to her family while still enjoying the right to claim the return of the complete brideprice. If he repudiated his wife wilfully (*magigi*), he should feel it in his pocket. In the 1883 draft, the share of the brideprice he could claim was set at a mere fifth; but—probably because the rajas thought this portion was too low—in the 1885 and 1892 CBLs it was set at half.⁸⁶ Also disadvantageous for the husband was the additional stipulation that he could claim the refund

⁸² Missionary Volkmann thought all regulations allowing divorce on grounds other than adultery should be withdrawn (*einfach gestrichen*) (UEM, F/d 2,1 Ref. Volkmann 1893:19). Missionary Brakensiek, on the other hand, after a lengthy discussion of relevant Biblical texts and taking into account that in Western societies the laws on divorce were in disorder, concluded only that it was difficult to take an unambiguous position in the matter (UEM F/b 2, Ref. Brakensiek 1911:8–11).

⁸³ Rheinische Missions Zeitschrift 1899:76; 1890:176.

⁸⁴ UEM, F/b 1,1, KP 1878:163. At this missionary conference, missionary Simoneit was given to understand that he should not chase out of the church those who had 'gone astray'.

⁸⁵ *Rheinische Missionszeitschrift* 9(1890)37, 40; 10(1891)42.

^{86 1885} CBLS, article 16; 1892 CBLS, article 15. The other half of the brideprice was not for the parboru, but was a fine to be paid to the rajas for the offence against the public order.

only after his wife had remarried. In other words, if she did not remarry, he had nothing to claim. This stipulation indirectly protected older women who were childless or had only daughters against repudiation, because they could not be expected to marry again. The 1913 revision of the CBLs (article 15) went even further, denying the husband any refund. He also had to pay his divorced wife three guilders a month until the separation was settled in court.

The CBLs also tried to thwart desertion of the wife. She was given the right to demand a divorce if her spouse had left her for longer than a year without giving notice of his whereabouts or contributing to her upkeep.⁸⁷ This was a very important stipulation, in particular for young women who had not yet born children. In the absence of the husband, they could not become pregnant and therefore their position in the family-in-law usually became awkward and she would start worrying about her future. The option of a divorce made it possible for these women to sue their husband for a divorce and remarry. To discourage a man from wandering and leaving his wife uncared for, the CBLs stipulated that he could claim refund of only a third of the brideprice, again only after his former wife had remarried. If he had left with her permission, however, these rules were not applicable (1913 CBLs, article 17). This addition reflected the increased tendency of Toba Batak men to migrate to the east coast of Sumatra after the turn of the century in search of arable land or to work in the plantations or other economic sectors there.⁸⁸ The same article also included the obligation of a husband to send for his wife if he planned to stay away for a long period, in order to prevent him from leaving her behind forever.

The Christian By-laws also dealt with cases of wilful desertion by the wife (*mahilolong*). According to customary law, a wife had no right to ask her husband for a divorce. She could only leave him, in which case her family, according to customary rule, had to return the brideprice twice over. In all the versions of the CBLs, this portion was reduced to the original brideprice increased by half, but only if the wife had originally consented to marry her husband.⁸⁹ If she had been forced to marry, he had to be content with the refund of the brideprice only. It was also stipulated that rajas were obliged to investigate the

^{87 1885} CBLs, article 21; 1892 CBLs, article 18.

⁸⁸ In 1911 the Batak Mission was so worried about the departure of many poor Christians that they wanted to propose that the government start irrigation works to forestall it (UEM, F/b 1,5. KP 1911: 107). According to Tichelman (1936:400–1) it was mainly members of in-living marga (*parripe*) who migrated, because their rights to land were less firm compared to persons who belonged to the ruling *marga* in an area.

^{89 1883} draft CBLs, 1885 CBLs article 20; 1892 CBLs article 17; 1913 CBLs article 19.

reasons for the wife's dislike of her husband.⁹⁰ This stipulation was probably included because the missionaries and rajas were aware that a husband could make life so difficult for his wife that she saw no other way out of her predicament than leaving him.⁹¹

The earlier CBLS also mirror the missionaries' compassion for a first wife who refused to live with a co-wife. The 1885 By-laws stated explicitly that if a married man took another wife, his first wife could count herself a widow (*na mabalu*), implying that she was free to marry someone else after she returned to her family.⁹² This stipulation was in flagrant conflict with Toba Batak customary law, which denied a wife the right of divorce on the grounds of her husband's bigamy. Probably for this reason, the 1892 CBLS (article 24) treated bigamy of the husband as a case of dislike for his first wife (*magigi*), with the consequences described above for the settlement of the divorce. In the 1913 CBLS, bigamy as grounds for divorce remained unregulated, perhaps because the missionaries and rajas, who by that time were no longer close, could not agree on this point.⁹³

Apparently the missionaries had to accept—*contre coeur*—several grounds for divorce that the Toba Batak regarded normal: prolonged illness, mental disorder, and physical defect, including a defect leading to infertility.⁹⁴ In their view, marriage was meant for a lifetime, for better or for worse, and even a marriage without offspring should be no reason for divorce. Nonetheless, faced with the reality that men often repudiated a wife if there were no children, they allowed for a divorce, but only if the wife gave her consent.⁹⁵ The more complex situation of a couple which had only daughters—in practice also a reason for a man to separate from his wife—was left unregulated, most likely because the missionaries and rajas could not reach consensus on this point either.

⁹⁰ This was the stipulation in the 1883 draft of the CBLS (article 7), but the 1885 draft limited this to cases in which the girl forced to marry had committed suicide (see above). Curiously, the 1892 and 1913 CBLS incorporated no explicit stipulation for this case.

⁹¹ This was often the case, see Chapter 5, Section 5.3.

^{92 1885} CBLS, article 27. The term *na mabalu* means 'the widowed one', used for a widow as well as a widower, Warneck (1907:26).

⁹³ The right of a wife to divorce if her husband took a second wife resurfaced in the 1920s. (Chapter 13, Section 13.5).

^{94 1885} CBLs, article 23; 1892 CBLs, article 20; 1913 CBLS, article 19. If the husband had known of his wife's illness or physical defect before marriage, he lost the brideprice if he sent her back to her family. The 1913 CBLs included an addition: if the man had not been informed of this, he could reclaim the brideprice if he wanted to divorce her.

^{95 1885} CBLs, article 28; 1892 CBLs, article 25, 1913 CBLs, article 23. In fact, this was consistent with the customary practice of divorce based on mutual consent (Chapter 4, Section 4.5).

The stipulation in the 1885 CBLS on adultery, on the other hand, indicates that the rajas made some concessions to the missionaries' views. For this serious offence, both a married man and a married woman (as well the partner in crime) were held responsible.⁹⁶ The penalty was a fine of twenty-four dollars, which both the adulterous man and woman had to pay.⁹⁷ This regulation significantly deviated from customary law, which stipulated a punishment only for a man who had slept with a married woman. According to the missionaries, however, the rajas serving as judges should mete out punishment to an unfaithful wife as well. It is noteworthy that the new regulation also included punishment of an unfaithful husband, whereas according to custom his unfaithfulness was not regarded a serious crime if he had slept with a woman who was not betrothed or provided he married her.⁹⁸

A stipulation on adultery was not incorporated in the 1892 CBLS, because the colonial administration considered adultery a criminal offence, to be adjudicated under the relevant article of the Dutch Criminal Code. Somehow, it slipped into the 1913 revision again (article 14), which stipulated the very harsh sentence of one year of forced labour (unchained) for adultery. The court would deal with adultery, however, only if the aggrieved party pressed charges, something a Batak wife was very unlikely to do. The same article also left room for the traditional way of dealing with the offence by way of an amicable settlement. A bridegiver (*parboru*) could pay the aggrieved husband compensation if he was willing to keep his unfaithful wife. But if the husband insisted on a divorce, his wife's *parboru* had to refund the brideprice. The punishment for an adulterous husband was the loss of the restitution of the brideprice: he even had to give his wife's *parboru* the portion not yet paid at the time of his marriage. An additional regulation concerned the prohibition of marriage between the unfaithful party and the person with whom he or she had bedded.⁹⁹

⁹⁶ Interesting is the Batak term used for adultery: 'taking the wrong path' (*morlangka pilit*), also used for youngsters who had engaged in premarital sex. This indicates that there was no specific term for adultery in Batak legal vocabulary.

^{97 1883} draft CBLS, article 14; 1885 CBLS, article 33. The Batak text of the 1885 CBLS also uses the term *morlangka pilit*, translated in German as 'whoring' (*Hurerei*) and in the Dutch version as 'adultery' (*overspel*). The article detailed who had to pay the fine: her family or the woman herself.

⁹⁸ If the woman was betrothed or married he was of course guilty of *langkup* (see for an explanation of this Batak legal term Chapter 5, Section 5.2.).

⁹⁹ The Commission for Adat Law (Adatrecht 1915:10) commented on this article: "How is it possible that such a stipulation can be included in a regulation which, as is evident from the signature, stems from the Ephorus of the Rhenish Mission and has been signed as *viseed* by the Resident of Tapanoeli?" This remark demonstrates that the commission was not yet well-informed about Toba Batak customary law at the time.

Overall, the CBLs reflect the Batak Mission's intentions to limit divorce on the instigation of the husband by making divorce financially unattractive for men, while simultaneously enlarging the options for a wife to sue a husband for divorce, a right she previously did not have. In all the latter cases, the portion of the brideprice her family had to refund to her husband was set at a lower level than the customary rule. The Batak Mission presumably expected that this would make the family more willing to take back a divorced daughter, sister, or aunt.

It is remarkable that the Batak Mission did not issue any regulation with regard to the division of matrimonial property and the right of custody of the children after a divorce. Whether there were missionaries who felt it was unjust that Batak women were denied these rights is unclear: no objections against this state of affairs were voiced in their reports. Perhaps they accepted that enlarging women's rights in these respects was not negotiable with the rajas?

In the absence of sources on lawsuits, it is impossible to say much about the implementation of the CBLs in cases of divorce in the period 1885–1913. The Christian norms underlying the Bylaws, however, were gradually adopted by the Christian community, as one may see in lawsuits dating from the 1920s and 1930s, described in Chapter 12.

8.7 'Alleviation' of the Plight of Widows

According to Toba Batak custom, widows should be married in levirate by a close kinsman of the husband. The missionaries, however, strongly disapproved of this custom, partly because it ran counter to some of their principles and partly for practical reasons. It appeared to the missionaries that the Toba Batak viewed widows as no more than a purchased item passed on as part of the inheritance to the next of her deceased husband's (male) kin, "together with his cows and horses", as missionary Van Asselt once bluntly put it (Van Asselt 1906:13; Henny 1869:20). They also objected to the fact that due to the levirate, not a few Toba Batak men became bigamists.¹⁰⁰ Second, to the missionaries' dismay, a widow was sometimes forced by her husband's kin to marry the male relative of her husband with the support of her own bridegiver (*parboru*). The missionaries were also not in favour of levirate marriages because these were often unstable, in particular if there was a large age

¹⁰⁰ UEM, F/b 2,1 Ref. Landgrebe 1904: 8/292.

difference between husband and wife. Missionary Nommensen reported in 1875 an incident about a young man who had succeeded in persuading his Christian widowed aunt to marry him, but later turned her out of the house while keeping the property of her deceased husband and her two daughters to himself. The missionary justified withholding his support for her because upon her remarriage she had left the Christian congregation and had become a pagan again.¹⁰¹ Missionary Metzler also recalled three cases of levirate marriages between a young man and an older widow in his congregation, which had all ended in divorce.¹⁰² Levirate marriages between a young widow and a much older widower were also usually problematic: the widow often eloped with a younger man.

Missionary policy did not forbid levirate marriage outright. As long as the man who wanted to take the widow in levirate was unmarried or widowed, and the widow herself agreed to the marriage, the missionaries had no objections. They supported the regulation that a young widow with small children should be married off to a man of her husband's *marga* within a year and a half after her husband's death—but to make sure that she consented to the marriage, a church elder had to confirm this.¹⁰³ The Church Ordinance explicitly forbade remarriage of a widow in only two cases: if the new husband was the widow's father in-law or if he was her stepson.¹⁰⁴ If a man violated the relevant stipulation, he would be excommunicated. The main reason for these prohibitions was the feeling on the part of the missionaries that such marriages were inappropriate. For the Batak, however, these marriages were perfectly acceptable and convenient; and, probably for that reason, no regulation outlawing such unions was included in the CBLS.

A Christian widow who faced the demand of her late husband's kin to marry someone she did not like could count on the support of the missionary, even more so if the candidate was not a Christian.¹⁰⁵ The missionaries also

105 The first case that came to their attention was probably that of a Christian widow who refused to marry her husband's brother, in 1868 (UEM F/b 1,1 KP 1868:73, article 4).

¹⁰¹ Letter by Nommensen, 5-7-1875, pp. 4–6, KIT, Batak instituut, doss 36, C 38. The story ended with a "deserved" punishment: the young man died in a cholera epidemic after he confessed his misdeed.

¹⁰² UEM, F/b 2,1 Ref. Metzler 1897:7. One young man left his wife, another married a non-Christian woman and had to be excommunicated, and the third died.

^{103 1883} draft of the CBLs, article 18.

¹⁰⁴ Church Ordinance 1881, VIII, article 13. The prohibition on a marriage between a man and his widowed stepmother actually already dated from 1868, when baptism was denied to a man if he did not divorce her first (UEM, F/b 1,1 KP 1868:73, article 3).

supported Christian widows who preferred to marry a distant kinsman of the husband over a closer one. $^{106}\,$

Although the desire to protect the widow's right to choose her new spouse and to foster marital stability inspired the Batak Mission's policy on the issue of levirate, its overall effect on the welfare of widows and their children was pernicious. The prohibition of polygamy significantly reduced a widow's chances of remarrying, because a married Christian relative of the husband could not take her in levirate. As a result, widows often faced the bleak prospect of having to fend for themselves and their children. Apparently, many widows were not willing to forego the social and economic security of a marriage in levirate: the missionary conference proceedings of 1882 reported that several young widows had done their utmost to persuade Christian relatives of their husband to take them as their second wife.¹⁰⁷ The relatives succumbed to the pressure because they felt obliged to take care of the widow and her children. The conference decided to impose a fine of fifty guilders on these men, while the widows had to pay twenty-five. The couples were excommunicated as well, but not forbidden to attend the Sunday service.¹⁰⁸

Although the missionary sources remain silent on the subject, the missionaries must have been aware of the negative side effects of their anti-polygamy policy on the welfare of widows and children. They tried to mitigate these effects by ensuring as best as they could the widow's right to the usufruct of her husband's inheritance. The first Church Ordinance of 1866 already ruled that the Christian congregation would manage the estate of a deceased Christian for his widow and children.¹⁰⁹ The purpose of this regulation was certainly to prevent the pagan heir of the husband from taking away the inheritance of a Christian widow who had no son. This regulation was incorporated in the CBLs, thereby implicitly curbing the traditional authority of a husband's heir (*uaris*) to manage the estate of the deceased man.¹¹⁰

¹⁰⁶ Draft CBLS 1883; 1885 CBLS, article 13; 1892 CBLS, article 11; and 1913 CBLS, article 10. These stipulations also confirmed the custom that the widow had to be separated from her husband's kin group before remarriage, stipulating that the latter was entitled to four-fifths of the brideprice received for her, the other fifth going to the rajas. The widow was thus placed under the authority of the rajas, a so-called *boru ni raja*. Nearly fifty years later, Vergouwen ([1933] 1964:194) wrote that this custom had as good as disappeared.

¹⁰⁷ UEM, F/b 1,1 КР 1882:288.

¹⁰⁸ UEM, F/b 2,1 Ref. Metzler 1897:6–7.

¹⁰⁹ Letter by Nommensen, 5-7-1875, КІТ, archive Batak instituut, doss. 36, C 38, pp. 4–6.; Hutauruk 1980:115.

¹¹⁰ Except for the 1883 draft CBLs, which stated this explicitly in article 18. This article mentioned only the obligation of the heir or guardian to give the widow who had remarried

Of course, the missionaries observed over time that widows without children or only daughters were most vulnerable to being left destitute by the heir of her husband's estate. In 1884, they asked the rajas how these women and children should be provided for, but the rajas declined to regulate this. A few church elders, on the other hand, promised to let a childless widow keep a rice field yielding twenty sacks of rice until she died or remarried, and property up to a value of one hundred Spanish dollars. A widow with daughters could keep half of the inheritance, which would revolve to the husband's heir if she remarried.¹¹¹ Apparently the rajas found this too generous, because the 1885 and 1892 CBLs reduced the entitlement of a childless widow to a rice field yielding twenty-five sacks of rice per year and property of the same value.¹¹² Because this regulation did not differentiate between widows with few and many daughters, the 1913 CBLs increased the number of sacks of rice to forty and goods up to a value of 150 guilders if the widow had more than two daughters.

The rights of a widow with under-age sons were the subject of regulation as well, probably because the missionaries wanted to prevent a greedy guardian from usurping the inheritance if the sons were still too young to manage the estate of their deceased father.¹¹³ Their mother could keep all the rice fields of her husband, as well as the house. Nonetheless, the rajas and church elders were to monitor the widow's management of movable property such as horses, cattle, and money, probably to forestall the widow transferring goods to her family of origin, selling the property, or using the money for her own pleasure.¹¹⁴

All these detailed provisions for widows and their children ooze distrust. The missionaries had indeed little faith in the willingness of Toba Batak men to behave decently towards widows of a deceased relative and her children. Evidently they did not entirely trust the rajas either, because the 1913 CBLs (article 25) stated that they should protect widows in cooperation with the church elders or the missionary.

The plight of widows under the new Christian regime did not escape the attention of Toba Batak leading figures. *Guru* Somalaing, a famous *datu* and

a rice field to feed her small children before the children returned to their father's family (article 18).

¹¹¹ UEM, F/b 1,1 КР Balige 1884:389.

^{112 1885} CBLs (article 30) left her property up to the value of 100 Spanish dollars; 1892 (article 27), 100 *pilaarmatten*; 1913 CBLs, article 26, 120 guilders.

^{113 1885} CBLs, article 31; 1892 CBLs, article 28; 1913 CBLs, article 27.

¹¹⁴ The inclination of a wife to help out her own family was not uncommon. The 1885 CBLs (article 36) held a stipulation forbidding her to do so.

initially a staunch supporter of Singamangaraja XII, founded a millenarian movement called Parhudamdam in 1890. One of the reasons he mentioned for starting the movement was the social disruption the Batak Mission had caused by contravening the levirate.¹¹⁵

8.8 Inheritance Rights for Daughters

The missionaries believed that the "low position" of Toba Batak women was due partly to their lack of inheritance rights. Therefore they did their very best to convince the rajas that a daughter should be given at least a portion of her father's inheritance. In 1885, at the District Synod in Sipirok, the missionaries raised the issue. A lengthy discussion followed on the pro's and con's and ended with a fragile consensus that daughters were not entitled to inherit houses, rice barns, or rice fields, but they could be given movable goods. However, they could claim these only after their youngest brother had married.¹¹⁶ This proposal was not far removed from the custom of allocating something to a daughter after the inheritance had been divided among sons and a sum had been set aside to pay for the wife of unmarried brothers. Surprisingly, the 1885 CBLs (article 32) and 1892 CBLs (article 29) were more generous: daughters had the right to one third of their father's estate. The 1913 CBLs included a separate stipulation on the portion of the inheritance for girls who had no brother. They were entitled to half of the inheritance, the other half going to the heir if he was a relative of their father in the second degree; if he was a relative in the third degree, the daughters received two third and so forth.¹¹⁷

Missionary Brakensiek's ideas about equal inheritance rights for sons and daughters have been discussed in the previous chapter. Although endorsing his proposal in principle, the RMG board in Germany did not expect much of it. The board even went as far as advising the Batak Mission in 1911 against the plan to request the government of the Netherlands Indies to enforce

¹¹⁵ Hirosue (1994: 338) writes that Guru Somalaing complained of the abolition of the levirate. Actually, the levirate was never prohibited as such. The other reason Guru Somalaing gave in his testimony in 1896 was that the power of Batak chiefs had been inflated under colonial rule and that those who were selected for office had become more oppressive towards their subordinates and the lower chiefs.

¹¹⁶ UEM, F/b 1,2 КР Sipirok 1885:3–4 (& 8).

^{117 1913} CBLs, article 28. This article also detailed what would happen with the estate if a man died without relatives and specified that debts had to be redeemed jointly by the heirs according to the share they received.

inheritance rights for Toba Batak women. Instead, the board suggested that Nommensen, being the Superintendent of the Batak Mission, propose to the Governor-General that a Christian father could make a will if he wanted to leave part of his estate to his daughters.¹¹⁸ This request never received a conclusive answer.¹¹⁹

8.9 The Process of Negotiation: Give and Take

The development of the Batak Mission's policies between 1866 and 1913 to transform customary Toba Batak marriage shows that the missionaries remained faithful to the religious dogmas and other principles they believed in, and tried to introduce the Christian practices common in their home country. At the same time, a review of their policies clearly reveals their limited power to impose the changes they had in mind on the Toba Batak rajas and the members of the Christian congregations. Often they were pragmatically obliged to water down their initial demands, and even sacrificed not a few of their convictions, for the sake of conversion as well as to promote growth and harmony in the Christian congregations.

The Church Ordinance and church disciplinary measures were the instruments the missionaries had at their disposal to gain control over the conduct of their parishioners. The new Christians, however, torn between old interests and obligations on the one hand and new demands on the other, did not always choose to abide by these rules. This pushed the missionaries to enforce church discipline. But because these parishioners often wanted to remain Christian, the missionaries acquiesced if their desire was genuine and they repented. Formal and informal policies on the implementation of church discipline were thus adjusted to the circumstances, because the missionaries did not expect their converts to be exemplary Christians. They realized that unfortunate circumstances might compel otherwise faithful Christians to behave less than perfectly. The most creative, albeit unorthodox, example of adjustment was the gradually introduced hierarchy in the blessing of marriages. But sympathy and compassion were not the only or not even the primary reasons for the adjustments. A vital interest of the Batak Mission was at stake: the missionaries needed to keep less-than-perfect Christians within the fold of the Christian community. This was important, considering that the Christians still lived in

¹¹⁸ UEM, F/b 1,5 Letter of Barmen Board 31-5-1911: 405.

¹¹⁹ Chapter 10, Section 10.1.

a predominantly pagan environment. It would have tarnished the Batak Mission's image if many Christians returned to the old faith, which they already did often enough.

With regard to new customs and values that did not go against the grain of custom or were compatible with it, the Batak Mission used another strategy: these were grafted onto existing traditional practices. The first example of this is the Confirmation of young people, which served the usual purpose of recognising them as full members of the congregation, but also of suppressing the traditional introduction into nubility, the tooth-filing ritual. Around the turn of the century, Christian parents already started to abstain from this ceremony. The Confirmation was also used as an instrument to raise the age of marriage, which helped ensure that girls could decide whom they wanted to marry. The other example is the consecration of marriage in church. This was attached to the customary marriage with exchange of marriage payments, an arrangement perfectly consistent with the missionaries' concept of separation between church and state. The missionaries even preferred that the customary wedding took place before the church wedding, to avoid the possibility that a conflict between the bridegiving and bridetaking parties over the marriage payments would defile the Christian wedding's solemnity.¹²⁰

The Batak Mission's principle that people should marry of their own free will, however, could not be brought into line with custom if parents withheld their support. Seeing no other way to uphold this principle, the missionaries introduced a new way of getting married: by elopement with the blessing of a *guru (mangalua)*. Young Christian couples found the new option attractive because in this way they avoided the church disciplinary measures (and fines stipulated in the CBLS) that were imposed if they resorted to abduction or 'walking up'. As a result, the traditional ways of forcing a marriage on parents became less common. Another effect was that church-sanctioned marriage by elopement came to challenge customary marriage as the sole way to contract marriage; it also undermined the role of the rajas in legitimizing marriage. The Batak Mission thus created a gap between customary and Christian marriage, which caused legal disputes in a later period.¹²¹

The limited power of the missionaries to impose their own objectives and values is more discernable in the matters addressed in the Christian Bylaws than in the Church Ordinance and other church regulations. The CBLS

^{120 1881} Church Ordinance VIII, article 4: "The civil custom must be met satisfactorily, so that afterwards no dispute arises on the purchase price".

¹²¹ See Chapter 11, Section 11.2.

demonstrate not only a general adjustment to the legal concepts of Toba Batak customary law but also the use of the strategy mentioned above: grafting new laws on existing ones, with more or less significant revisions. Also illustrative of the missionaries' lack of coercive power are social problems that were not regulated through the CBLs. The outright prohibition of forced marriage was already dropped in 1885; it remained only in the Church Ordinance. The only stipulations in the CBLs supporting the free will to marry were those on the minimum age for marriage and the restriction of the authority of a bridegiver (parboru) to obstruct a marriage of a daughter after she had reached the age of twenty-five-a rather ridiculous stipulation, since an unmarried woman of twenty-five was considered an old maid. But, remarkably, no effort was made to outlaw betrothal or marriage because of indebtedness, which reduced to virtually nothing a girl's freedom to marry whom she wanted. The 1885 CBLs (article 39 and 40) stated only that if a daughter was burdened with a debt, a Christian *guru* should make a written contract that included the promise of the creditor not to increase the debt.¹²² This was a minor improvement, as it made it easier for her parents to redeem the debt; but it left the practice intact. Were the missionaries reluctant to pursue the abolition of the practice because the rajas, who stood to gain from indebting others, refused to support a stricter regulation? Or did they expect the government to deal with this problem as part of their anti-slavery policy? To a limited extent, the government took action by issuing a decree in 1886 that debts incurred through gambling were not claimable.¹²³ The missionaries also did not press for the criminal prosecution of a *parboru* who had forced his daughter into a marriage with suicide as the result.¹²⁴

It is also noteworthy that the missionaries went quite far in making concessions to Toba Batak grounds for divorce such as incurable illness and physical deformity of a wife, albeit only on the condition that her husband had no knowledge of his wife's defect prior to marriage. Although they did not agree

¹²² See for examples of such contracts: KITLV, Adatrechtstichting H 1051 82, Verlovingscontract tussen de ouders, 13-10-1913; D.A. No. 10; Geldleening met de toekomstige bruidschat eener dochter als zekerheid, 28-9-1928; D.A. No. 11.

¹²³ Besluit 1912:65. This decree also stated that permission from the Controller was required to hold a gambling party and that permission was granted only if one gambled with cash.

¹²⁴ Only the 1885 CBLs imposed a fine on a man who married a girl who did not want him, even though of course her bridegiver (*parboru*) was auxiliary to this. Incidentally, neither did the colonial government in later years contemplate criminal prosecution of a *parboru* for this, even though cases of young women committing suicide because of forced marriages were reported each year.

to these grounds in principle, the missionaries most likely gave in because they could not prevent divorces for these reasons. The stipulation on grounds for divorce also made no explicit mention of barrenness, which certainly was a reason for divorce for the Toba Batak, but not an acceptable one for the missionaries. This issue thus remained unregulated, presumably because the missionaries and rajas could not agree on this point. This was also the case with the right of women to obtain a divorce if the husband took a second wife, which appeared only in the 1883 draft of the CBLs, but was left out of its later versions.

Both parties could agree more easily on stipulations meant to protect women against wilful repudiation by the husband (*magigi*) and desertion, the latter being introduced as the sole grounds on which a woman could request a divorce. It was hoped that reducing the part of the brideprice the husband could claim, and the stipulation that he could receive the refund only after his former wife had married again, would achieve this protection. Why did the rajas consent to this? Perhaps it had already been the practice that if a husband was at fault, the judges ordered him to be satisfied with whatever restitution the *parboru* of his wife could manage.

On one point the missionaries evidently put their foot down. They imposed a very heavy penalty of thirty dollars for a Christian-turned-bigamist, incorporated in the CBLs, which nonetheless included a condition: he had to pay the fine only if the girl he married was already baptized or the widow was already a member of the Christian congregation. It is not credible that the missionaries were satisfied with this, so these restrictions must have been included on the instigation of the rajas. The missionaries, realizing that they depended on the rajas for the success of their missionary work, must have known that it would be extremely foolish to push them further on this sensitive issue. Eventually the stipulation would become a dead letter for reasons explained in the next chapter.

An issue perhaps even more sensitive was inheritance rights for daughters. The rajas categorically refused this, and nothing of the sort became part of the CBLs. The rajas accepted that half a portion be given to a daughter or daughters only if they had no brothers. This was an important concession of the rajas to the missionaries, because the regulation impinged on the rights of the *uaris*, a significant deviation of customary law. This regulation, however, also would not become customary. In contrast, it was easier to come to a mutual understanding on the sustenance of widows and their daughters, a problem ironically created by the Batak Mission's policy forbidding polygamy. Even though a married *uaris* could no longer marry the widow in levirate, the rajas probably conceded that he was still obliged to allot the widow and her children enough to live on.

In sum, the CBLs as a new set of customary laws for Christians were the outcome of a tense process of negotiation between missionaries and Christian rajas. They reflect what principles were most dear to each of the parties, on which they were not prepared to compromise. On other points, they struck a balance, which resulted in stipulations that retained the principles of customary law but watered down its implications. In this tug-of-war, the missionaries were in the less favourable position, because they needed the rajas. The rajas thus made fewer concessions, knowing that in the end they could decide as they pleased in case of dispute, because they had the authority to administer justice.

Its relative lack of power *vis à vis* the rajas on whom the Batak Mission depended for the success of their policy of mass conversion, explains why it did not make exceptionally high demands on its converts, was often lenient in the implementation of its prohibitions on undesirable behaviour, and was willing to make concessions with regard to the Christian By-laws.¹²⁵

8.10 The Toba Batak Rajas' Reasons for Cooperation

The CBLs were just as much a product of the Christian rajas as they were of the missionaries. A small committee consisting of Nommensen, other missionaries, and a few Christian rajas had started the draft in 1879. The rajas selected by the missionaries were surely those whom they trusted most. Raja Pontas Obaja, being Nommensen's most trusted ally and a rising star among his peers in Silindung, must have been one of them. The influence of these Christian rajas in the circle of their peers in Silindung probably increased after the military campaigns in 1878 and 1883 against the Singamangaraja.

The change in the balance of power in the wider region may very well have been a decisive reason why the convened rajas of Silindung endorsed the

¹²⁵ The criticism of the Catholic Aster (1959:23–4) is therefore not justified. He accused the Batak Mission of blindness to existing conditions, "little suppleness and patience" and even "lack of humor and humanity". But it is probably true that the Catholic Mission had to adopt a more lenient stance in some matters to lure away the Batak Mission's converts when they started working in Tapanuli from the 1920s onwards. The Batak Mission was definitely more lenient than, for example, the Dutch Reformed Missionary Society (*Nederlands Zendingsgenootschap*) working among the Sa'adan Toraja (Waterson: 101–6), the Salvation Army among the To Baku (Aragon 2000:109–24), and the Mission of the Dutch Reformed Churches (*Zending der Gereformeerde Kerken* in Nederland) in Sumba (Keanes 2007:8). These missionary societies enforced stricter rules and perhaps for that reason did not make mass conversions during the colonial period.

Christian By-laws in 1885. It is likely that they gave their support because they assumed that the CBLs embodied a change of their adat desired not only by the Batak Mission but by the colonial government as well. This consideration was opportune, because the colonial government had started to search for rajas that might be suitable for the newly created offices at district and subdistrict level, of *jaihutan* and *raja paidua*; the first appointments followed in 1886.

Moreover, it must have been difficult for the rajas to make a distinction between the colonial government and the Batak Mission, because they had operated jointly in the conquest of Toba. The fact that the Governor of Sumatra issued a decree in 1892 endorsing the CBLs must have confirmed the rajas' impression that the colonial actors were two of a kind. They probably also gave their consent because the CBLs preserved their authority to administer justice, and the administration of justice was an important source of their income. Perhaps they viewed the CBLs as having the advantage that the fines for all offences were fixed; perhaps they expected that this might even secure them a higher and more reliable income than they had been able to negotiate in former days when the high and mighty could easily circumvent their mediation.

Conducive to their acceptance was also that the Christian By-laws left most of the principles of Toba Batak customary law intact in terms of concepts, contents, and practices. Marriage based on exchange of marriage payments remained the principle enshrined in the CBLs. Maintained also were concepts such as *sirang* (the severance of an alliance between families established by a betrothal or marriage), the differentiation between *magigi* and *mahilolong* (aversion of the husband or wife for the spouse), and *langkup* (the violation of the rights of a *parboru* or husband vested in a woman by another man). The customary heavy fines for adultery, rape, and attempted rape (*morlangka pilit*) found the Batak Mission's support as well.¹²⁶ The various ways to conclude a marriage—by arrangement or on the initiative of the bride (*maiturun/mahiempe*) or the groom (*mangabing*)—were initially also maintained. Moreover, on important points the CBLs confirmed Toba Batak ideas about criminal offences: adultery, rape, and attempted rape remained offences for which high fines were charged. Thus, for the rajas, the Christian By-laws were not entirely

¹²⁶ Article 34 of the 1885 CBLs stipulated the punishments for rape and indecent assault. The death sentence was stipulated for a rapist if the woman died in the aftermath. The fine for rape of a girl was 80 *pilaarmatten*, for an adult woman sixty. The fine for indecent assault was 20 *pilaarmatten*. These fines closely reflect the norms described in *Patik* (1898). These stipulations were omitted in the CBLs that followed, because after 1886, these criminal offences were adjudicated according to the Criminal Code.

alien, because the stipulations were phrased in Batak legal vocabulary and most of these were grafted onto existing customary law.

Nevertheless, the rajas who accepted the CBLs must have been divided about their contents. Some Christian rajas exposed to the influence of the missionaries for a longer time perhaps wholeheartedly supported the changes introduced, considering these a reflection of the new values they had internalised, and were willing to implement the CBLs. The realists amongst them probably did not expect the CBLs to change society overnight, but hoped the new laws would take root in due time. Others may have considered the new stipulations of the CBLs not compatible with their own values, may have felt awkward about the erosion of the authority of the bridegiver (*parboru*) and the heir (*uaris*), or resented the influence allocated to church dignitaries such as elders and teacher/preachers. Yet they, too, pronounced their agreement with the 1885 CBLs. Perhaps they acquiesced out of a desire to align themselves with the new powers they expected would dictate the future: the Batak Mission and the colonial administration. Adopting a laissez-faire or 'wait and see' attitude may have seemed the most prudent stance for the time being.

Moreover, in the majority of cases they still could administer justice according to traditional customary law, because the CBLs applied only to disputes between Christians and between Christian and non-Christians. As is shown in the next chapter, the difference in attitude within the group of rajas eventually influenced the implementation of the CBLs after 1885.

8.11 Christian Modernity and Toba Batak Marriage

Why did the Batak Mission make such an arduous and drawn-out effort to transform Toba Batak marriage customs and customary matrimonial law? The answer lies with the vision of the Batak Mission about the Christian society they wished to build and the primacy of marriage in Toba Batak society.

Like other missionary societies working among non-Christians, the Batak Mission presented the Toba Batak with a vision of the salvation of their individual souls. Keane (2007:5–6) explains what this vision entailed. It involved the individual's liberation from an oppressive ancestral order: the (presumed) fear of the ancestors and actual fear of harmful spirits; the "irrationality" of communicating with ancestral spirits through spirit mediums and offerings; the need to hold expensive rituals addressed to these spirits and other forces of nature, and so forth. The path that would lead the individual out of this ancestral order and into salvation would begin with the transformation of the inner self, taking one's personal destiny into one's own hands, including

the responsibility for one's thoughts and actions. The vision of progress presented by Christian missionary societies was not restricted to conversion, but often went hand in hand with the promise of a modest rise of the standard of living through education and health care. But progress was to be achieved above all through human emancipation and self-mastery. Keane has presented the Christian mission to elevate the individual to the status of a "true human agent" as the "moral narrative of modernity". This moral impetus of Christianity needed anchoring in every day practices, such as learning the Creed and catechism, baptism and Confession, attending regular church services and school, praying, singing hymns, and Christian marriage. These practices made up the universal toolkit of missionaries around the world, introduced regardless of the social context where they worked.

The trouble was of course that the reactions of converts to these practices were determined by their beliefs as well as the religious and other practices they were used to. Although they accepted Christian routines as part of their new life, they had more difficulty with some of these than with others. On the point of ancestral worship, the Mission left them no choice: they had to abstain from it.¹²⁷ Foregoing the labour force of their children when sent to school was onerous, but once it became clear that educated sons had new options for paid work, Christian parents came to appreciate education. Complying with the many demands with regard to conditions for marriage and domestic life was very different, in particular in societies where customs and norms deviated considerably from those imported by the missionaries.

This was the situation faced by the Batak Mission in Sumatra. Originating from a Western society with a bilinear kinship system, the missionaries entered a patrilineal society where the rights and entitlements of men and women related to marriage were arranged very differently. Moreover, it was a society where these rights and entitlements were firmly enshrined in an elaborate set of unwritten customary laws, implemented by chiefs who were well versed in these laws. The missionaries soon grasped that the usual regulations for a Christian community, such as a church ordinance and church disciplinary measures, would never be sufficient to transform Toba Batak marriage.

¹²⁷ Transgression of the prohibition to attend pagan ceremonies was considered a serious matter by the Batak Mission. This is illustrated by a case adjudicated by several pastors, *guru*, church elders, and rajas. They found the wife of a teacher guilty of the offence, for which reason he risked being fired. Supported by his father, an elder, he threatened to divorce her. She promised to abstain from giving further offence to save her marriage and the job of her husband (Dorps- en kerkelijk tuchtrecht: 1936).

The core difference between the missionaries' perception of relations within marriage and the Batak views entailed the legal position of women. In the Christian perception, there is clear demarcation between that which has agency—God, Jesus Christ, human individuals—and material things, which have not. Toba Batak marriage by exchange of women and goods did not fit this dichotomy neatly. Those concluding a marriage were men, and they exchanged women and goods. Men appeared to the missionaries as the persons acting as 'human agents', whereas women were denied that agency and could therefore only be equated with the second category, the category of 'things'. This led to the missionaries' misinterpretation of Toba Batak customary marriage as primarily an economic transaction.

For the Toba Batak, on the other hand, the dichotomy between human agents and things was an alien concept.¹²⁸ They viewed men as one category of agents and women as another. Women's agency was restricted to assisting men of their clan to forge and maintain marital alliances. Nevertheless, their conduct was crucial, because they could determine which marital alliance was contracted through their choice of marriage partner, and they could force the severance of an alliance upon their family, albeit not without negative consequences for themselves. Objects (marriage payments) were thought of as not only having material value, but also possessing agency in a ritual context: the exchange confirmed or severed the relationship between a bridegiving and bridetaking group.

This difference of perceiving and understanding the agency of men, women, and goods was at the heart of the strained discourse between the missionaries and the rajas on the brideprice, discussed in the previous chapter, as well as the 'tug-of-war' described in this one. The Toba Batak rajas had rejected the abolition of the brideprice, which forced the Batak Mission to look for other ways to construct Toba Batak women as full agents on a par with men. To ensure a woman's potential as a human agent, the missionaries used every strategy they could contrive. Inspired by the Western perception that individuals had to be disentangled from oppressive traditional social bonds standing in the way of exercising one's personal freedom, they tried to enlarge the freedom of a daughter to marry, on the one hand, and to curtail the *parboru*'s rights over a daughter, on the other. They also set out to curtail a husband's rights over his wife when it came to divorce, and the rights of his male next of kin over his widow and daughters if he had died without male offspring.

¹²⁸ I follow Keane (2007:203–8) on "material values" and "the spirit of the thing". Keane, however, does not mention the different construction of men and women's agency.

The concept of human agency also implied that an individual should take responsibility for his or her actions. According to Toba Batak customary law, the bridegiver (*parboru*) had to take responsibility for his daughter's actions. If she broke off her engagement, he had to pay the fine; if she thieved, he had to pay the penalty for it; if she forced a divorce on him, he had to return to bride-price twice over. Only if a third party—for example, in the case of seduction or adultery—violated his authority, did the seducer (*pamolamola*) or adulterer (*pangalangkup*) bear the brunt of the punishment. In these latter cases, it was yet again a man who was held responsible for an act in which the woman—in the missionaries' view—was implicated as full agent, too. Therefore, a woman should be punished for her actions if she engaged in sex before marriage or had committed adultery.

The Batak Mission wanted to anchor Christian morality in the individual man and woman. Because their missionizing strategy was based on the mass conversion of clans, which implied relatively easy entrance of the individual convert, another instrument was called for to measure the sincerity of faith of the individual convert. The prescriptions for Christian marriage were hard to follow, because the demands on the individual Christian man and woman to prove his or her sincerity of belief were so many. Men had to allow their daughters more freedom in the selection of their husband; they had to abstain from taking a second wife or more wives; and they had to forsake the advantages of taking the widow of patrikin in levirate while accepting the new responsibility of taking care of them properly. Young men could no longer wilfully abduct the girl of their choice. Girls had to maintain their virginity, limiting their option to force a marriage upon their parents and those of their lovers. Wives without sons could no longer find their husbands a new wife, and widows had to forego the social security the levirate offered them. Not all Christian men and women were prepared to make these personal sacrifices.

Thus the Batak Mission's intense occupation with Toba Batak marriage customs and customary matrimonial law reflected their need for a more reliable litmus test for the religious sincerity of the individual Toba Batak convert than offered by any of the other practices they introduced.

Shifting Alliances, Revised Strategies (1892–1913)

How did the close relationship between the Batak Mission, the Christian rajas in Silindung, and the colonial government develop after the Singamangaraja and his allies in Toba were defeated in the 1880s? At first the prospect seemed positive: in 1892 the regional administration endorsed the Christian By-laws (CBLs) that had been formulated by the Christian rajas and the missionaries in 1886, which meant that the CBLs would be implemented also in Toba. But soon afterwards, things fell apart. The different collective memories of the rajas in Silindung and Toba of their encounter with European intrusion, and the increasing power of the regional administration, played a role in this process of mutual alienation. The growing influence of a long drawn-out debate about the legal position of Indonesian Christians at higher levels of the colonial state in the Netherlands and Batavia also influenced these relationships. These developments are described in the first three sections of this chapter.

During the period under discussion, the missionaries gradually realized that their power to lobby for the Christianizing of Toba Batak customary law was slipping out of their hands (Section 9.4). They therefore changed gear and started developing alternative strategies to foster Christian marriage and family life: a revision of the 1881 Church Ordinance; the enlargement and strengthening of the nascent Christian elite; and a new line of missionary work focused on Batak women and girls. These strategies and the way the Toba Batak responded, in particular to the last two endeavours, follow in the next three sections.

The concluding section summarizes the shift in alliances between the different groups. This gives the appearance of a more diversified Toba Batak elite than in the past, consisting of the traditional group of rajas, a Christian elite of pastors (*pandita*) and teacher/preachers (*guru*), and a nascent bureaucratic group. I also explain why these groups did not crystallize into exclusive classes.

9.1 The Lax Implementation of the Christian By-Laws (1892–1913)

Certainly the Dutch colonial government's attitude towards us is in general friendly, and we cannot be grateful enough for that, in particular when we consider the attitude of other colonial governments towards the Protestant missions. [However], as far as the Christian By-laws are concerned, their implementation is in part still very inadequate, in particular in Toba. It is, though, not least the fault of the chiefs, who do not stand up for these. But it should also be said that individual Dutch officials are hardly concerned about the implementation of these [regulations] which have been authorized at a higher level. If chiefs and officials are failing, their effectuation is impossible.¹

The unsatisfactory implementation of the 1892 CBLs throughout the 1890s and first years of the twentieth century was a recurrent subject of discussion at the yearly missionary synods.² But what could the Batak Mission do to ensure the CBLs' implementation? Not much. The synod of 1895 decided to send a request to the Assistant Resident of Tapanuli to bring the matter to his attention. The missionaries also tried to work on the rajas' conscience in private, reminding them of their duty to see to the observance of the CBLs.³ It is clear from the quote above that the situation in Toba was considered particularly deplorable. The missionaries' repeated complaints induced the board of their mother organization, the Rheinische Missionsgesellschaft (RMG) in Germany to remark soothingly that there was no reason for despair, because in Silindung, too, it had taken a long time for the courts to implement the CBLs.

In 1897 missionary Pilgram, who was stationed in Balige, Toba, sent a letter to the RGM board in Barmen with his analysis of why the CBLs were not upheld.⁴ In his view, the problem lay with both the Christian and non-Christian chiefs. The latter "gloated" when they succeeded handling cases involving Christians without regard to the CBLs, considering it "a triumph" over Christianity. Moreover, the rajas were corrupt, more often defending the rich and powerful than the poor and weak. The support of the Christian chiefs was not forthcoming because they lacked the courage to speak up: if they did so, they "risked rebuke and ridicule" by the other rajas. Pilgram also mentioned that the rajas—both Christian and non-Christian—found they had little to gain by enforcing the CBLs. The result of this state of affairs was that in none of the cases involving Christians in his mission's district did the courts administer justice according to the CBLs.

¹ UEM, F/b 1,3 кр 1895:116.

² uem, F/b 1,3 kp 1893:83; 1894:114; 1896:172; 1902: 2–3.

³ UEM, F/b 1,3 КР 1893 Laguboti, 51.

⁴ Jahresbericht 1897/8 im April zu Balige, Missliche Zustände und Beschwerdeschrift an den General Gouverneur, KIT, Batakinstituut doss 36, C 112. Pilgram also pointed a finger at Controller P.A.L.E. van Dijk, whom he accused of doing nothing against the open bribery of the rajas at the marketplace. I do not know whether this letter was actually sent to the Governor-General.

The overruling reason for not upholding the CBLs was probably one not mentioned by Pilgram: several of its stipulations made it difficult for the rajas to fulfil their customary role in the contracting of marriages. The CBLs prohibited first marriages when the bride or groom had not yet reached the required age, one of them had not yet been confirmed, or the pagan groom had refused to learn the Creed. Christian men and women who had been excommunicated because they had not preserved their chastity, or were divorced due to their fault, were also denied a church wedding, as well as men who wanted to take a second wife. The rajas thus faced a dilemma if any of these people wanted to marry and their families desired the marital alliance but the missionary refused his cooperation. The village chiefs, including the Christians among them, must have felt it was their obligation to contract the marriage of these people nonetheless and therefore did not mete out the punishment stipulated in the CBLs to the parties concerned, who were often a member of their own patrilineage.

Moreover, it is possible that many rajas, including the Christian ones, had misgivings about the CBLs, because the introduction of Christian marriage indirectly eroded their own role in the contracting of marriage. The authority to grant or deny a couple a church wedding lay with the missionary, who also determined which church representative—the missionary, a Batak pastor, or a Batak *guru*—was appropriate to lead the ceremony. It is therefore plausible that the rajas perceived Christian marriage as an institution competing with customary marriage. The approval of Raja Saul, *jaihutan* of Onan Kasan of the blessing of a Christian couple in secret by the elder Samuel, referred to in the previous chapter, may have been an indirect protest against this infringement upon his authority.⁵

Pilgram's remarks certainly held some truth. He was probably right that some of the rajas, particularly in Toba, were not prepared to implement the CBLs simply out of spite. Many of them had suffered from the government's punishments for their support of the Singamangaraja in 1878 and 1883, and therefore they had no great love for the administration nor for the Batak Mission. Moreover, when in 1886 the colonial government started organizing the indigenous administration, not a few of them who had valid claims to the higher offices were passed over.⁶ The highest office bestowed on selected rajas

⁵ Chapter 8, Section 8.1.

⁶ An example is Raja Daud of Banua Rea, who had been baptized and supported the Mission in Silindung from the beginning, and who apostatized after he was passed over by the government for the highest office in the area. After missionary Johannsen threatened to expel his son, who was a student at the seminary, he repented and his people returned to the church in Banua Rea (Johanssen 1889:58).

was that of *jaihutan*, usually given to a raja of the ruling *marga* in the area. His second, the *raja paidua*, was reserved for a rival branch or influential in-living lineage (*marga boru*). For the traditional village chiefs, the *raja huta*, the title of *kepala kampong* was reserved, but not all *raja huta* were appointed to the office of *kepala kampong*, because there were just too many of them.⁷ Based on the advice of the Batak Mission about the most suitable candidate for a position, the government had sometimes favoured a Christian chief, even though a non-Christian candidate had the more legitimate claim (Castles 1972:36–9). Thus many non-Christian rajas had a very valid reason to bear a grudge not only against the government and Batak Mission, but also against their more fortunate Christian peers. The court where they still had influence was the arena where they could vent their discontent by withholding support for the CBLs. They could not only overrule the Christian rajas, who were in the minority, but also show the government that they still had the power and courage to thwart its regulations.

The rajas' lack of cooperation in enforcing the CBLs must also have been related to a shift in their perspective. Both the Christian and non-Christian rajas realized by the 1890s that the Batak Mission was not the sole foreign agent opening the door to a new and brighter future. The colonial government offered them a more promising opportunity than the Batak Mission to elevate their status *vis à vis* rival peers through offices in the indigenous administration. Moreover, after the Dutch organized higher and lower courts in 1886, they soon found that the local Controller often left it to them to settle disputes according to traditional adat law and did not insist on the observance of the CBLs.⁸ This must have come as a relief, even to some Christian rajas.

Pilgram's remark that not only the non-Christian rajas but the Christian ones as well felt that they had little to gain from the implementation of the CBLs was probably true, too. The standardized fines for many offenses in the CBLs were deliberately set lower than in Batak adat law—for example, in the case of divorce on the instigation of the wife. This implies that the shares

⁷ Schreiber 1900a:105. Controller D.W.N. de Boer (1916) has described the Toba Batak rajas' craving for office (*harajaon*) in a hilarious article. According to him, they regarded it "the most precious earthly good". De Boer counted for the sub-district Toba alone 36 *jaihutan* (and an additional 7 vacancies), 69 *raja paidua*, and 769 *kepala negeri* in 1915.

⁸ The organisation of the courts in the Batak lands was regulated by a decree (16 October 1886, no. xv) issued by the Governor of the West Coast of Sumatra. The lower courts (*rapat negeri* or *rapat hundulan*) were chaired by the *jaihutan* or his replacement and the village heads of the area (*hundulan*). There were five courts (*rapot bolon*) for appeal, or higher courts, in Bahal Batu, Silindung, Sipahutar, Pahae, and Pangaribuan (Besluit 1912: 63) and many lower courts (*rapat negri*).

of the rajas, which the plaintiff and/or accused had to pay, were probably also lower. Moreover, the fixed amount of many fees and penalties did not leave the rajas room for negotiation.

The CBLs' regulation on one particular point, polygamy, was probably another reason why the rajas resented the Batak Mission and resisted the implementation of the CBLs. For the pagan rajas, it touched upon one of their vital interests: by marrying multiple wives, they could sire many children, a common strategy to increase their wealth and status.⁹ Moreover, from their point of view, marrying a second wife was the right thing to do if a first marriage was barren or without male offspring; and they were not prepared to punish a man for that, even if he was a Christian. It is therefore not surprising that the 1902 missionary synod came to the wry conclusion that the CBLs had been entirely ineffective in suppressing the incidence of bigamy.¹⁰ The rajas must have been relieved that the colonial government made no effort to enforce monogamy or punish Christian bigamists.¹¹ The apostasy of Christian men marrying a second wife was also convenient, because this made it possible for the rajas to put the CBLs aside and deal with the case as if the bigamist were not a Christian.

Ignorance may also have been a reason for not upholding the CBLs. The rajas in Toba had only recently been exposed to Christianity and lacked knowledge about the background of the stipulations. Even though the CBLs were usually read aloud prior to court sessions involving Christians, they may not always have grasped their implications. Therefore they just adhered to the Batak customary laws with which they were familiar and administered justice accordingly.

Pilgram suggested four measures to ameliorate the situation, all of them addressed to the colonial government. First, the vote of the Controller should

See Chapter 4, Section 4.2 on the concept of a blessed life. The missionaries were aware that the rajas themselves often set 'a bad example' by taking a second wife (UEM, F/m 1; O. Stingel / Bungabondar 1907:79). Köhler (1914:345) reported that the missionaries targeted the rajas (*volkshoofden*) in their fight against polygamy, but left Toba Batak working for the government alone.

¹⁰ UEM, F/b 1,4 КР 1902:3.

¹¹ Apparently not all the rajas realized at first that the government did not intend to impose monogamy. After a Christian raja in Siahaan in Toba had been passed over by the government at the time of the distribution of offices (*harajaon*), he retaliated by marrying off his son—still a schoolboy—to two girls at the same time. Of course he only discredited himself in the eyes of the missionaries, but evidently he knew of no other way to express his dissatisfaction with the decision of the Dutch administration. Nommensen, who reported the incident, added dryly that the girls had of course long run off (Letter by Nommensen, 15-9-1897, KIT, Batak instituut, doss 36, no. C 111).

carry the same weight as the votes of all rajas combined, and the Batak Mission should send this request to the Governor-General of the Netherlands Indies. Apparently Pilgram still believed that the Controller would enforce the CBLs if he were ordered to do so. Second, only Christian rajas should adjudicate cases involving Christians. Third, the government should dismiss a Christian raja as a disciplinary measure if the Christian congregation had excommunicated him for personally violating the CBLs. Fourth, Pilgram was also in favour of instituting the Dutch Civil Code that had been introduced in 1861 in Minahasa, Ambon, Minangkabau, and Java, because he believed that it provided less ambiguous guidelines than the Batak customary laws, which "turn and twist like the clouds in the sky".

Pilgram's recommendations lacked a keen insight into the interests of Dutch colonial officials. It may have been that some local Controllers were simply unconcerned about the implementation of the Christian By-laws. One of these was the Controller in Balige, P.A.L.E. van Dijk, who was not a practicing Christian and lived in concubinage with an Indonesian housekeeper, for which reason, too, the missionaries disliked him.¹² But the missionaries' accusation was hardly fair, because Van Dijk was obliged to honour the colonial state's principle of religious neutrality, implying that he should not side with the Christian minority in the council of judges. Moreover, it was not in his interest to risk affronting the rajas, because he depended on their cooperation in other lines of his work. Pilgram's suggestion that the vote of the rajas and that of the Controller should count as equal was thus out of touch with government policy and the reality of the Controllers' working environment. His other recommendation, that the government dismiss excommunicated rajas, was not realistic either. It not only violated the same principle of religious neutrality; it would alienate the highest marga chiefs from the government in some areas.

Pilgram's idea that cases involving Toba Batak Christians should be adjudicated only by Christian rajas was also unrealistic. After all, many lawsuits involved Christian and pagan parties.¹³ It was out of the question that the non-Christian rajas would agree to a court consisting of only Christian judges to

¹² UEM, F/b 1,3 KP 1895:116. RMG Missionsinspektor A. Schreiber even sent a letter of complaint about Van Dijk's concubinage to the colonial government. In his reply, the Minister of Colonial Affairs, J.H. Bergsma, suggested that the Governor of the West Coast of Sumatra should see to it that no unmarried Controllers were placed in the Toba region (NA, Col., V 23-3-1896, 40: Letter Schreiber 25-2-1896, Letter Minister of Colonial Affairs, 23-3-1896, no. 40/779). However, the government continued to send officials living in concubinage to North Tapanuli (Chapter 10, Section 10.2).

¹³ The records on lawsuits of the 1920s and 1930s which I consulted show that this was far from exceptional.

deal with such cases. Moreover, the number of Christians was far too small to justify the introduction of a separate court for them. The introduction of the Dutch Civil Code for Christians, Pilgram's last suggestion, touched on a controversial issue discussed at the highest levels of the colonial government at the time. Pilgram probably knew of the ongoing debate on the legislation for Indonesian Christians (see below), but may not have grasped in which direction that debate was developing.

In hindsight, the Batak Mission's euphoria in the early 1880s, when the military campaigns had paved the way for the Batak Mission's entrance in Toba, proved premature. The fact that the rajas in Toba, in contrast to the rajas in Silindung, had not been under the influence of the missionaries for over two decades backfired on the implementation of the CBLS.

9.2 Unified and Codified Law for All Indonesian Christians? (1891–1913)

In the 1880s the question arose in the Netherlands whether the Dutch Civil Code and the European model for the administration of justice should be declared applicable to the indigenous population or part thereof. This had nothing to do with the situation of the Toba Batak Christians; it was born out of concern about the legal position of Christians in older Christian communities in the Minahasa, the Moluccas, and Java.¹⁴ In 1883 the Dutch Indies Mission Society (Nederlandsch-Indische Zendingsbond) called for the legal assimilation of Indonesian Christians with Europeans; but the government had rejected this, arguing that the number of Christians was too small to justify the measure (Koloniaal Verslag 1884:54; 1885:52-3). L.W.C. van den Berg, a former professor at the University of Delft in the department providing training for colonial civil servants and at the time employed at the Ministry of Colonial Affairs, revived the issue in 1890. He published an article in the influential periodical De Gids in which he painted the legal status of Indonesian Christians in the darkest colours, arguing that this was not in the interest of Christianity's progress in the colony (Fasseur 1992: 247; Van Randwijck 1981:265-6.). This shook the conscience of the politicians of the Christian parties in power at the time. Van den Berg's superior, the Minister of Colonies A. Mackay (1890-1891) vouched to see

¹⁴ The difficulties for Christians of these regions were the consequence of the introduction of Dutch Civil Code (Stbl. 1861 no. 38)—a much more 'European' set regulations than the CBLS—which ignored local customary matrimonial law and outlawed the custom of marriage payments. The results: many 'illegal' marriages, many children born out of wedlock, and illegal divorce (Prins 1949:6–11).

into the matter.¹⁵ In 1892, the Director of the Department of Justice in Batavia (J.W.A. Engelbrecht) requested the heads of administration of regions with significant native Christian populations to give their opinion on the subject. A.L. van Hasselt, Resident of Tapanuli, was one of them.

Van Hasselt took the trouble to consult the missionaries during the May Synod in Silindung that same year, and subsequently cautioned against the introduction of European private and commercial law for the Batak Christians. He gave three reasons. First, Batak customary law and the indigenous administration of justice were still intact and functioned well throughout the region. Second, he had seen for himself that the introduction of the Dutch Civil Code (adjusted to the situation in the archipelago) had worked out unsatisfactorily in the governorship of West Sumatra during his time of office there. Third, he also said that the Batak Mission was not in favour of changing the existing situation, fearing it might have a negative impact on the process of conversion.¹⁶ He obviously had sympathy for the Batak Mission's point of view, which he showed by endorsing the CBLs in 1892.

In July 1892 the new Minister of Colonial Affairs (W.K. Baron van Dedem van Vosbergen) considered the issue sufficiently important to install a state committee (*staatscommissie*) for the revision of private law in the Netherlands Indies, assigning it the task of producing a draft codification regulating the



ILLUSTRATION 53 A.L. van Hasselt, Resident Tapanuli, 1888–1893 (1877). SOURCE: TM, NO. 60003005

- 15 Letter from the Minister of Colonies to the Queen Widow, 's Gravenhage, 30-6-1891, Verbaal 30-6-1891, NA, Col., doos 4484 and Letter from Vice President of the *Raad van State*, signed by Van Reenen, to Koningin Weduwe, regentes, 's Gravenhage 28-7-1891, in v. 6-8-1891, doos 4494, 29. no. 13.
- 16 NA, Col., MR 776, Missive van Van Hasselt aan Gouv. Van Sumatra's Westkust, Padang, 23-3-1892, no. 1529 and MR 1083, Missive van de Gouverneur van Sumatra's Westkust O.M. de Munnick to the Director of the Department of Justice, Padang, 23-9-1892, no. 4948, in v 31-3-1900, no. 31, doos 5476.

legal condition of native Christians.¹⁷ After the recommendations of the heads of regional administration were compiled, the committee concluded three years later that it would be extremely difficult to draw up a satisfactory regulation applicable to all Christians in the archipelago. The "level of civilization" of the Christian communities in the various regions differed too much.¹⁸ The members of the committee could not even reach a consensus about which principles such a codification should be based on.¹⁹ In the following year, members of the Second Chamber of Parliament requested a draft bill, but Van Dedem's successor (J.H. Bergsma, 1894–1897) thought this was premature. In his opinion the drafting of a codification was too extensive a task, and its consequences would be too far-reaching, to justify a hasty decision. He would do his best, however, to forestall any unnecessary delay.²⁰

Meanwhile, the RMG board in Barmen and the missionaries in the Batak lands learned about the existence of the state committee from the jurist F.C. Hekmeyer when he visited the RMG Mission in Sumatra in 1896. He had been consulted by the state committee, probably because he had written a PhD thesis on the legal position of Indonesian Christians (Hekmeyer 1892). After that, he embarked on a research project, distributing a list of questions on the subject to 125 missionaries throughout the archipelago.²¹ The Batak Mission's Superintendent Nommensen was happy to cooperate.²² After Hekmeyer's visit, the RMG board in Barmen promised to make further inquiries in The Hague about the plans of the colonial government.²³ In view of this development, it is not surprising that in 1897 missionary Pilgram mentioned the possibility of the introduction of the Dutch Civil Code.

Hekmeyer's report (Hekmeyer: 1898) appears to have diminished the enthusiasm to push for a single code of law for all Indonesian Christians.²⁴ When the

- 21 Randwijck 1981, I:282; Van Bemmelen 1987:181.
- 22 UEM, F/b 1,3 KP 1896: 172.
- 23 UEM,, F/b 1,3 Letter from RMG Board, Barmen, p. 188.
- 24 Van Randwijck 1981:282. Fasseur (1992:247) suggests that Cremer's point of view was influenced by C. van Vollenhoven, who was his private secretary at the time and later became the most well-known Dutch expert on customary law.

¹⁷ Brief van de voorzitter van de staatscommissie voor de herziening der Indische Wetgeving op privaatrechtelijk gebied, J. Van Gennep aan de Minister van Kolonien, 24-7-1892, no. 17. NA, Col., v 12-8-1893, 14, doos 4730.

¹⁸ NA, Col., V 1-10-1895, 16, doos 4979. Toelichting op Ontwerp Ordonnatie tot nadere regeling van de toestand der Inlandsche Christenen in N.I. op privaatrechtelijk gebied, p. 87.

For the extensive correspondence on the subject during these years, see NA, Col., V 19-8-1891, 8, doos 4497; V 6-2-1892, 22/278, doos 4543; V 7-6-1892, 111, doos 4581; V 19-5-1893, 5, doos 4702; V 12-8-1893, 14 doos 4730; V 1-10-1895, 16, doos 4979.

²⁰ NA, Col., V 4-12-1896, 12 doos 5108. Brief van Mvk aan GG, 's Gravenhage 4-12-1896, 12/280.

state committee, still leaning towards such a codification, eventually came up with a draft law, the Governor-General of the Indies, G.W. Rooseboom (1899–1904) rejected it, basing his verdict on the advice of Netherlands Indies Council (*Raad van Indië*).²⁵ J.T. Cremer, who had succeeded Bergsma as Minister of Colonial Affairs, was not in favour of it either. When the Mackay-Kuyper bill, as it was called, was presented in parliament, a majority voted against it (Van Randwijck 1981:276). The issue remained, however, high on the political agenda. In 1901, when Queen Wilhelmina in her speech at the opening of the parliamentary year announced that the Netherlands had a moral mission to see to the welfare of the Indonesian population—which heralded a new direction in colonial policy called the Ethical Policy—she also stated that a better regulation of the legal position of indigenous Christians was an obligation.

Two years earlier, however, a far more ambitious vision than codification of the law for Indonesian Christians had been launched: unified and Westernized law for all Indonesians. The thrust for change came from C.Th. van Deventer, a former barrister and author of the famous article "A Debt of Honour" (*Een Eereschuld*) in the influential Dutch magazine *De Gids*, which has entered colonial history as heralding the Ethical Policy mentioned above. Van Deventer considered the introduction of unified and Westernized law as a most enlightened act of "statesmanship":²⁶ the entire indigenous population should preferably enjoy the benefits of a codification of private law.²⁷ Cremer supported this idea. In 1901 he commissioned J.H. Carpentier Alting, a jurist and former leader of the court (*landraad*), to make a draft bill, which, however, was still confined to the populations of the Minahasa, Ambon, and Ternate, Christians and non-Christians alike.²⁸ In 1904, under the next Minister of Colonial Affairs (A.W.F. Idenburg, 1902–1905),²⁹ the draft bill on the codification of law for all Indonesians went to the Dutch parliament.

In the following year, the above mentioned L.C.W. van den Berg visited Barmen in his capacity as advisor on legislative affairs at the Department of Colonial Affairs and discussed the draft bill with the RMG missionaries

²⁵ NA, Col., V 31-3-1900, 31 and V 28-6-1900, 8, doos 5499.

²⁶ Holleman 1981: XXXIII.

²⁷ Van Deventer basically supported Macauley's practical point of view: "Uniformity when you can have it, diversity when you must have it, but in all cases certainty" (Fasseur 1992:249).

²⁸ Van Randwijk 1981, 1:282; Van Bemmelen 1987:181.

He was influenced by I.A. Nederburgh and the afore-mentioned Professor L.W.C. van den Berg, who had been the secretary of the state committee mentioned above (Na, Col., v 1-10-1895), Voorzitter staatscommissie privaatrecht, H. van Gennep, to the Minister of v. K. (Loudon), 21-6-1895, no.6. See Holleman (1981: XXXVI-II; 20–3) on Nederburgh's views and Van Vollenhoven's summary and critique of L.W.C. van den Berg's ideas.

D. Nommensen and W. Steinsiek. They still hoped Van den Berg would support a better regulation of the legal position of the Batak Christians, but they were of course disappointed. Van den Berg explained to them that the colonial government preferred a general codification of law, because it would help government officials, who were often transferred, in administering justice in different parts of the archipelago. The two missionaries understood this advantage and supported Van den Berg's ideas, with the proviso that exceptions for Toba Batak adat law had to be included in the bill.³⁰

In 1906 the bill came up for discussion in parliament. Meanwhile the young Professor C. Van Vollenhoven, who soon became the most authoritative expert on customary law of the Indies, had criticized the bill sharply, arguing that the situation in the colony did not lend itself to legal unification. The outcome of the debate in parliament and the ensuing revision of the bill reflected this. The proposal for the revision of the bill by lawyer W.J.H.M. van Idsinga read that the Indonesian population would be subjected to the codification only if their needs demanded it. Otherwise customary law would prevail. This included Indonesian Christians, for whom a separate code of law would be prepared in the future. The revised bill was published at the end of 1906. Idenburg's successor as Minister for the Colonies, D. Fock (1905–1908), however, was dissatisfied with this outcome and returned the draft bill to the state committee.³¹

Among the parties opposing the bill were the missionary societies, including the RMG board in Barmen, which had received the revised bill in 1907 from C. Seegers, the chairman of the Netherlands Indies' Missionary Conference. The first reaction came from J. Warneck, who wondered why Nommensen and Steinsiek had agreed to Van den Berg's ideas, suggesting that perhaps they had not understood what he meant. Warneck could not see how the bill could help regulate the most problematic legal issues in North Tapanuli pertaining to brideprice, divorce, inheritance, and polygamy. He emphasized that "none of us want a radical alteration of adat yet", which the new bill implied. He repeated the old argument that the introduction of the Dutch Civil Code would only harm the ongoing process of conversion and again stressed the impossibility of one codification applicable for all Christians, as their customs varied too much.³²

Meanwhile, J.W. Gunning, the secretary-director of the largest Dutch missionary corporation (the Nederlandsch Zendelingsgenootschap) had taken the initiative of sending a questionnaire to all the missionary societies with the purpose of gathering their reactions to the bill. P. Wegner, the caretaker

³⁰ UEM, F/m 1, Haussleiter [P.W. Wegner] to J.W. Gunning, 10-10-1907.

³¹ For details on the positions taken by various actors in the debate, see Fasseur 1992:250.

³² UEM, F/m 1, J. Warneck to Missionsinspektor Wegner, 21-5-1907.

(*Haussleiter*) of the Rhenish Mission Society (RMG), quoting Warneck's letter, requested the missionaries in Sumatra to fill in the questionnaire, adding that he personally thought the utmost caution was warranted when contemplating the replacement of adat by European law.³³ His reply to C. Seegers was in the same vein, but far more diplomatic than Warneck's wording: "With regard to the transition of the Batak people from Adat to European law, it is advised to proceed slowly and systematically".³⁴

After the missionaries returned the questionnaire, Wegner wrote to Gunning that Idsinga's proposal was applicable for Silindung but not for the other regions where traditional adat law was still strong. He added that the missionary conference in 1902 had expressed a heartfelt need for the codification of customary law. Personally, he had doubts, cautioning for "idealization" of the adat.³⁵ When Gunning sent him the proposed revisions of the draft bill in October 1907, he gave his consent on behalf of the RMG, expressing his admiration (thinly veiled by scepticism) for the "clever artists who had mixed peacefully water and oil in one vessel".³⁶

After having received not all, but many of the questionnaires, Gunning decided to write a preliminary letter to the state committee on behalf of the largest missionary societies working in the Indies. He stressed the point that the missionary societies had never pressed for the application of European law for Christian Indonesians (*inlanders*), because customary law was not something one could just take away or replace, as it was an integral part of the people's lives. On the other hand, revision was called for, because some of the adat conflicted with Christian principles. The question, however, was whether the increasing influence of Christianity would not yield a better result in the long run than a government decree removing or replacing adat. In his elaborate explanation attached to the letter, he emphasized that it was questionable whether Indonesian Christians already felt the need for codified European law. Moreover, not enough was known yet about customary law. He suggested that any general regulation should give as much room as possible for local regulations and that such a regulation should be drafted only after due preparation on the spot.³⁷

As might be expected, the missionaries found an influential ally in the person of Prof. Van Vollenhoven in their quest for recognition of customary law

³³ UEM, F/m 1, P. Wegner to the brothers [missionaries in Sumatra], 9-7-1907.

³⁴ UEM, F/m 1, Letter by Wegner to C. Seegers, Barmen, 22-7-1907.

³⁵ UEM, F/m 1, Haussleiter [P.W. Wegner] to J.W. Gunning, 10-10-1907.

³⁶ UEM, F/m 1, Haussleiter [P.W. Wegner] to J.W. Gunning, 26-10-1907.

³⁷ UEM, F/m 1, Brief aan de Staatscommissie ad hoc door de betrokken Zendingsbesturen. No date, no place.

as the legal basis for the administration of justice for the Indonesian Christians. Van Vollenhoven had pleaded for recognition of customary or adat law for several years already, "in order to create, not on paper but in reality, good governance and a good administration of justice", purposes he thought were impossible to achieve without thorough knowledge of indigenous law and indigenous legal concepts.³⁸ In 1909 Gunning went to see the Minister for Colonial Affairs, A.W.F. Idenburg, who served a second term, together with Van Vollenhoven and the first Consul for Missionary Affairs (*zendingsconsul*), C.W.Th. Baron van Boetzelaer van Dubbeldam.³⁹ They requested renewed attention for the legislation for Christian Indonesians through the mediation of the Commission for Adat Law (Commissie van Bijstand voor het Adatrecht) established in that same year. This commission would take into account the results of the survey initiated by Gunning.

In 1910, the idea of the codification of law for all Indonesian Christians was formally dismissed. On behalf of the state committee, L.J. Van Wijk, in a letter addressed to all those who had cooperated with the committee, worded the verdict based on the results of the survey as follows:

The internal contradiction in the answers on nearly all points makes it difficult to draw a specific conclusion other than this very important one: that that internal contradiction provides an eloquent argument for our conclusion: local regulation after local preparation.⁴⁰

Not surprisingly, the advice led to yet another call for research. In 1913 the Minister of Colonial Affairs, T.B. Pleyte, commissioned the task "to collect, review, complete and supplement official and unofficial regulations pertaining to the legal situation of indigenous Christians" to J.C. Kielstra, the deputy advisor for administrative affairs of the Outer Regions (adjunct adviseur voor Bestuurszaken der Buitenbezittingen) at the time.⁴¹ This decision sealed the influence of the Batak Mission on the recasting of Toba Batak customary law, as we will see in the next chapter.

³⁸ Holleman 1981: XXXVI. Van Vollenhoven had become well known for his strong defence of the rights of Indonesians to what the government considered waste lands belonging to the state.

³⁹ Jongeling 1966:109. Van Boetzelaer served as *zendingsconsul* during the period 1906–1919 in the Netherlands Indies.

⁴⁰ UEM, F/m 1. Letter L.J. van Wijk, 7-4-1910.

⁴¹ NA, Col., V 31-12-1915, no., MR 2103/13, Knaap aan Dr. v B.B., Batavia, 27-9-1913, nol 257. 3. It is thus not true that the debate led to a stalemate (Fasseur 1992:251).

9.3 The Annexation and Regional Policy on the Christian By-Laws (1906–1913)

Why did successive Residents and Controllers in the Batak lands—and their superiors, the Governors of West Sumatra-not heed the Batak Mission's complaints about the unsatisfactory implementation of the Christian By-laws? One reason may have been the more secular mind-set of the Controllers; the other was surely that they were overloaded with work. There were only two Controllers, stationed in 1876 in Tarutung and in 1881 in Balige, followed by an Assistant Resident in Tarutung in 1890. They faced the difficult tasks of selecting of rajas for the offices of jaihutan and raja paidua, reorganizing the judiciary, and subsequently supervising the courts established in 1886. Their administrative tasks increased after the war in Aceh ended in 1904. That year the government in Batavia decided to deal with Singamangaraja XII, who had retreated with a few faithful followers into the forests of the Dairi region south of Aceh and north of Lake Toba. There he was hunted down by the notorious 'tiger regiment' (tijgercolonne) commanded by the ruthless lieutenant H. Christoffel and shot dead on 17 June 1907.⁴² His wives, children, and a few surviving followers were captured, interned in Tarutung, and persuaded to convert in 1911, an event much made of by the Batak Mission (see photographs 59-61). During these years, the last independent parts of the Toba Batak homeland—Samosir, Uluan, and Habinsaran—were annexed as well as the adjacent regions Dairi and Pakpak.⁴³ The incorporation of the entire Toba Batak region into the Dutch colonial state was thus a by-product of expansion elsewhere (Castles 1972:1).

In 1906, during the term of L.Ch. Welsink as Resident of Tapanuli (1898– 1908), Tapanuli ceased to be an administrative part of the Governorship of West Sumatra and became an independent residency with Sibolga as its capital, where the Resident lived. It was divided in two separate administrative parts, the districts North and South Tapanuli, each headed by an Assistant Resident, stationed in Tarutung and Padang Sidempuan respectively.⁴⁴ This division

⁴² For a detailed account of his death and what followed next, see Sidjabat 1982:286–305.

⁴³ For a detailed narrative on the last military expedition against the Singamangaraja and subsequent expeditions annexing these regions, see Sidjabat 1982:251–96.

⁴⁴ The ordinance regulating this (Stbl. 1906, no. 496) was the result of the Commissie Welsink-Colijn, installed in 1905. North Tapanuli was divided into three sub-districts: Silindung, the Toba Plateau and Toba (prior to 1906, there were two-sub districts only, Silindung and Toba). In 1908, two more sub-districts were added: Samosir and Diarilands (Stbl. 1908, no. 398).

The Family of Singamangaraja Captured (1907) and Baptized (1911)

Singamangaraja XII was shot on 17 June of 1907. For the Dutch, his death was as much a psychological victory as a military one. Although the worldly power of the Singamangaraja's dynasty always had been limited and his spiritual supremacy was not unchallenged, this event was nevertheless a turning point. It cut off the Toba Batak from their past as a religious community headed by the Singamangaraja dynasty. Likewise, the baptism of his relatives four years later was a victory for the Batak Mission (no. 56).

54. This picture of Singamangaraja's surviving family members was taken on 21 June, four days after he was shot, in front of Controller W.K.H. Ypes's house in Siborongborong. The group was on its way to Tarutung accompanied by a military escort (see soldiers behind the family group). The women look downcast and unkempt, as do the children. Boru Situmorang, the Singamangaraja's mother in the wicker chair, perhaps wears a mourning cloth. Niessen (1993:122) remarks that the clothing of this group of women and children was not out of the ordinary, implying that nothing reminds us of the elevated status of the family. The youngest child on Boru Nadeak's lap wears no clothes.

55. The baptism of the Singamangaraja's family was clearly a major event. It took place in Pearaja, the stronghold of the Batak Mission. The occasion was attended by a large number of missionaries who stand behind the group and a few Toba Batak men who probably are pastors. Several missionary wives and perhaps missionary sisters are seated behind the group of family members. In the background and on the right of the picture one can see European civilians standing and sitting, probably colonial administrators among them.

56. The relatives of Singamangaraja XII were clearly dressed for the festive occasion of their baptism. His wives and other adult female relatives look very different from those in no. 54. They look their best, wearing nice *ulos*, and some of them look straight into the camera. The little girls wear white dresses, and two small boys look fancy in little white suits. The mother of Singamangaraja XII is not present in this photograph: she had since died. The men in the background are probably sons-in-law.



ILLUSTRATION 54 The Singamangaraja's mother, wives, and children, Siborongborong, Toba Plateau (1907). SOURCE: KITLV, NO. 81624



ILLUSTRATION 55 Feast at the baptism of the remaining members of the Singamangaraja's family (1911). SOURCE: TM, NO. 1000735



ILLUSTRATION 56 Family portrait at the same occasion. SOURCE: UEM, NO. 203-423

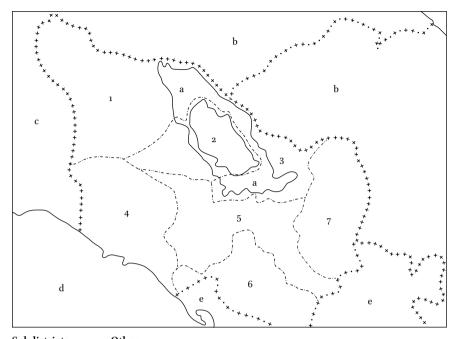
reinforced the rift between the Christian and pagan part of the Batak world in the north and the predominantly Muslim south.⁴⁵

In North Tapanuli Welsink faced the difficult task of downsizing the number of chiefs appointed to office, which the central government urged because the system in force since 1886 would have resulted in the appointment of too many rajas.⁴⁶ The common villager felt the accelerated momentum of colonial rule as well: he had to start paying taxes (1908) and providing much-resented labour (*rodi*) for the construction of two highways (1904) connecting the region with Medan on the east coast and Sibolga and Padang on the west coast of Sumatra (Joustra 1926:37). The roads irrevocably put an end to the region's isolation, and the emerging group of Toba Batak traders quickly took advantage of this. Because Welsink had to see to the introduction of so many new regulations,⁴⁷ he left the reorganization of the judicial system and the issue

47 NA, Col., doos 209, no. 171, MvO Welsink (n.d.):11.

⁴⁵ The selection of the name Tapanoeli for the new residency reflected this rift. The Muslim Batak in South Tapanuli, in particular the Mandailing Batak who—despite their Batak cultural heritage and Batak kinship system—did not consider themselves Batak anymore, objected to using the term 'Batak' in the name of the new residency. The same sentiment aborted the formation of a Batak Council in 1938 (Castles 1972: 2, 267–6, 280).

⁴⁶ Drijvers (1941) gives a detailed chronological account of the policies of different Residents regarding indigenous administration up to 1940.



Subdistricts	Other
1. Dairi	a. Lake Toba
2. Samosir	b. Government of Sumatra's East Coast
3. Toba	c. Government of Aceh
4. Barus	d. Indian Ocean
5. Toba Plateau	e. District of Sibolga and Batangtoru
6. Silindung	
7. Habinsaran	
мар з Admini	strative division of the district Bataklanden of the
Residen	ncy North Tapanuli (1908)

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of the legal position of Christian Toba Batak to his successor C.J. Westenberg (1908–1911).

Westenberg initiated the revision of the 1892 Christian By-laws.⁴⁸ After reading the regulations, he found them not only outdated, but their redaction leaving "very much to be desired".⁴⁹ He therefore assigned their revision to the Assistant Resident J.M. Masset of North Tapanuli. The missionaries discussed the draft with the rajas and elders in their congregations and printed the new

⁴⁸ Besluit van 18 Juli 1909 no. 4055 and Besluit van 10 december 1909 no. 6691.

⁴⁹ NA, Col., MvO Westenberg, dd 3 Mei, 1911:9, doos 209, no. 172. About his intention to revise the 1892 CBLs, Westenberg aan Adviseur voor de Bestuurszaken der Buitenbezittingen, 8-3-1910, no 1588, NA, Col., doos 47, MR 1911, no. 1960.

regulations at the Mission's printing house in Laguboti.⁵⁰ Westenberg resigned before he could endorse the revised CBLS.⁵¹

His successor J.P.J. Barth (1911–1915) supported the new Christian By-laws out of conviction, but waited to endorse these until a decision was taken in the Netherlands about the introduction of the Dutch Civil Code. He had strongly advised against this himself in 1912 for a number of reasons, when the issue had actually already been shelved. His first objection was practical: reorganization of the judiciary and the revision of customary law had to wait until the indigenous civil administration was reorganized. His other objections included the incapacity of Toba rajas to understand the legal system as prescribed by the Dutch Civil Code, their lack of general knowledge, their highly developed sense of personal interest and attachment to Batak adat, and the disparities between indigenous and European legal concepts. Consequently, he advised leaving the administration of justice as it was, because:

In the current state of affairs, customary law is entirely in accordance with the concepts and level of development of the people; and while the people—and not we—must feel the justice of the judges verdicts, we should refrain from an untimely introduction of our [type of] legal system.⁵²

Informed that he was not authorized to issue a decree on customary law, Barth did not endorse the 1913 CBLs, but merely signed them as seen and approved (*viseed*).⁵³ This diluted form of endorsement deprived the document of any imperative force. In practice, this did not entail a significant change because despite their more official status, the 1892 CBLs had not been upheld either. Moreover, the 1913 CBLs were replaced in two years' time by a government-made guideline drafted by the afore-mentioned J.C. Kielstra. Therefore the 1913 Christian By-laws, as well as their preceding version of 1892, are more significant as a mirror of missionary values regarding marriage than for their impact on the administration of justice.

⁵⁰ NA, Col., MvO 751, C.J. Adamse, Controleur van de onderafdeling Toba, Balige, 3-6-1914, p. 16.

⁵¹ Westenberg resigned because he found Welsink's reorganization of the indigenous administration unfair to many loyal Toba Batak rajas who would not be accepted for office. Perhaps he felt close too them because he was married to a raja's daughter (Drijvers 1941:663; Köhler 1926:209; 132–3).

⁵² NA, Col., V 14-1-1916, 64, doos 1498. Missive van de Resident van Tapanuli, Sibolga, 26-8-1912, no. 4935.

⁵³ Letter Adviseur voor de Bestuurszaken der Buitenbezittingen to Resident of Tapanoeli, Buitenzorg, 30 october 1911, no. 2472, NA, Col., MR 1911, no. 1960. For further discussion on this matter by the Commission for Adat Law, see Adatrecht 1915: 12 and Van Randwijck (1981) I: 283.

9.4 Resignation and a New Church Ordinance

The missionaries deplored the lax observance of the Christian By-laws. Nonetheless, faithful to their conceptualization of church and state as separate realms, they never questioned the colonial government's authority regarding the administration of justice. The 1902 synodal protocol gives clear evidence of this. After emphasizing the need for better legal regulations for Christian Batak, the report stated that "to bring about the regulation of civil law in connection with the available old Batak adat, but based on Christian sense of justice, cannot be the task of us missionaries".⁵⁴ The missionaries were of the opinion that they could promote a Christian sense of justice only indirectly. To that end, they asked the RMG board in Barmen to request the Netherlands Indies government to send a legal expert who could work with them to devise a better set of regulations.

The missionaries' request arose not only from their concern about the lax application of the CBLs. They also aspired to end their time-consuming involvement in legal disputes, which had been the case since before the arrival of the colonial government. Although the CBLs had been formulated with exactly that objective in mind and the government had taken control over the administration of justice in 1886, the villagers continued to go to the missionaries for help because of the partiality and corruptibility of the rajas.55 A Christian could have a hard time if he faced a non-Christian raja as his opponent (whether plaintiff or accused), even more so if the latter bore a grudge against him. Widows and orphans were particularly vulnerable because a non-Christian raja was not always inclined to protect their interests. So, too, for a poor man if he dared to sue a rich man or a raja. Commoners often refrained from bringing their case to court, out of fear that if they lost they might be sentenced to forced labour. Another problem was the difficulty of finding a witness who had the courage to testify against a raja. In sum, the ordinary Christian man-and even more so the ordinary woman-had little faith in the customary judicial system and therefore did not stop bothering the missionaries with their problems.

Recourse to the missionary was an attractive alternative because, unlike to the rajas, the missionary did not ask for money for his mediation. Although in general reluctant to get involved, given the circumstances cited above, the missionaries often felt morally obliged to step in for a Christian in need, in order to forestall "the worst injustices" (*die schlimmste Ungerechtigkeiten*). The

⁵⁴ UEM, F/b 1,4 KP 1902:122–3.

The yearly report of the 1902 synod and two papers presented at the synods in 1904 and 1910 dealt with the continued involvement of the missionaries in disputes (UEM F/b 2,1 Ref. P.W. Meis 1904 and Ref. A. Lombeck 1910:14).

Numbers of	1875	1885	1895	1905	1914 ^a	
1. Christians	2056	10.077	33.170	55.685	159.024	
2. Missionary stations	11	13	22	39	40	
3. Branch stations	_	48	109	301	467	
4. Missionaries	11	13	22	39	40	
5. Batak teacher-preachers	13	53	136	421	789	
6. Batak reverends	-	3	20	29	34	
7. Evangelists	-	_	5	32	19	
8. Elders	-	147	523	1082	2241	
9. Elementary schools	15	61	131	334	510	

 TABLE 2
 Expansion of the Batak Mission 1875–1914 (Christians, missionary stations, personnel, schools)

a The statistics for the year 1915 were not available due the outbreak of World War I. SOURCE: ARITONANG 1994: 152, 227.

missionaries largely blamed the rajas for the lack of justice, but also saw this as the result of a lack of capacity on the part of the Dutch officials. As missionary Lombeck pointed out in 1910, the Dutch civil servants were unable to check on the courts' decisions and monitor the dealings of the rajas because the subdistricts were too large and they were already overburdened with other work. Because of these conditions, missionaries remained involved in civil disputes.

Why the missionaries experienced their involvement as an increasingly heavy extra burden on top of their regular duties becomes clear from the figures presented in table 2. The figures show that the workload of a missionary had increased considerably within the four decades after 1875. The congregations had grown exponentially, and although the number of missionaries increased too, it did not keep pace. By 1900 a missionary was extremely busy: apart from tending to his own flock at the missionary station, he had to supervise the Batak pastor (*pandita*) and the teacher/preachers (*guru*) working at the branch stations in his area, inspect the schools, and audit the books of treasury of the congregations. The management of the greatly increased number of Christians, congregations, and schools must have required a tremendous effort on the part of the German missionaries, some forty people (Castles 1972:138).

This general picture illustrates clearly that the Batak Mission had to review its priorities. Further involvement in the legal problems of Batak Christians was not one of these; it was not realistic to even consider it. As it happened, the missionaries' involvement did decrease during the period under discussion. Missionary P.W. Meis reported in 1904 that disputes about division of an inheritance, conflicts about paddy fields, and claims to office (*harajaon*) had largely been taken over by the courts. But many people, mainly commoners, still involved the missionaries in the "inexhaustible" *hata boru*, disputes related to marriage.⁵⁶ In other words, the missionaries continued to be occupied with exactly the type of disputes covered by the stipulations of the Christian By-laws.

The Batak Mission persistently called on the government to address the unsatisfactory implementation of the CBLs, but it also started to look at other ways to bring Batak marriage into line with the Christian model. Already in 1893, the missionary conference agreed that "by all means the Church sanctions are more important than the civil ones".⁵⁷ Four years later, the missionaries started to work in earnest to review the Church Ordinance of 1881, a subject gaining momentum precisely because the CBLs did not fulfil their purpose.⁵⁸ The renewed attention for church discipline was also prompted by the missionaries' growing objection to the type of sanctions on which the CBLs relied, which were fines.⁵⁹ They doubted the educational value of this form of punishment, because a person could think that by paying the imposed fine his or her sin was absolved. The revision of the 1881 Church Ordinance was finalized in 1907.

The missionaries' increased reliance on church discipline was opportune, because its implementation depended not on the cooperation of the rajas, but on themselves, the Toba Batak pastors, evangelists, *guru*, and elders. In particular, the missionaries could rely on the pastors and *guru*, as they received their salary from the Batak Mission.

9.5 The Emergence of the Christian Elite

The formation of the steadily-growing Christian elite took place in stages. The first Toba Batak men who entered the service of the Batak Mission were evangelists, who were educated by individual missionaries. After a decade, the candidate helpers of the Batak Mission received a formal two-year course as teacher/preacher (*guru*) at a seminary established in 1868 in Prausorat in the Sipirok area. Because the congregations in the regions north of Angkola grew much faster, this seminary was moved to Pansur na Pitu in Silindung in 1877,

⁵⁶ UEM, F/2,1, Ref. P.W. Meis 1904:27-8.

⁵⁷ UEM, F/b 1,3 KP 1893:82.

⁵⁸ In 1897 the papers presented by the missionaries A. Bruch and W. Metzler (UEM, F/d 2,1, Ref. Bruch and Ref. Metzler 1897) initiated the discussion. The last paper dealt with the implementation of church discipline in Pearaja, the most advanced congregation of the Batak Mission (UEM, F/b 1,3 KP 1897: 198).

⁵⁹ UEM, F/b 1,3 KP 1890:7.

where in 1881 the course was extended to four years. In 1884, three graduates of the Prausorat seminary were accepted as students of an additional course of one and a half years after which they were ordained as pastors (*pandita*). By 1900, the salaried Toba Batak personnel of the Batak Mission numbered around 250 men. Fourteen years later, they were nearly 800.

The men making up the Batak Christian elite distinguished themselves from the traditional rajas and commoners in many ways. The evangelists, guru, and pastors preached a new faith, had an influential job unknown to the Batak before, had money, and stood out by their Western style of clothing, which made them visible as a distinct social group. They shared a corporate spirit fostered by their education at the seminary and the Batak Mission's introduction of many work routines. The *guru* convened monthly at the closest missionary station to discuss conditions in their congregations with the local missionary, and they attended the yearly synod where they sat on a par with the Christian rajas and elders. The pastors, too, attended the synod, but held meetings of their own as well, where they presented papers on relevant issues.⁶⁰ They also had different points of reference than the traditional rajas. Whereas the rajas' world was still mainly confined to their village and the wider community of lineage members united in marga, horja and bius, the guru, evangelists, and pastors derived their sense of identity from being members of the Batak Mission, a large and powerful organization that for the first time transcended these territory-based units. Nommensen, not unlike a general commanding an army, used to send them to places outside the territory of their marga as he saw fit (Castles: 1972:138).

How did the men belonging to the Christian elite adapt to and fit into an environment where often the majority consisted of rajas and villagers who still lived in close communities and adhered to their ancestral faith? Did they form a class of their own? Who were the women they married? Some men belonging to the very first generation of helpers were already able to exploit the advantage they derived from their allegiance to the Batak Mission and their newly acquired status in the Batak community by contracting a remarkable marriage. An illuminating example is the marriage of Johannes Hoetapea (illustration 57, with his family). He had been sold as a young boy by the heir of his father to a man in the Sipirok area, who in turn sold him to missionary Van Asselt. During his service as a houseboy in his household, Van Asselt baptized him and taught him the Christian faith. Johannes turned out to have a remarkable aptitude for preaching, and he became a well-known evangelist in the region of Pahae, where he toured the villages to convert people to the new faith. At one

⁶⁰ Aritonang 1994: 137–52, 221–2; J. Warneck (1897 and 1902b) on the duties, functioning, and education of the *guru* and *pandita*.

point, he expressed the desire to marry Tois, the daughter of a village chief. Van Asselt was concerned that Tois's father would not be willing to marry his daughter to a man who was a former slave. But pressed by Johannes—who stated that he wanted to marry no one but Tois—the missionary, acting as Johannes's bridetaker (*paranak*), sent a go-between to her father. The father accepted the marriage proposal in principle, demanding the very high bride-price of five hundred guilders for his daughter, but eventually was satisfied with two hundred. Tois, later baptized Elizabeth, joined her husband, and the couple moved into the small Christian congregation led by Van Asselt. Her father was clearly pleased with the match because he gave his daughter a generous trousseau, consisting of household utensils, woven cloths, and a pair of golden earrings worth eighty guilders. Two of Johannes sons by his second wife later went to the seminary in Pansur na Pitu.⁶¹

Another protégé of Van Asselt, Samuel Siregar, also a former slave redeemed by the missionary, contracted an even more remarkable marriage, but not a union approved of by the Batak Mission. After his baptism in 1864 and having worked as an evangelist for several years, Samuel was sent by Van Asselt to the Netherlands to continue his education, which was made possible by Reverend H.W. Witteveen from the missionary society where Van Asselt had previously worked for, the Java-Comité.⁶² After Samuel's return from his studies in the Netherlands and at the seminary in Barmen during the years 1870–1873, he proved a less than reliable servant of the Batak Mission. In 1883 he became a government employee and the following year married into the family of none other than the icon of the Batak Mission for this step was that he hoped to serve as a mediator between the priest-king and the Dutch government.⁶³

⁶¹ Van Asselt (1899) apparently felt so close to the family that he wrote a biography of Johannes and his sons. This booklet includes many interesting dialogues between Johannes and pagan Batak about the disadvantages of the old faith and advantages of Christianity, demonstrating how and why people came to convert (or not).

⁶² This missionary society, founded in 1854, started its missionary work in Angkola (South Tapanuli) in 1857, dispatching four missionaries between 1857 and 1861 to the region. Van Asselt and one other missionary entered the service of the RMG in 1861, while the other two missionaries continued working in South Tapanuli. In 1931 the few insignificant Christian congregations there were transferred to the Batak Church, the Huria Kristen Batak Protestan, the HKBP (Randwijck 1981:71–2; Aritonang and Steenbrink 2008:533–5).

⁶³ Aritonang 1994:148. Warneck (1897: 100) wrote about him that he had been involved with a German factory girl, had become very arrogant, ended up heavily indebted and died confessing his sins. Because of the disappointing experience with Samuel Siregar, the Batak Mission refrained from sending other Batak abroad in later years.

The Formation of the Christian Elite: Evangelists, Teacher/Preachers (*guru*)

57. One of the first evangelists was Johannes Hutapea, a man of slave descent who was stimulated by missionary G. van Asselt to become an evangelist in the 1860s in Pahae and environs. He had an extraordinary talent for preaching, of which van Asselt gave many examples. He is shown here with his second wife and their children. With his first wife Tois, the daughter of a raja, he had a daughter who stands in the back with her father's youngest child. Two of his sons were accepted at the seminary at Pansur na Pitu.

58 and 59. The first picture shows the building of the seminary. The seminary was the breeding ground of the Christian elite and to some extent of the Toba Batak elite of civil servants as well. The number of young men studying at the seminary in no. 59 was already quite large. The youngest students sit in the front: they all wear white trousers. White clothing became fashionable as a sign of cleanliness, a trend maintained until the end of colonial rule.

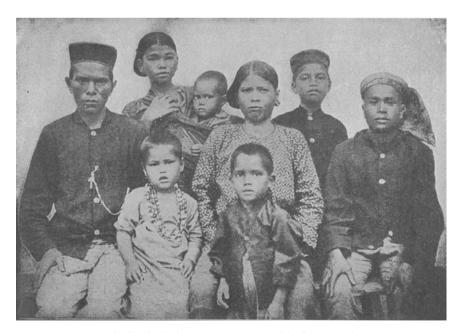


ILLUSTRATION 57 The family of Johannes Hutapea, one of the first evangelists (ca. 1880). SOURCE: VAN ASSELT 1905 (PHOTOGRAPH REPRODUCED BY KITLV)



ILLUSTRATION 58 The seminary at Pansur Na Pitu (ca. 1897). SOURCE: WARNECK 1897B: 100. REPRODUCTION BY UEM

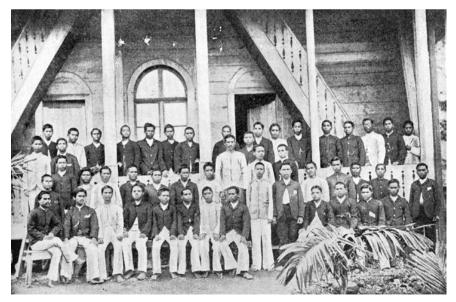


ILLUSTRATION 59 The seminary students (ca. 1897). SOURCE: WARNECK 1897B: 99. REPRODUCTION BY UEM

The First Batak Pastors

60 and 61. In 1885, the first three pastors were ordained: Johannes Siregar, Markus Siregar, and Petrus Nasution, all three from the Sipirok area. The drawing is probably of these three men. Photograph no. 61 shows missionary P. Johannsen, head of the seminary, with the six men who followed the two-year training course to become a pastor. The training was thus exclusive. The candidates were selected from those teacher/ preachers (*guru*) who conformed best to the missionaries' qualifications. The clothing of the missionary and his students is about the same. Note the pocket watch with chain, which appears to have been a new status symbol. The pastors-in-training lived with their wives and children in the compound of the seminary. Their wives were taught housekeeping by Johannsen's wife. Over time, missionary personnel continued to wear the same uniform as in Hutapea's time, but they looked neater as can be seen in the picture on cover of the book.



ILLUSTRATION 60 *Three Batak pastors* (pandita). SOURCE: VAN ASSELT 1905

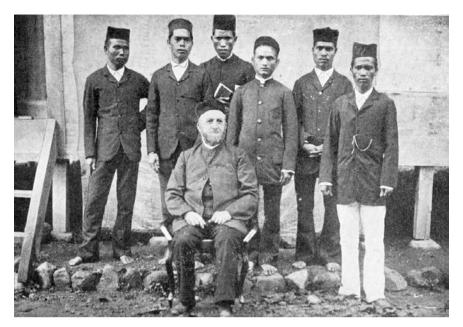


ILLUSTRATION 61 Pastors-in-training with missionary P. Johannsen (ca. 1897). SOURCE: WARNECK 1897B:103. REPRODUCTION BY UEM

It is likely that in later decades a similar pattern of upward social mobility for Christian personnel repeated itself in Toba. For example, Reverend Ishak Sigumpar—the eldest son of the church elder and cattle trader Raja Obaja Siagian in Sigumpar, who was a close friend of Nommensen—married the daughter of an assistant *demang* from Balige.⁶⁴

Of course the first generation of Christian families also tried to forge marital alliances amongst themselves. Teresia, a daughter of Markus Siregar, one of the first graduates of the Prausorat seminary in 1869 and first reverends ordained in 1885, married a *guru* from the Batubara *marga*.⁶⁵ Marianna Siregar—a daughter of Filemon Siregar, who, like Simon Siregar, was also baptized by Van Asselt and worked for some time as an evangelist—married Yakin Lumbantobing, a nephew of Raja Pontas Lumbantobing, Nommensen's most trusted raja in Silindung. Yakin came from a good Christian family: his elder brother and three younger brothers had all been to the Pansur na Pitu seminary. Only he had not, but succeeded his father as government-appointed village chief

⁶⁴ He was the eldest brother of Interviewee 7's husband (see list of interviewees).

⁶⁵ Teresia boru Siregar was the grandmother from the mother's side of Interviewee 25.

(*kepala kampong*).⁶⁶ Reina Gultom, who had been raised by Reverend Markus, became the second wife of Justin Sihombing (1889–1979), the pastor who was to become the first Batak superintendent (*ephorus*) of the Batak Church (HKBP) in 1942.⁶⁷ Girls like Teresia, Marianna, and Reina were probably sought after because they were better educated and more polished than other Batak girls, including those from raja families. They could read and write and had learned to manage a household in Western fashion. According to her grand-daughter, Teresia even spoke a little Dutch and could knit and crochet.

The importance of the seminary in the formation of the Christian elite cannot be overstated, because not only did it produce the *guru* and pastors who devoted their lives to the Batak Mission, it also spawned the first generations of Batak men working for the colonial administration. Probably the most remarkable early example of a seminary graduate who made a splendid career in the colonial administration was Ephraim Harahap. After his graduation from the Prausorat seminary, he did not serve the Batak Mission for long: in 1875, he became a clerk at the attorney general's office of the colonial government. A decade later, he was appointed chief prosecutor, the highest office in the residency of Tapanuli to be held by a Batak at the time, and a position he kept until 1910.⁶⁸

It is therefore not surprising that during the last quarter of the century many rajas were keen on a seminary education for their sons, particularly because, after the Mission's primary school, there were no other opportunities for secondary education in the region. This desire of the rajas coincided nicely with the Batak Mission's interest in winning these men over to Christianity or securing their continuous support (Aritonang 1994:137). The Batak Mission admitted many boys to the seminary primarily because they were the son of a raja, although they also selected candidates for the seminary from the best male

⁶⁶ Marianna Siregar was the mother of Interviewee 1. Marianna's father, Filemon Siregar, like Samuel Siregar, also eventually chose a career in government service, becoming the manager of the government's coffee warehouse (*pakhuismeester*): he was even decorated with a 'star' for excellent service. He was probably not of slave descent, his father being Baginda Philippus Siregar (1846–1915) who became a Christian (information from Interviewee 27).

⁶⁷ Parents of Interviewee 31.

During the quarter of a century he was in office, he provided many of his descendants with an education, securing the elevated position of his own family and families related to him by marriage for future generations. Several of his grandsons became very prominent at the national or regional level: Pl.J. Nainggolan was repeatedly a candidate for the Christian Batak in the colonial proto-parliament, the *Volksraad*, Gindo Siregar became Military Governor of Tapanuli during the Revolution, and Amir Syarifuddin as well as Todung Sutan Gunung Mulia became prime ministers (Castles 1972:29; Aritonang 1994:137).

pupils of their primary schools. The German missionaries may have hoped that these boys would serve the Batak Mission after graduation, but their fathers and the boys themselves may have had other plans.

Career histories of their fathers told by the Toba Batak women interviewed in 1985 substantiate this: their fathers grasped the opportunity to pursue a more rewarding career path in terms of power, status, and money than that offered by the Batak Mission. Seven fathers out of the twelve who had been to the seminary in Pansur na Pitu in the last quarter of the century never entered, or left, the service of the Batak Mission.⁶⁹ Four entered the civil service, two of them eventually becoming a *demang*, the highest office in the indigenous bureaucracy.⁷⁰ The third became a teacher in a government school (much better paid than a teacher at a mission school), and the fourth a land surveyor.⁷¹ Two other fathers benefited from the opening up of the region around 1900. One became a very wealthy trader in coffee, benzoin, and rubber in Tarutung.⁷² The other sought his fortune in the plantation belt in the adjacent region of Sumatra's East Coast, where he became supervisor on a plantation. The seventh father went to Singapore to join his uncle Reverend Lamsana Lumbantobing, a pastor, who had been dismissed by the Batak Mission and had entered the service of the American Methodist Society there. The nephew became a Methodist pastor as well.73

- 70 These men were Renatus Hutabarat (1875–1967), son of *jaihutan* Raja Obaja Hutabarat, father of Interviewee 28 and Julia Sarumpaet Hutabarat, and Mangaraja Frederik Gultom (1875–1970), father of Interviewee 32. The first entered government service because he could not preach; the second started as an assistant *guru*, then became a clerk at the post office in Siborongborong, assistant *demang* in Balige, and then eventually *demang*.
- 71 Fathers of Interviewee 11 and Interviewee 25.
- 72 Father of Interviewee 2.
- Luther Hutabarat (1895–1959), a son of *Raja Paidua* Daud Hutabarat, was the father of Interviewee 14. In 1913, he married Kristelina, the daughter of his uncle Lamsana Lumbantobing. The latter's family as well as the newly wed couple returned to Indonesia in 1914, where Luther served Methodist congregations on Java (Batavia, Bogor) and East Sumatra (Kisaran and Tebing Tinggi) until the Second World War. Kristelina, who had been educated at an English boarding school in Singapore between 1907 and 1913, taught English at schools opened by the Methodist Mission where her husband was stationed, the first Toba Batak woman to do so. During the Japanese occupation, Luther shouldered the responsibilities of the Methodist Mission with one other Batak and a Chinese minister (Aritonang and Steenbrink 2008: 586 and information from Interviewee 14).

⁶⁹ The interviews yielded information about the education of twenty-seven fathers: twelve went to seminary, two to the Batak Mission's school for sons of chiefs (see below), six to a government elementary school outside North Tapanuli, and three continued their vocational training in Java. Two fathers had been to only an elementary school of the Batak Mission, and two others were illiterate.

But although these men and probably other graduates of the seminary followed career paths outside the Batak Mission, at least they were not lost to the Batak Mission's cause: they remained believing Christians. Moreover, often they married a woman from a prominent Christian family. Renatus Hutabarat, for example, a seminary graduate later appointed *demang* by the government, married Hulda, a daughter of Raja Pontas Lumbantobing. After her death, he married Marselina Tobing (1886–1968), a daughter of another trusted helper of the Batak Mission, Johannes Lumbantobing, one of the first pastors who worked for the Batak Mission outside the region, on the island of Enggano.⁷⁴

The Christian elite's marital strategy, however, did not exclude an alliance with men who were educated outside the sphere of influence of the Batak Mission. The above-mentioned Filemon Siregar married his daughter Helena (a sister of the above-mentioned Marianna) to Yahya Nainggolan from Aik Sarulla in Pahae, who had been to a government school outside the region and became a public prosecutor (*jaksa*).⁷⁵ Some such marriages were not satisfactory from the Batak Mission's point of view. For example, the Christian father of Canne Sarumpaet (1881–1953) married her to Eliëzer Gultom, the first machinist of the government-operated ferry on Lake Toba, who had received a technical training in Batavia. He was not a model Christian: he practiced on the side as a Batak *dukun* and *datu*.⁷⁶

Although the examples of marital alliances presented here are not numerous, they sufficiently indicate that the Christian elite intermarried, but did not develop into a class on its own. The border between this elite and the traditional one consisting of raja families and their government-educated sons was porous. Many marriages in Christian families still confirmed older affinal relationships, but there were also marriages contracted between *marga* from different regions uniting families that had never intermarried before.⁷⁷ The blurred line between the traditional and Christian elite and the spread of kinship ties over a wider geographic area were of course advantageous for the Batak Mission because it expanded their sphere of influence.⁷⁸

This does not mean that there were no tensions between the two groups. Nommensen, for example, reported in 1894 that Batak church elders showed

⁷⁴ Marselina was the mother of Interviewee 28.

⁷⁵ She was the mother-in-law of Interviewee 27.

⁷⁶ They were the parents of Interviewee 16. Both came from the island of Samosir.

⁷⁷ A good example is the marriage of *Guru* Andreas Lumbantobing, a son of a great lineage chief, Manahan Laut Tobing, who went to Toba and married a woman from the *marga* Tampubolon from Sigumpar, Nommensen's second missionary station. *Guru* Andreas was the grandfather of Interviewee 22.

⁷⁸ This trend would intensify in the next generation. See Chapter 13, Section 13.4.

a remarkable eagerness at the yearly synod to report on "the sins of the rajas", a tendency he rebuked by telling them they should look at their own faults first.⁷⁹ In Toba in particular, many Christian rajas were not loyal supporters of the Batak Mission (Warneck 1897:98). Probably because of this, in 1899 the Batak Mission discontinued the yearly general synods (*rapot godang*) which used to be the occasion for all Christian rajas, church personnel, and elders to voice their opinions.⁸⁰ After this year, only district meetings where held, which helped to forestall tension between the representatives of the older congregations in Silindung and the more recent ones in Toba.

9.6 Widened Horizons and the Elite's Demand for Dutch Education

Around the turn of the century, the vast majority of Toba Batak never travelled farther than the town where the nearest market was located. But those who travelled to East Sumatra or even as far as Batavia cannot but have been impressed by the sheer size and elegance of public buildings, the huge revamping of the countryside by agribusiness companies, the bustling harbours and train stations (illustrations 64 and 65). In comparison, progress in their homeland must have looked meagre. There, the structures visualizing change were churches, which gradually came to dominate the panorama in the Batak lands, the modern but comparatively modest houses of Dutch officials and missionaries, and the equally modest school buildings (illustrations 62 and 63). It is therefore not surprising that better-educated Toba Batak men became aware that opportunities for their sons did not lie only in the homeland, and that they should give their sons a good education if they wanted to ensure them a promising career.

By 1900, the Batak Mission became aware that the traditional Batak elite had started moving out of their orbit and into that of the (secular) government due to the intensification of colonial rule. It also realized that the elite wanted another type of education than the seminary offered. The Batak Mission tried to recoup its influence on the rajas by establishing another school: the school for sons of chiefs (*hoofdenschool*) in Narumonda. This was modelled on similar schools operated by the government elsewhere in the archipelago. Resident Welsink promised that the twelve best graduates would be appointed as government employees; but unfortunately this promise was not fulfilled, allegedly because

⁷⁹ UEM, F/b 1, 3, КР 1894 Simorangkir:114.

⁸⁰ Hutauruk (1980:121) wrote that according to Warneck, the general synod had not met the expectations (of the missionaries). Warneck (1897) described the "mission feast" (*Missionsfest*) held prior to the conference between chiefs and elders, attended by 8,000 people from various parts of the Batak lands, including from the South.

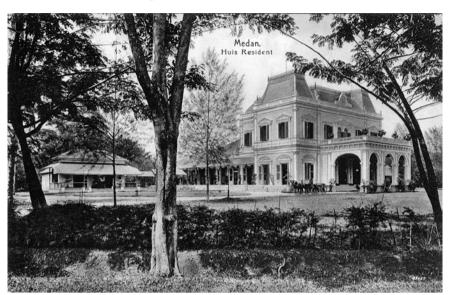


The Toba Batak Homeland: Modest Progress

Illustration 62 *House of Controller of Balige (1910).* Source: Kitlv, no. 404478



ILLUSTRATION 63 New church in Huta Salem (1910). SOURCE: KITLV, NO. 101171



The Governorship of East Sumatra: The Land of Promise

ILLUSTRATION 64 Residence of the Resident of East Sumatra (1900). SOURCE: KITLV, NO. 1403410



ILLUSTRATION 65 Railway station at the harbor of Belawan. SOURCE: KITLV, NO. 26883

the school's education was not up to standard. In 1907 the school was revamped into a second seminary, because the people in Toba wanted to have a seminary of their own—another expression of regional competition with Silindung.⁸¹

The failure of the Narumonda school initiative was an indication of things to come; several other educational initiatives of the Batak Mission in the early twentieth century also failed. It opened a trades and printing school in the same year as the school for chiefs, with which it shared a dormitory. The objectives of this school were to teach the dignity of handwork, raise the status and independence of Batak artisans, and instil the spirit of entrepreneurship. But the graduates had difficulty finding suitable employment; other graduates chose to work as clerks instead of artisans or traders. In 1907 an agricultural school close to Laguboti opened its doors, which was fully subsidized by the colonial government.⁸² Its purpose was to increase agricultural production in the region in the hope of slowing down outmigration and increasing the income and standard of living of the Toba Batak peasantry. The school closed down after eight years. Aritonang (1994:174) explained the lack of popularity of these vocational schools as follows: "the general trend current in the community (was to place) a higher premium on working with a pen rather than a hoe".⁸³

It was Dutch elementary education that the Toba Batak members of the elite wanted for their sons. This again drove them in the arms of the government. The only Dutch primary school in the region—the European primary school, *Europeesche Lagere School* (ELS)—was located in Sibolga. It offered a seven-year education in Dutch and was the best opportunity for employment in the colonial civil service. It also opened access to schools for secondary education and vocational training, all located on Java. However, the policy was to admit only children of the top of the Toba Batak ruling elite—the *jaihutan* and *raja paidua*. Moreover, the entrance requirements were difficult to meet: a child had to be able to speak Dutch and should not be older than eight years of age. It is likely that few Toba Batak boys were admitted. Second best was the

⁸¹ Aritonang 1994:170–1; 190–2. The school received a government subsidy as a teachertraining school, its graduates qualified to become a teacher only. The school did not offer the program to become a pastor, which was provided only at the seminary in Pansur na Pitu (in 1901 relocated to Sipoholon).

⁸² The support of the government was probably related to the new policy of the Netherlands Indies government under the direction of Minister of Colonial Affairs D. Fock, who wanted to steer away from exclusive intellectual education for the Indonesian upper class. After an investigation into the standards of living of the population on the island of Java had established a decline, he promoted vocational schools hoping these would foster economic development (Brugmans 1938:289).

⁸³ Another reason the school was not popular was perhaps because it did not tally with the gender division of labour in agriculture: most of the work was done by women.

government primary school, which offered a five-year education with Malay as the language of instruction and Dutch as an additional subject in the first two grades.⁸⁴ Until 1910, however, government-operated schools of this type were located only in South Tapanuli.

That year, the Batak Mission converted its primary school in Sigompulon into a government subsidized five-year Christian primary school with the same curriculum as the government schools in South Tapanuli. Four years later, in 1914, this school was converted into a 'Dutch indigenous school' (*Hollands-Inlandsche School*, or HIS) with a seven-year curriculum very similar to that of the ELS.⁸⁵ The Batak Mission opted for the opening of this school with misgivings, considering the desire of Toba Batak parents for Dutch education "beyond a healthy measure" and fearing that some of the graduates might not find suitable employment and would become an "intellectual proletariat".⁸⁶ It was also anxious about the predominantly intellectual character of the education and the inevitable dependence on Dutch teachers whom it needed because of their qualifications, but who were not always interested in nurturing pupils in a Christian spirit. The Barmen board, however, urged the missionaries to "feign" a positive attitude, because otherwise the government might not be willing to leave the operation of new HIS schools to the Batak Mission.⁸⁷

With this move, supported by the colonial government's money, the Batak Mission recaptured its hold on the future generation of the Toba Batak elite of rajas, but at the expense of its Arcadian vision of a Christian Toba Batak rural society. In doing so, they sowed the seed for discontent as the thirst for higher education proved insatiable. How this worked out is narrated in Chapter 13.

9.7 A New Strategy: Women's Work for Women

The spectacular growth of the Batak Mission in the 1880s and 1890s, a side effect of conversion by lineage, naturally resulted in superficiality in the faith of the new converts. This led to a debate in the circle of missionary societies in

⁸⁴ In 1908 graduates of the first-class class government school with a five-year curriculum could enter the OSVIA, a vocational school for aspirant civil servants, after a preparatory year.

⁸⁵ The government introduced this new type of school that year as part of the Ethical Policy. One of its objectives was to create a future Indonesian elite fluent in Dutch and familiar with Dutch culture (Brugmans 1938: 289–92; 317–25).

⁸⁶ On the Batak Mission's fear of modern secular influence on the Toba Batak population and its reluctance to accept the (inevitable) trend of outmigration for economic advancement, see Aritonang 1994:230–7.

⁸⁷ UEM, F/b 1/6, Letter Barmen Board 14-4-1915:312.

Germany in the mid-1880s about the need for systematic work targeted at women as an important stimulus to enhance the quality of religious life.⁸⁸ A representative of the Basler Mission explored the difficulties of reaching the female part of the population in various mission fields in an article "For or against Missionization by Women" (Für under wider die Frauenmission), published in the Evangelische Missions Magazin in 1884, and made a fervent plea for the dispatch of missionary sisters (Schwestern).⁸⁹ The example set by American and English missionary societies, who had already worked with women missionaries for decades, clearly had inspired his idea.⁹⁰ The impetus for action, however, came from the German Women's Association for the Christian Education of the Female Sex in the East (Der Frauen-Verein für christliche Bildung des weiblichen Geschlechts im Morgenlande). Its representatives promised that the association could procure suitable missionary sisters for the mission fields in Asia and Africa, but requested the Basler Mission to pay for their voyage and upkeep after their arrival. In the following years, not only the Basler, but also the Berliner and Bremer missionary societies sent sisters to their missionary fields. It took a while before the Rhenish Mission Society (RMG) came around, too. This occurred only after the missionaries in Sumatra had witnessed the benefits of Hester Needman's work with Batak women. Needham, an unmarried and wealthy English lady, had asked permission of the RMG board to join the Batak Mission at her own expense, a request gratefully accepted by *Missionsinspektor* A. Schreiber. Miss Needham settled down in Pansur na Pitu, the missionary station in Silindung where the seminary led by P. Johannsen was located. She started a morning school for young girls twice a week and an evening school once a week for older ones who could not take the time off during daytime. She also taught in the Sunday school for girls, a task she took over from Johannsen's wife, who was already overburdened because she had to instruct the wives of pastors at the seminary in good housekeeping. Needham also paid house visits to adult women in the villages around Pansur na Pitu. Her tireless endeavours made her very much appreciated by the women,

⁸⁸ In the early twentieth century this concern expressed itself in a growing interest in remnants of traditional customs and newly introduced practices interpreted by the Toba Batak according to their old worldview (Landgrebe 1912a and 1912b). For a later analysis on the Toba Batak interpretation of baptism, see Sinaga 1980.

⁸⁹ It is not surprising that it was the Basler Mission which raised the subject, because it had mission fields in India and China, where it was much more difficult to reach women than in the Batak lands because Indian and Chinese women of the higher classes lived in seclusion.

⁹⁰ Flemming (1989) on the work of white female missionaries from the US and Canada in India and China.

who—according to missionary Meerwaldt—worshipped her like a saint.⁹¹ Her efforts and popularity with the women also gained her the respect of the missionaries. In 1894 she moved to Muslim Angkola, south of the Batak lands, because it had been her original plan to work among the Muslim Batak there.

In Barmen, *Missionsinspektor* A. Schreiber (illustration 66) became the motor behind the 'women's mission'.⁹² In 1891 he expounded this idea in detail in an article "The Work unto Pagan Women and Girls" published in the *Allgemeine Mission's Zeitschrift* (Schreiber 1891a). The focus on men and boys in the missionary fields had been "natural", he stated, because male missionaries had difficulty reaching out to women. In time, however, this imbalance proved "illfated" (*verhängnissvol*), particularly in the more successful missionary fields. Female members of the congregations significantly lagged behind men in Christian knowledge, understanding, and a Christian way of life. This imbalance had to be redressed. After all, women made up half of the total population; and because their souls were just as valuable as those of men, missionary societies had a Christian duty to devote half their activities to women. That moral obligation was even more compelling, he argued, because in many pagan societies women were "despised and chained in servitude" (*verachtet und geknechtet*).

Schreiber also explained that the benefits of women's work for the women of the Mission were very considerable. Pagan mothers exercised an enormous influence on their children, planting "the fear of idols" in their hearts. If women converted, this would have a positive influence on the next generation. Schreiber also warned that the Mission should not limit its endeavors to the conversion of individuals, but should focus on families as the pillars of the Christian congregation. Within families, women were "the soul of the home" (die Seele des Hauses) and therefore their souls needed to be won. If women became faithful Christians of their own accord, they could also exercise a good influence on their husbands, although this was difficult in societies where a wife was expected to follow her husband after marriage and embrace his faith. Experience had proven, however, that even under this unfavourable circumstance strong-willed women remained steadfast in their belief and had been able to persuade their husbands to convert. The Mission should also take advantage of women's inclination towards the faith, because women sometimes regarded their husbands' conversion as the sole means to keep them from

⁹¹ Missionary Meerwaldt (1900:48) wrote that some women, referring to Needham, had once said that they now had an idea how "Lord Jesus must have been like" when he was in this world.

⁹² Already in 1880, he had expressed his appreciation for the work of women missionaries employed by American and English missionary societies (Aritonang 1994:92).

CHAPTER 9

addictive habits. In Africa, women wanted their men to stop drinking alcohol; Chinese women wanted their husbands to quit using opium. Batak women had told Schreiber that they did not know of any way other than conversion to compel their husbands to quit gambling.

Based on all these considerations, Schreiber asked the rhetorical question: what was more meaningful—missionary work targeted at men or women? He admitted that the Mission had not entirely neglected women. Wives of missionaries were expected to organize women and girls in their congregation, and many indeed fulfilled this task diligently. This was not their main duty, however, because "the most direct and holiest obligations of each housewife lie everywhere in her own home and family, and this also counts for a true missionary wife". But unfortunately, in most cases, her family and domestic duties absorbed all her time and strength, because in most mission fields domestic servants were hard to come by. Missionaries' wives were thus unable to devote sufficient attention to the female part of the congregations. Therefore, missionary sisters should take this responsibility.

The remaining question was how the Mission should go about it. Schreiber remarked that male missionaries often did not yet understand the potential benefits of the missionary sisters' work and feared that white women working in their congregation might undermine their authority. Schreiber himself was not in favour of the freedom of English and American women missionaries to work independently as evangelists and preachers. The missionary sisters sent out by the RMG should not be allowed such freedom, because "that seems to us Germans as not according to the Scripture and on the whole does not accord with our ways and taste".⁹³ The sisters' field of action should be confined to the provision of education and health care, as was the long-established practice in Germany. They should be placed under the authority of the missionary on the station where they worked and devote their attention solely to women and girls. Appropriate candidates could be trained at the centres of the deacon-esses, such as the well-known and oldest one at Kaiserswerth.

Later in 1891 the RMG sent four missionary sisters abroad, two of them to Sumatra. Lisette Niemann (illustration 67) joined her sister and brother in-law, missionary Steinsiek, stationed in Laguboti, Toba, while her Swedish friend, Thora von Wedel Jarlsberg, was sent to Silindung to work in the congregation of the Batak Mission's largest mission station, Pearaja (Schreiber 1891b). Within eight years the number of sisters had increased to eight. They generally emulated the example set by Hester Needham's activities. In Laguboti and

⁹³ Similar ideas were expounded in other articles in the following years. It was even argued that missionary sisters should have neither their own organization nor their own training institute (Thiele 1893; A. Schreiber: 1897; A.W. Schreiber: 1905).

Pearaja, the sisters started an orphanage, where they tried to keep alive babies whose mothers had died in childbirth, a very difficult line of work—many of the infants died. The missionary hospitals in Tarutung and Balige established in the next decade took over this task. But their most important task was in the field of girls' education.

This touched upon an old problem. The missionaries had already long been aware that the participation of girls lagged far behind that of boys in the primary schools; and although they put pressure on parents to send their daughters to school, this often had been to no avail. In fact the Batak Mission unintentionally promoted the idea that education was useful only for boys, because only boys could enter the seminary. Toba Batak parents felt that educating a daughter was pointless, as they could not see it yielding any tangible benefit. They even saw it as a loss, because a daughter would be married off at a young age and by that time, she should be able to work in the fields, raise pigs and chickens, go to the market, take care of younger siblings and preferably have learned to weave. They did not see how a primary school education could offer anything that could make their daughter a more attractive match.

This perception gradually changed after the sisters had set up the schools for girls. Lisette Niemann, the pioneer behind education for girls, thought that the education of her pupils should be adapted to Batak conditions as much as possible, starting with evening classes for them. Aware of the value the Toba Batak attached to a women's ability to weave, she added weaving as a subject to the curriculum of her school, to encourage parents sending their daughters to the day-school a few years later.⁹⁴ The other subjects taught were reading, writing, arithmetic, the singing of Christian hymns, and basic home economics. Discipline and cleanliness were emphasized. Her approach turned out to be successful, as the girl's school in Laguboti gained in popularity year after year.

The Batak Mission also saw the value of girls' education for the formation of the Christian elite. It wanted the families of teacher/preachers (*guru*) and pastors (*pandita*) to serve as role models of Christian family life—but many of these families did not live up to its expectation. This counted in particular for the families of *guru*, because they married after they had finished their studies at the seminary and often had to marry a girl who had not been to school. Only the wives of the small number of married men who came to the seminary training as *pandita* since the 1880s received daily instruction in religious subjects and housekeeping from Marie Johannsen-Sommer, missionary Johannsen's

For a more detailed discussion on the curriculum of the girls' schools, see Van Bemmelen 1989:23–30.



ILLUSTRATION 66 Dr. J. Schreiber (Missionsinspektor). Pioneer of the women's mission of the Rhenish Mission. SOURCE: UEM, NO. 4005–108



ILLUSTRATION 67 Lisette Niemann, pioneer of education for Batak girls (1891). SOURCE: UEM, NO NUMBER

Girls's Schools: The Mission's Strategy to Get Girls into Their Orbit

68 and 69. The vast majority in the Batak Mission's schools were boys, which is evident in photograph no. 68 of the pupils in the primary school in Balige in 1890. Lisette Niemann (no. 67) changed this but could not immediately start a day school for girls in Laguboti, as they helped their mother at home and in the fields during the day. Therefore she started an evening school for them in 1895. Judging by their faces, most girls were older, several in their early teens. Only a few wear a sleeved blouse (the girl sitting next to Lisette, who also seems to be the only one wearing an *ulos* as a shoulder cloth). A few wear earrings, as was customary for unmarried girls. In later years, schoolgirls no longer wore jewelry.



Illustration 68 *The primary school in Balige (1890). The pupils are nearly exclusively boys.* Source: Kitlv, no. 12149. Coll. A. Bierens de haan



ILLUSTRATION 69 Sister Lisette with her evening school pupils (1895). COURTESY OF UEM

Weaving: Traditional Work of Women Incorporated in Girls' Education

70. Lisette Niemann (the elderly sister sitting on the left) started a weaving school around 1900, not only to attract girls to her school, but also because she believed that the education for Batak girls should be tailored to the Batak way of life. The dress code of the students—a woven shoulder cloth worn over a white blouse—also became the norm for wives of teacher/preachers. Contrary to their husbands, who copied the dress code of the European missionaries, their wives did not imitate the fashion of the European missionary counterparts.

71. The Batak Mission's sisters influenced the production of Batak weaving. In 1913 missionary sister Auguste Temming went with *Demang* Renatus Hutabarat (father of Julia Hutabarat, no, 1) and three Batak teachers to West Sumatra to observe the weaving industry there. The trip was subsidized by the colonial government. Cloth with old patters were collected, but new patterns were also introduced. In later years, imported yarn imported from India came to replace locally spun yarn because it was cheaper (Der Meisters Ruf 1914:7–8), see for changes also Niessen 1993:104–12.



ILLUSTRATION 70 Pupils of the weaving school in Laguboti (no year). SOURCE: UEM, NO. 4771–88



ILLUSTRATION 71 A Batak weaver from Tarutung instructing women in the village techniques learned in Silungkang, West Sumatra (1914). SOURCE: TM, NO. 10014414

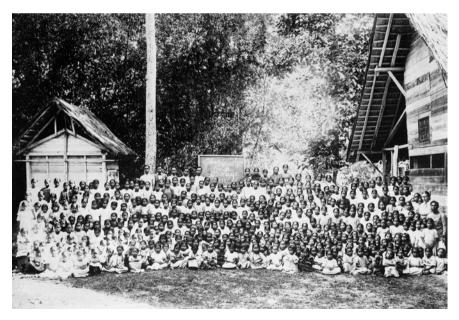


Illustration 72 *The Balige girls' school (1914).* Source: UEM, NO. 2746–10

Growing Popularity of Girls' Schools after 1915

72. The photograph of the Balige primary day school for girls demonstrates the growing popularity of the girls' schools over a period of nearly twenty years. Whereas in 1895 Lisette still had few girls in her school, the Balige school in 1914 had hundreds of pupils. The girls entered school at a young age and most of them wore a white dress, although of different cuts.

wife, during the two-year period of their husband's education.⁹⁵ Even of these women, missionary J. Warneck's opinion was outright unfavourable:

[T]he wives of the pastors are genuine Batak women, one might even say: too genuine. Even though there are virtuous, pious women amongst them, their outward appearance, cleanliness, disciplinary upbringing of the children, and so forth leave much to be desired.⁹⁶

The girls' schools thus filled a vacuum. Already around the turn of the century, former pupils of the girls' schools and residents of the adjacent boarding houses had become attractive partners for the *guru* and other young Christian men. Sometimes the missionary sisters tried to find suitable Christian husbands for the girls, always of course with the consent of the family. They even intervened in the plans of parents who wanted to marry their daughter to someone the girl did not like. The sisters' reports occasionally make mention of a girl asking for their help, which shows that she knew the sisters were against forced marriage.⁹⁷

The girls' schools in Laguboti and Pearaja proved to have a positive influence on the school participation of girls in general. Around the turn of the century, no less than 35% of the total school population in Laguboti was female and in Pearaja 32%, whereas elsewhere it was only 11% (Table 3). Ten years later, the percentage in these two places was still significantly higher than the average.

⁹⁵ Housekeeping was an important aspect of her training: she taught the women to cook, wash, and iron, and it was her pride that the *pandita* families made a clean and groomed appearance in church, which apparently made a great impression on the usually dirty flock (Zimmer 1893:23; Menzel 1989: 75–7).

⁹⁶ Warneck 1897:102. The importance of the impression a wife made is illustrated by the policy adopted later that a teacher/preacher could be admitted to the course for pastors only if his wife was considered able to fulfil the role of a pastor's wife (UEM, F/b 1,7: KP 1925:6).

⁹⁷ In some cases their intervention was successful, but if the parents were unwilling to listen to them, the sisters—upholding the principle of parental authority—gave in (Van Bemmelen 1989:30).

	School population in 1900			School population in 1910				
Stations	Boys	Girls	Total	Girls (%)	Boys	Girls	Total	Girls (%)
Pearaja	518	242	760	32%	1120	451	1571	29%
Laguboti	320	170	490	35%	691	341	1032	33%
Other (total)	6157	756	6913	11%	20503	4379	24882	18%
Grand total	6995	1168	8163	14%	22314	5171	27485	19%

 TABLE 3
 Sex ratio of the school population of elementary schools run by the Batak Mission

 (1900, 1910)

SOURCE: JAHRESBERICHTE DER RHEINISCHE MISSION 1900:78-9; 19; 1910:152-3.

Noteworthy, though, is that within that decade the number of schoolgirls at the mixed primary schools in places where there was no girls' school increased sixfold: from 756 to 4379 girls. This growth shows that more parents had started to appreciate education for their daughters, a development no doubt fostered by the existence of the girls' schools. The impression of progress was tempered, however, by the appallingly irregular attendance of the girls at the mixed primary schools.⁹⁸ One of the sisters who discussed this problem at the sisters' conference in 1916 recorded that this sorry state of affairs was due not only to the parents' inclination to keep their daughters at home, but also to indifference on the part of the male teachers, who made no effort to ensure that the girls attended the lessons. She suggested that the sisters teach religion at the mixed village schools to attract more girls.⁹⁹

Although in 1910 still only 19% of school population was female, this percentage compared favourably with that of other regions in the archipelago. According to the statistics of the colonial government over the year 1909, 10.18% of the school population in the northern and southern parts of Tapanuli combined was female.¹⁰⁰ That percentage was significantly higher only in the

⁹⁸ School inspector W.N. Briel, who visited the school in Siborongborong (Toba Plateau), found that over the past six months, the fifty schoolgirls had attended only thirty-one days! (Algemeen verslag van het onderwijs in Nederlandsch Indië over 1915, Part III. Appendix 11. Voorstellen betreffende de reorganisatie van het inlandsch onderwijs in de residentie Tapanoeli.)

⁹⁹ UEM, F/b 3. Ref. (n.a.) 1916, Berechtigung und Aussicht der Schwesternarbeit in den Bataklanden.

¹⁰⁰ This percentage was lower than that for North Tapanuli alone, because the much lower school participation of girls in the South Tapanuli kept down the average percentage for the entire residency.

Moluccas (40.78%), Timor (35.65%), Minahasa in North Sulawesi (34.65%), and slightly higher in the Preanger, West Java (11.03%). The populations of the first three regions had converted to Christianity long before the Toba Batak, and parents had therefore become accustomed to send their daughters to school for a much longer time than in the Batak lands. In the Preanger, the slightly higher percentage was due to the schools established recently by Dewi Sartika, one of Indonesia's national heroines (Van Bemmelen 1982:193).

Did the girls' schools raise the education and household skills of *guru*'s wives? Not significantly, it seems. In 1913 the same complaints were voiced about the lack of housekeeping skills of the wives of the *guru*, who were often illiterate.¹⁰¹ In an effort to ensure that the teachers refrained from marrying uneducated girls, the Batak Mission's conference stipulated in 1907 that their brides should be able to read and were obliged to hand over a testimony of good conduct and cleanliness from a missionary or missionary's wife (Müller 1916:11). Six years later the missionary sisters' yearly conference also demanded that the wives of *guru* should be obliged to take part in the prayer hours the sisters held with the women of the congregation.¹⁰² Apparently the Batak Mission was of the opinion that only the wives of *guru* and *pandita* bore the responsibility for exemplary family life and Christian conduct, because the contribution of their husbands was never hinted at.¹⁰³

9.8 Conclusions

During the period prior to the 1890s, the major players in the region had been the Christian rajas in Silindung, the Batak Mission, the Singamangaraja and his allies in Toba, and a few local Dutch administrators and military commanders. This constellation altered significantly after that. The 1890s witnessed a growing

¹⁰¹ UEM, F/b 3. Ref. Temming 1913.

¹⁰² UEM, F/b 3. Protokoll Schwester Konferenz 8-1-1913, point 4.

¹⁰³ On this point, a Dutch missionary, M. Joustra, visiting the Batak Mission in 1899, made a critical remark. He assumed that there was probably not a significant difference between the Toba Batak and the teachers in another advanced Christian region, the Minahasa, in terms of learning and professional capability, but they definitely differed in the way they treated their wives. The information he imparted to his fellow missionaries and *pandita*—that the Minahasa *guru* never beat their wives—was met with "sheer disbelief" (Joustra 1899:263). That domestic violence against wives was considered 'normal' is clear from the following story from a later period: a young pagan woman, just married to a Christian man, was afraid that her husband did not love her, because he had not yet beaten her once (Scharrenberg 1929:11).

divide between the Batak Mission on the one hand and the Batak rajas on the other, who started betting on the colonial government to boost their status in general and safeguard their traditional power in the administration of justice in particular. The colonial officials on the spot—who needed to win the trust of the rajas, particularly in recently conquered Toba—sided with the majority of the rajas, who were unwilling to implement the Christian By-laws (CBLs). Moreover, the officials were bound by the colonial government's policy of leaving the indigenous administration of justice intact and the principle of religious neutrality forbidding them to overrule the rajas. After annexation of the rajas became even more imperative in view of the ambitious reorganization of the indigenous administration, the building of infrastructure (which required forced labour of the population), and the imposition of taxes.

Once these projects were well under way, the situation at first appeared to improve for the Batak Mission: the regional administration ordered a revision of the CBLs, which the missionaries and representatives of the Christian congregations duly produced in 1913. But the missionaries' optimism soon gave way to disappointment, because the authorities in the Netherlands and Batavia decided to take on themselves the task of drafting a description of Toba Batak customary law. This 'secular takeover' and its consequences are discussed in the next three chapters.

Meanwhile the Batak Mission tried its best to remain in control of their ever-expanding Christian flock and stay ahead of the growing influence of the secular colonial government. Having lost its grip on the implementation of the CBLs and further development of customary law in a Christian vein in the 1890s, it managed to mould the Toba Batak male elite mainly through education at its seminary. This institute not only delivered the Batak personnel of teachers/preachers (*guru*) and pastors (*pandita*), but also a significant portion, if not the majority, of Christian Batak men who entered the colonial civil service in the region. By the turn of the century, this group of men became increasingly convinced that a Dutch primary education was the most secure way to guarantee future employment in the civil service for their sons. Grudgingly, the Toba Batak Mission gave in to this demand after 1910, fearing it would otherwise lose their influence with this particular group.

The divide between the traditional rajas and the nascent bureaucratic elite on the one hand, and the Christian group of *guru* and *pandita* on the other, of which so much was made by the Batak Mission, was to some extent superficial. Although the first and third group continued preserving old alliances by (classificatory) cross-cousin marriages, new alliances over a wider geographic region were formed as well. Male Christian personnel, even of slave descent from Sipirok, married into the other two groups in northern regions. Their daughters—who had been to the primary school, received a rudimentary education by missionary wives or, starting in the mid-1890s, had been to one of the two elementary girls' schools run by missionary sisters—stood out among the young women of their generation. They proved to be eligible partners for families belonging to each of the three groups. They were, however, a very small group, a situation that, by 1920, was creating vociferous discontent in elite circles.

CHAPTER 10

The Secular Takeover (1914–1934)

After the last independent regions were incorporated into the colonial state throughout the archipelago, colonial rule intensified. This included a thrust towards unification directed from the centres of power in the Netherlands and Batavia, permeating all fields of the administration. In North Tapanuli, the net results were the government's reduction of the authority of the Batak Mission over its school system and an end to its influence on the development of Toba Batak customary law. Aritonang (1994:248–77) has described the impact of the government's policy on missionary education in detail. This chapter explores the development of the government's legal policy between 1914 and 1934, which was firmly based on the conviction that the secular state had the authority to determine the future of the 'indigenous legal system' (*inheemsche rechtspraak*) and customary law still commonly used by different groups in the archipelago.

As in the previous period, the debate about policy went through several phases, in tandem with the ongoing debates in the Netherlands and Batavia about the best way to ensure legal security, the ultimate, if not sole, objective of the administration of justice in the colony. Its most prominent outcomes—the preservation of the indigenous legal system and of customary law—have been maligned by scholars for many reasons.¹ The villains usually identified are Prof. C. van Vollenhoven, who started the approach that became known as the 'school of adat law' (adatrechtschool) at the University of Leiden, and his students, many of whom were to enter the Dutch civil service in the colony. But was the debate indeed determined in the first place by icons of the adat law school? Archival sources, so far insufficiently used, tell a different story. The third section below demonstrates that there was a clear connection between the debate and the situation in North Tapanuli, which has gone unnoticed in the literature so far.

Colonial policy in the legal sphere gave the impetus to two research projects carried out in North Tapanuli. J.C. Kielstra produced a description of Toba

¹ Criticism included, first, that preservation of adat law contributed to the already complex situation of legal pluralism, leaving a poor legacy of the Dutch to the Indonesian state, which came into being in 1945. Second, that customary law could not accommodate the needs of the individual and society in a rapidly changing and modernizing Indonesian world; and third, for being a colonial invention devoid of a real basis (Lev 1985:57–63; 69–70, Fasseur 1992:253, and more elaborately Burns 2004).

Batak adat law in 1914, (henceforth KDAL), which served as a guideline for the courts in the following years.² The second was of a different nature: a comprehensive study of the functioning of the indigenous legal system in North Tapanuli by J.C. Vergouwen, the first civil servant commissioned to execute such a task in the Netherlands Indies. In 1930, he submitted his report, and after his return to Europe, he wrote the book on Toba Batak adat law that has already been referred to in the Introduction (Vergouwen 1933), which was soon generally acknowledged as an outstanding study on the subject of customary law. The main features of Kielstra's and Vergouwen's work and how they recast rights of men and women are described in the first, fourth and fifth sections of this chapter. In the conclusion, their work, differing in more than one aspect, is situated in the wider context of evolving modernities of the Ethical Policy.³

10.1 Kielstra's Description of Customary Law for Toba Batak Christians (1914)

In 1913, after the drive toward legal unification had petered out and the idea of codified law for all Christians had been shelved, the Minister of Colonial Affairs, T.B. Pleyte, took action. He followed the advice of C. van Vollenhoven's Commission for Adat Law—which was supported by the Consul for Missionary Affairs Gunning—for in-depth research on the customary law prevailing in regions with a significant Christian population.⁴ The person to whom he commissioned this assignment was J.C. Kielstra, who was a legal expert and deputy advisor for administrative affairs of the Outer Regions (*adjunct adviseur voor Bestuurszaken der Buitenbezittingen*) at the time.⁵ Kielstra duly acquitted himself of his task, producing the descriptions required between 1913 and 1914. Kielstra was committed to the overriding principle that his descriptions should

² KDAL is short for Kielstra's description of adat law. The full title of Kielstra's writing is "Beschrijving van het bijzondere adatrecht der Inheemsche Christenen in de Bataklanden" (Description of the particular customary law of indigenous Christians in the Batak lands), (Adatrecht 1915: 14–30).

³ This very complex political approach, lucidly analyzed by Locher-Scholten (1981:176–208) came to dominate the colonial government's policies in the Netherlands Indies, in particular between 1900 and 1920, when its proponents were able to realize major reforms in many areas of colonial administration.

⁴ NA, Col., MR 2103/13, Adviseur voor de Bestuurszaken der Buitenbezittingen (C. Lulofs) voor dezen Adjunct-Adviseur A.J. Knaap aan Dr. v B.B., Batavia, 27-9-1913, nol 257; Extract uit het register der Besluiten van de Gouverneur Generaal van Nederlandsch Indië, 10-10-1913, no. 18.

⁵ NA, Col., V 31-12-1915, no., MR 2103/13, Knaap aan Dr. v B.B., Batavia, 27-9-1913, no. 257. 3.

first and foremost promote legal security (*rechtszekerheid*), implying that they should faithfully reflect the law as it was applied in practice by indigenous judges. The descriptions should also help civil servants, who were often transferred and quickly succeeded one another. This had led to diverse interpretations of adat law and erratic applications by the courts they chaired in the past, which Kielstra's descriptions should prevent. The descriptions should not include principles of customary law that were of "a too primitive" kind, incompatible with the standards of a more developed nation.⁶

In North Tapanuli, Kielstra had to come to terms with the revised Christian By-laws (CBLS), which Resident Barth had initialled in 1913.⁷ The Commission for Adat Law in the Netherlands had already rejected the revised CBLS outright, considering it a product of the Batak Mission and not of the rajas applying the law. It also expressed misgivings that the Batak Mission had taken the liberty of printing and distributing the CBLS, because this was a matter for the government.⁸ Kielstra, probably informed about the views of the Commission, had to repeat the entire exercise but this time according to the right procedure: by involving the 'chiefs of the people' (*volkshoofden*). Governor-General Idenburg told him that he could consult local Dutch civil servants and representatives of missionary societies as well, "if deemed necessary".⁹

What immediately strikes the reader of the KDAL is that it differs substantially from the CBLs in terms of language, terminology, and form. The KDAL was couched in Dutch legal vocabulary, whereas the language of the CBLs was reminiscent of that used by the Batak authors of the treatises on Toba Batak customs and customary law written in the 1890s (*Ruhut* 1898 and *Patik* 1899). Kielstra left far less room for common Batak legal concepts than the authors of the CBLs, perhaps because he did not have the time to familiarize himself thoroughly with these concepts or did not find them sufficiently important. For example, the CBLs consistently had made mention of the father of the bride and the father of the groom (translations of *parboru* and *paranak* in the Batak text), whereas Kielstra introduced the more general term "the representatives of the family of husband and wife". In fact, many members of both *marga* fitted this description, so this terminology obscured the different rights

⁶ He stated these points of view two years before his assignment was approved. Kielstra to Director of Internal Affairs, Batavia 21-7-1911, no. 1915, NA, Col., MR 1913, 533/12.

⁷ Barth had not formally endorsed the 1913 DBLS, but only had taken notice of them (viseed).

⁸ *Adatrecht* 1915:13. Nor did the Commission approve of the many fines mentioned in the 1913 CBLS.

⁹ Extract uit het Register der Besluiten van de GG van N.I., Buitenzorg 10-10-1913, no. 18. NA. Col., V 31-12-1915,3.

and entitlements of the bridegiving and bridetaking parties. The articles about the dissolution of a betrothal, divorce, and the return of a widow to her family of origin, placed under separate headings in the KDAL, obscured the fact that for the Toba Batak these occurrences boiled down to the same thing: the severance of kinship ties between the bridegiving and bridetaking *marga*, for which the Batak term was *sirang*.¹⁰ Nor did the KDAL make the conceptual distinction between the dislike of the husband for his wife (*magigi*) and that of the wife for her husband (*mahilolong*), lumping these together as "mutual dislike" (*wederzijdsche afkeer*). The Batak concept of *langkup*—violating the rights of another man, father or husband, vested in a daughter or wife—was also unrecognizable in the KDAL. To a considerable extent, these conceptual differences account for the differences in the headings of the KDALs chapters and their sequence compared to CBLS.¹¹

Being a jurist, Kielstra probably cast an eye to the Dutch Civil Code inheritance (Burgerlijk Wetboek, BW) when he wrote the KDAL. He tried to foster legal security by meticulously detailed descriptions of not only prohibitions, prescriptions, and punishments for transgressions, but also of obligations, rights and procedures, although not to the same measure of detail as in that Code. For example, many aspects left implicit in the CBLs were included such as betrothal and marriage as contracts between families, custody of children always remaining with the husband or his family after his death, and the exclusive right of sons. The influence of the Civil Code is also evident from the inclusion of chapters that were alien to Batak adat law, such as the articles on the rights and obligations of husband and wife¹² followed by chapters on joint marital property and its management (*gemeenschap van goederen en derzelver beheer*) and on antenuptial contracts (Burgelijk Wetboek: 163–71, articles 117–85), and a chapter on adoption, which was a rare practice in Toba Batak society.

In order to ensure legal security, Kielstra obviously considered it necessary to describe the functions of the rajas in the contracting of betrothal, marriage,

¹⁰ The CBLs had done justice to this concept by subsuming all these legal actions under the same heading "On Separation", in Dutch erroneously translated as "divorce".

¹¹ The headings of the chapters of the 1913 CBLs read: On Marriage; On Divorce (a. Breaking off of a betrothal, b. Divorce); Death of a Wife; Bigamy; Adultery; Inheritance Law; Christians in Relation to Heathens. The KDAL was divided into the following Chapters: I. Christian Congregations; II. Civil Registry; III. Betrothal; IV. Dissolution of Engagement; V. Marriage; VI. Rights and Obligations Standing the Marriage; VII. Dissolution of Marriage; VIII. Adoption; IX. Care of Children Left Behind; X. Inheritance; XI. Criminal Offences.

¹² The Dutch Civil Code described these rights and obligations *in extenso* (BW: 162–3, articles 103–16)

divorce, and so forth. The importance of this was twofold: the support of the rajas would guarantee the legality of the agreement, and their mediation was required to forestall problems if a dispute arose later on.¹³ This implied that the Batak Mission was henceforward forbidden to grant a church marriage without the approval of the rajas (KDAL, article 31.3), which according to the CBLs had been allowed. Kielstra also wanted to promote legal security by ensuring that written agreements on marriage payments had to be submitted in order to avoid ambiguity in case of dispute. Article 4.d stipulated that the parties were obliged to attach the agreement on the marriage payments to the form for the registration of marriage, a new policy introduced in 1912 and discussed in the next chapter. In sum, the KDAL was far more elaborate and specific than the CBLs.¹⁴

It is important to note that many of the CBLS' regulations that deviated from traditional customary law were nevertheless included in the KDAL, because they had become customary. Inserted were the obligatory consent of the partners to engagement and marriage, obligatory monogamy for Christians, the prohibition of bigamy, the prohibition of marriage between a man and his stepmother or stepdaughter, and the penalty for a man who abducted a girl if he did not marry her.¹⁵ The KDAL also stipulated that adultery was a criminal offence, punishable according to the indigenous criminal code (which had already been in force since 1892).¹⁶ It was even more explicit on the point of bigamy, stipulating such a second marriage as illegal and void. In sum, the KDAL substantiated the majority of the CBLs stipulations, and upheld the most important principles of Christian dogma.

A number of traditional customs, previously acknowledged in the CBLs, were also duplicated. The prohibition of marrying someone from the same *marga* was reinforced, as were the customs of 'climbing the stairs' and

¹³ The term used in legal anthropology for the rajas' support is 'attested or supported law observance' (gesteunde naleving) and for their role as guardians of the law to prevent legal uncertainty and future disputes 'preventive law care' (preventieve rechtszorg). Thanks to Keebet von Benda-Beckmann who pointed this out to me. The CBLs had left those roles largely implicit; the Toba Batak rajas and the Batak Mission probably took these roles for granted.

¹⁴ The 1913 CBLs contained thirty-one articles, whereas the KDAL counted seventy-two, with more paragraphs per article (*Adatrecht* 1915:3–30).

¹⁵ KDAL article 16 and 32: consent; article 29 (1): monogamy; article 38: a Christian woman could marry only a single man of another faith; article 29 (2): bigamy; article 68: fine of fifty guilders for bigamy; article 35 (3): prohibition of marriage with stepmother or step-daughter; article 70: fines for abductor.

¹⁶ кdal article 71.

abduction (*maiturun/mahiempe* and *mangabing*), the sororate, levirate, and widow remarriage outside her husband's kin group.¹⁷ The KDAL also regulated a matter never touched upon in the CBLs: a child born out of wedlock was acknowledged as belonging to the *marga* of his mother's lawful husband (instead of that of its biological father).¹⁸

But Kielstra left out those stipulations of the CBLs that he found unobserved in practice or belonging to the religious sphere. There were to be no restrictions whatsoever on the right of a bridegiver (*parboru*) to contract a marriage, as the CBLs had introduced.¹⁹ Nor was any mention made of the hierarchy in Christian marriages depending on the moral behaviour of a couple: Kielstra must have regarded this as a matter of no concern to the government. Probably for the same reason, no penalty was stipulated for a man who had deflowered a girl prior to marriage. And of course the *parboru*'s obligation to give a certain portion of the brideprice to the church treasury did not appear in the KDAL either.²⁰

On several points, Kielstra toned down the CBLs stipulations. The KDAL did not include a stipulation prescribing a fixed minimum age for marriage, but contained a soft guideline only: rajas should see to it that girls did not marry under the age of fifteen and boys under the age eighteen.²¹ Reintroduced was the old guideline of the Batak Mission that all marriages of a polygamous man prior to his conversion were legal (article 37.1). This was a setback for Batak Mission,

- 20 This was stipulated in 1883 draft CBLs (article 8) and in article 5 of the 1885, 1892, and 1913 CBLS.
- 21 KDAL article 33 (2). Here again Kielstra followed the Dutch Civil Code which stipulated the minimum age of marriage for a woman at fifteen and eighteen for a boy (BW:151, article 86). The minimum age of marriage stipulated in the Church Ordinance was firmly set at sixteen for a woman and eighteen for a man.

¹⁷ KDAL article 35 (1): prohibition on marriage within the same *marga* (no mention was made of other customary prohibitions such as marriages 'against the flow'); article 69 stipulated a maximum fine for transgression of this prohibition of 200 guilders, a very high fine indeed, reflecting Batak feeling about the seriousness of the offence; article 34 abduction and *maiturun/mahiempe*; article 20 on sororate, which had to take place with the consent of the replacing woman; article 48: levirate; article 49 remarriage of the widow outside her deceased husband's kin group.

¹⁸ KDAL article 68 (4) and 68 (5). Kielstra probably followed the Civil Code in this respect (BW:181, article 250). The reason the Batak Mission never issued a regulation about these children is perhaps that a child born out of wedlock was just not of their concern because the parents had never lawfully married.

¹⁹ Thus the stipulation in the 1913 CBLs stipulation that a woman of twenty-five could marry without her *parboru*'s consent was left out. Kielstra had consulted the rajas, so we may conclude that the latter were not willing to give a woman that freedom—or that cases like this simply did not occur.

which had left this stipulation out of the 1913 CBLs on purpose, because it was of the opinion that the time was ripe to take a firmer stance against Christian bigamists.²² To the chagrin of the Batak Mission, Kielstra also revived another old custom: adultery of a wife could be settled out of court, by amicable agreement, if the husband agreed to accept compensation from the *parboru* (article 44.2). Of course none of the CBLs' versions had ever stipulated this option, as adultery was a criminal offence according to Christian dogma. But apparently the rajas still wished to leave the option of amicable settlement open.²³

The KDAL and the 1913 CBLs differed substantially on three points: divorce, the rights of widows, and inheritance. The KDAL included all grounds of divorce stipulated in the CBLS.²⁴ But several new ones were added that the Mission did not approve of: barrenness of a marriage; giving serious offence to the partner's family; and banishment and imprisonment.²⁵ The first two additional grounds for divorce must have been based on the advice of the rajas. Implicitly, all grounds for divorce were accessible to both husband and wife. This gender equality was a sham, because Kielstra reintroduced the main obstacle for a woman in obtaining her bridegiver's support for her divorce: the return of double the amount of the brideprice if she was guilty of an unreasonable dislike for her husband (mahilolong).²⁶ This obviously contravened the policy consistently followed by Batak Mission of widening the options for a woman to leave an abusive husband, or to end an otherwise unsatisfactory marriage, by lowering the amount of the brideprice to be refunded.²⁷ Another disadvantage for women was the loss of a woman's right to sustenance by the husband until the divorce was settled if she had been repudiated without sufficient reason (magigi of the husband).²⁸

27 See 1913 CBLs article 15.

²² This policy was probably related to the Batak Mission's commitment to the relevant decision of the Edinburgh Missionary Conference in 1910 (Vergouwen [1933]1964:232).

²³ Perhaps such a settlement was still common: not one lawsuit dispute centered about this problem.

²⁴ KDAL, art. 45. The 1913 CBLs and KDAL had the following grounds for divorce in common: adultery (CBLs, article 24, KDAL art. 45 (1) a); mutual dislike (CBLs article 15 on *magigi*, 16 on *mahilolong*, KDAL art 45 (1) d); incurable or contagious illness (CBLs article 19 with the provision that it was grounds for divorce only if the husband did not know his wife was ill before marrying her; KDAL art. 45 (1) c, no such restriction); desertion (CBLs article 17, if longer than one year; KDAL art 45 (1), if longer than two years, and including imprisonment).

²⁵ Kielstra followed the Dutch Code which accepted imprisonment for a period over five years as grounds for divorce (Burgelijk Wetboek art. 210.c).

²⁶ KDAL, article 46.3.

²⁸ This right had been introduced (article 15 of the 1913 CBLs) as an additional punishment for a husband who just wanted to get rid of his wife. As a divorce case could take months

On the other hand, a mother was given the right to compensation if she took care of children after the divorce (KDAL article 52). Presumably, Kielstra's personal ideas about justice and fairness inspired this stipulation.

Kielstra probably had no idea that widows might need special legal protection. He left unregulated their right to manage the inheritance of the husband and the usufruct of his property.²⁹ The KDAL also did not allow widows who had no children, or only daughters, the right of usufruct of a part of the inheritance sufficient to live on, but only stated that the heir had the obligation to take care of them.³⁰ Kielstra also reinforced customary inheritance law, allotting sons—and if there were no sons, the next patrikin—the exclusive right.³¹ The fixed portions that daughters without brothers could inherit, stipulated in the 1913 CBLs, did not appear. The sole concession Kielstra made was that a man could allot a part of the inheritance to his widow and daughters before his death, either verbally or in writing (KDAL article 66). This stipulation was very different from the inalienable inheritance right the CBLs had granted to daughters and was more reminiscent of the traditional custom of bestowing a gift (*dondon*) to daughters by the father on his deathbed or the gift 'covering sadness' (*daon sihol*) to sisters by their brothers.³²

In sum, The KDAL confirmed a woman's freedom to choose her spouse, her right to the assets she received from her own family, and the responsibility for her own actions.³³ But by reviving several Toba Batak customary laws privileging men, the KDAL left daughters, wives and widows worse off compared to the CBLS.

- 31 KDAL article 62; 63; 64; 65.
- 32 Chapter 3, Section 3.6.
- 33 Such as in the case of adultery. Remarkable in this context was a new stipulation in the KDAL that the second wife was obliged to pay the same fine of fifty guilders as the married man who had been implicated, on condition that she knew prior to the marriage that he was already married (article 68.2).

before being settled by the judges, this was a setback for women. Actually the Dutch Civil Code contained an article stipulating the right of the wife to ask the court to order sustenance to be paid to her during the trial as well (BW:175, art. 213). Why Kielstra did not include this in the KDAL?

^{29 1913} CBLs, article 17 had stipulated this. That this was the commonly accepted practice comes to the fore in one of the 'dynamite disputes' discussed in Chapter 12, Section 12.6.

³⁰ KDAL article 64 (2). The 1913 CBLs, article 26 granted her the usufruct of fields yielding twenty-five *tuduhan* of rice per year and goods worth up to 120 guilders. If she had more than two daughters, she was given more.

10.2 Awkward Negotations

Noteworthy is Kielstra's interpretation of consulting the representatives of the Mission "if deemed necessary": he met with the missionaries only after he had finished the draft of the KDAL. At a special meeting set up by the regional administration in April 1914, he did not consult but rather informed the missionaries about the contents of the KDAL and its purpose to record only customs and customary law practiced and supported by the majority of Toba Batak Christians. Traditional laws had been rejected only if they contravened accepted principles of "justice and fairness" (*rechtvaardigheid en billijkheid*).³⁴

During this meeting, the missionaries raised several points. The most controversial one was barrenness as a reason for divorce, an issue on which the missionaries turned out to be deeply divided. The long-serving missionary O. Marcks protested strongly against this, pointing out that a number of congregations in Silindung had already rejected barrenness as grounds for divorce. But other missionaries feared that they would have to excommunicate many Christian men for bigamy if these men were not allowed to divorce their first wife with whom they had no children. Barrenness was of course kept in the codification as grounds for divorce because the rajas wished it.

But Kielstra also accommodated several suggestions of the missionaries. The penalty for bigamy was raised from thirty to fifty guilders, which would make it a case of the higher court. This prevented the awkward situation of a judge of the lower court who had taken a second wife having to impose a penalty on himself. Kielstra also adopted the idea of adding a regulation stating that a wife was entitled to buy, sell, and manage goods for daily use such as rice, clothing, and small animals. This was included in the paragraph on the rights and obligations of husband and wife, which had stated the husband's rights and his wife's obligations, but not her rights.³⁵ Two other stipulations were added to protect a wife against her husband's irresponsible management of the household's assets. A husband needed his wife's consent if he wanted to sell rice fields, gardens, or cattle, but only if she had children (KDAL,

For the minutes of this meeting, see *Adatregelingen* 1922: 88–90. Besides Kielstra, those present were the Controller D.W.N. De Boer and two of his colleagues, and seven representatives of the Batak Mission (L.I. Nommensen, J.H. Meerwaldt, O. Marcks, W. Müller, H. Weissenbruch, W. Steinsiek, and W. Spiecker) as well as two missionaries of the Karo Batak Mission.

³⁵ KDAL article 39: obligation of the husband to live with and take responsibility for the upkeep of his wife and children; article 40: the wife is subservient to the husband, should follow him, see to the daily needs of the family, and take care of the children.

article 42.3). The missionaries also wanted to know whether article 66 on inheritance meant that the father had to make a will if he wished to bequeath part of his estate to his widow and daughters, or whether he could only grant them a gift. On this point, Kielstra gave them no conclusive answer.

The authority of representatives of the church was another issue. The missionaries did not protest against the omission of their own authority, which had been still conspicuous in the 1913 CBLs; they accepted that the KDAL vested the church's authority in the Christian congregation.³⁶ Its authority was restricted, however, to the cooperation and proclamation of a marriage in church and the right to determine whether there were objections to the marriage from the point of view of the church (KDAL article 31). The missionaries considered that this was not enough and requested that the congregation play a role in two more matters. Kielstra gave in to the first-the congregation's supervision, together with the rajas, of the estate of a deceased man if his children were still minors. But he flatly refused to require the presence of a church elder for a betrothal or adat marriage, arguing that this would "pull the Christian community out of her own sphere and into that of social law".³⁷ His views clearly were based on the notion that customary marriage was a matter of the secular state and that the Christian community's authority concerned only the wedding in church: therefore, this requirement should be left out of the KDAL.

Conceptually incongruous with this arrangement was the task allotted to the Christian congregation of keeping the records for civil registry (KDAL article 4), which confirmed the state of affairs that had developed over the past decades. Obviously, the reason was only practical: by allocating this obligation to the church community, registration was better ensured than when people had to travel to the office of a Controller. This arrangement was also convenient for the already overburdened Controllers. Nonetheless, the government changed this provision soon afterwards, in 1916, transferring the registration of marriages to the clerks at the office of the *demang*. How this worked out is discussed in the next chapter.

³⁶ The 1913 CBLS mentioned the role of the missionary in the conclusion of a church marriage (article 3); his right to decide whether there were any obstacles to the marriage (article 4); the right to grant dispensation if a bride or groom had not reached the requisite age for marriage (article 6); supervision, together with the raja, of the management of the inheritance of the children by their mother/widow (article 27); the obligation of government to inform the missionary on lawsuits that might lead to a divorce (article 31).

³⁷ According to the KDAL (article 30), only the rajas needed to be involved in the conclusion of a betrothal and marriage, irrespective of their religious denomination.

10.3 Deadlock (1916–1923)

It is occasionally contended that in the Netherlands Indies one encounters the law stipulated in the code of law, customary law, and case law *(jurisprudentie)*. There is no need to add to that another body of law connived by missionaries.³⁸

Although Kielstra had accommodated several of the missionaries' requests, they nonetheless remained dissatisfied with the result. In 1916 the Batak Mission, worried about the KDAL's "many shortcomings", decided to send a request to the Netherlands Indies government to revise several of its articles, a plan warmly supported by the Rhenish Mission Society (RMG) board.³⁹ After the Batak Mission had been informed that Kielstra still awaited suggestions for improvement, a meeting was held in each district to draft the revisions.⁴⁰ When the Consul for Missionary Affairs, Baron C.W.Th. van Boetzelaer van Dubbeldam, came to visit the missionaries in 1917, he suggested discussing the matter with F.C. Vorstman, the Resident of Tapanuli.⁴¹ Vorstman declared that he was willing to call a meeting with the rajas, because they had the authority to decide on the content of customary law.42 Nothing came of this meeting-according to Vorstman, because of differences of opinion in the circle of the Batak Mission.⁴³ But the missionaries withdrew perhaps because they did not expect much support from the rajas, nor from Vorstman and other Dutch officials, who were known to be wary of "mission-made law".

^{38 &}quot;Men beweert wel eens dat men in Indië vindt wettenrecht, adatrecht en juristenrecht. Er bestaat geen behoefte om daar nog bij te voegen een geforceerd zendelingenrecht", Filet to Governor-General 7-3-1922, no. A 5/1/7, NA, Col., MR 1806, 1922, doos 182.

³⁹ UEM, F/b 1,6 KP 1916:8/342; UEM F/b 1,6 KP 1916: 359. Letter from RMG board, page 7. In view of the convergences between the 1913 CBLs and the KDAL, their judgment that the KDAL was based solely on the "heathen adat" was unjustified.

⁴⁰ UEM, F/b 1,6 KP 1917: 7/374; III/379. This report also stated that according to the feeling of the best elements in the congregations, the prescription had "lowered the Christian level significantly".

⁴¹ UEM, F/b 1,6 Protokoll besondere Konferenz (with van Boetzelaer), 24/25-10-1917, 377–83.

⁴² UEM, F/b 1,6 Protokoll [meeting missionaries, van Boetzelaer with the Resident of Tapanuli, Vorstman, 26-10-1917] 384–7. Vorstman referred here to the letter (*missive*) of First Government Secretary De Graaff to the heads of the regions of 30-10-1911, no. 2471, which stated that the Christian adat law should be described by the 'chiefs of the people' (*volkshoofden*) in consultation with the missionaries (NA, Col., MR 1911, no. 1960).

⁴³ *Adatregelen* 1922:99. Brief van den Resident van Tapanoeli aan den gouverneur-generaal, 13-10- 1919.

Moreover—and perhaps more decisively—the relationship had recently reached rock bottom over a local issue: the (alleged) support of the Batak Mission for the population's protests against the planter A. van Oefele, whom Vorstman had welcomed as an investor to boost the economic development of North Tapanuli (Castles 1972:133–7). The fact that Assistant Resident for North Tapanuli, W.K.H. Ypes, and three Controllers lived in concubinage also did not foster a warm relationship.⁴⁴

J.M.J. Schepper, who succeeded Van Boetzelaer as Consul for Missionary Affairs in 1918, also tried to lobby Vorstman for the KDAL's revision. The latter, clearly tired of the whole matter, did not even bother to reply to Schepper's letter in detail, but instead sent him a report written by one of the Controllers, adding that he fully agreed with its contents. The thrust of this report was that a codification should record only generally valid principles of law; a description anticipating future developments (the assumed objective of the Batak Mission) was "out of the question". Vorstman added crisply that he had sent the report to the government for further consideration, but that he did not object to a meeting once the new Superintendent of the Batak Mission, Dr. J. Warneck, arrived. Schepper also took the matter higher up, approaching Governor-General J.P. Graaf van Limburg Stirum (1916–1921).⁴⁵ Van Limburg Stirum, however, wanted to wait for Kielstra's scheduled return to the Netherlands Indies.⁴⁶

When Warneck (who could not immediately leave Germany in the aftermath of World War I) finally arrived in 1920, he had other, far more pressing, priorities than the revision of the KDAL.⁴⁷ In an article written in 1920 on the

- D.W.N. de Boer, Controller of Toba, was also well known for his uncompromising attitude towards the Batak Mission (Castles 1972:68). The long-serving missionary Marcks sketched a very bleak picture about the relationship between the Batak Mission and the Vorstman regional administration, accusing it of a total lack of concern for the Batak Mission's interests, allowing—based on the principle of religious neutrality of the colonial state—the Catholic Mission to come and work in Tapanuli, the building of a mosque in Tarutung, the entrance of planters in the region, and the building of a hotel (brothel) in Tarutung. For his many other complaints and worries about the challenges the Batak Mission faced, see his paper *Die neue Zeit in unserer Missionsarbeit auf Sumatra. Ihre Gefahren und deren Uberwindungsversuche* (UEM, F/b 1,7 Ref. Marcks 1919: 14–5, 29). The Batak Mission's follow-up was typical: in the next year, missionary W. Müller presented his proposals for yet another revision of the Church Ordinance (UEM F/b 1,7 KP 1920:54).
- 45 Adatregelingen 1922: 91-13.
- 46 He had repatriated in 1915 because of ill health.
- 47 The problems were: (a) the Hatopan Kristen Batak, a new organization established in 1919, challenging the authority of the missionaries; (b) its impact on the rank and file of

new Batak Mission's policies under his leadership, he did not even mention the need for its revision. He trusted that Schepper in Batavia would continue to lobby for it.⁴⁸ Meanwhile, the government, faced with an economic crisis, had cancelled Kielstra's voyage to the colony.⁴⁹

In 1922, the Director of the Department of Justice, P.W. Filet, picked up the controversy again. In a letter to Governor-General D. Fock (1921–1926), he wrote that "not much Christian" was to be found in a number of the KDAL's articles, and even went as far as suggesting several amendments.⁵⁰ W.K.H. Ypes, who had replaced Vorstman in 1921, agreed to a revision of the KDAL, but on the condition that—in accord with the government's decision taken in 1911—the 'chiefs of the people' (*volkshoofden*) take the initiative.⁵¹

The Batak Mission must have realized what this meant: the end of the road. The 1927 missionary conference summarized the situation as follows:

The lack of a strictly defined written Christian custom is still continually and strongly felt. But a certain way to the enactment of a Christian adat can hardly be found without the collaboration of the Christian chiefs and they are still not sufficiently aware of (its) importance.⁵²

The report stated pessimistically that it was improbable that the rajas would take any initiative unless urged to do so by the regional authorities. But not much was to be expected from Resident Ypes: like his predecessor Vorstman, he had no love for the Batak Mission. Thus the issue of a separate code of law or legal guideline for Batak Christians, which had occupied the Batak Mission and the colonial authorities for so long, died a quiet death.⁵³

53 The debate on uniform law for Indonesian Christians in other regions, however, was not shelved. In 1933, the government issued a decree on the matrimonial law for Christians on

guru and *pandita*; (c) the demand for more secondary schools; and (d) lack of funds after Germany's defeat in World War I (Warneck 1920).

⁴⁸ The yearly conference of that same year stated only that the matter was put in the hands of Schepper, the Consul for Missionary Affairs in Batavia (UEM, F/b 1,7 KP1920:54).

⁴⁹ NA, Col., MR 1806, 1922, doos 182. Letter Director of Internal Affairs Staargaard to Governor-General, 27-1-1922, no, 1098/Btg.

⁵⁰ NA, Col., MR 1806, 1922, doos 182. Letter Filet to Governor-General 7-3-1922, no. A 5/1/7. Filet's misgivings concerned the KDAL's presentation of marriage as a commercial transaction, abduction as a legal form of marriage, and the option for an adulterous man to pay a fine if this was acceptable for the offended husband.

⁵¹ NA, Col., MR 3175, 1923, doos 207. 1ste Gouvernementssecretaris Helb aan Resident van Tapanuli, Buitenzorg 24-10-1923, no. 2553 (also published in *Adatregelingen* 1928: 212–3).

⁵² UEM, F/b 1,8, KP 1927:2.

10.4 The Indigenous or the Government System of Justice for North Tapanuli?

Another old controversy, however, proved resilient: that of the desirability of a uniform legal regime for all Indonesian subjects. In 1918, the proponents of unification had successfully lobbied for the adoption of a unified penal code for the Netherlands Indies in which the separate codes for Europeans and Indonesians were amalgamated (Fasseur 1992:251). In the following years, the controversy focused on the regions outside Java where local customary law and indigenous systems for the administration of justice (*inheemsche rechtspraak*) had been maintained. These regions had all been integrated into the Dutch colonial state around the turn of the century and included populations as wide apart in terms of religion and culture as the partly Christian, partly pagan Toba Batak, the population of the island of Nias in North Sumatra, the Dayak in the southeastern part of Borneo, the Muslim populations of Jambi, Bengkulu, and West Borneo, and the Hindu Balinese.

In July 1917 H.J. Scheuer became the new Director of the Department of Justice. He was a staunch proponent of legal unification.⁵⁴ He took the idea of the introduction of a single codified body of law to its logical conclusion: it should be paired by the introduction of a uniform legal system. In fact, a codified body of 'government law', in many ways following Dutch law, and a uniform legal system (*gouvernementsrechtspraak*) had already been in effect for decades in large parts of the archipelago: on the island of Java, Madura, and a few regions in the Outer Territories (*Buitengewesten*). It consisted of the administration of justice by a country court (*landraad*), presided over by a European judge with the appropriate training, and district courts at a lower level.⁵⁵ In Scheuer's

54 What made Scheuer such a strong supporter of legal unification is not clear from the correspondence.

55 In fact, the government system consisted of two different sets of courts administering justice: one for Europeans (and Indonesians and persons belonging to Asian groups who possessed the legal status of an European, an option open to them) and another for Indonesians referred to as natives (*inlanders*). When referring to the government system in the following, the government's system of justice for natives is meant. The issue was thus whether this system or the indigenous legal system was best. For a comprehensive overview of the entire legal system, which also included religious courts of different

Java, Madura, Minahasa, Ambon, Saparua, and Banda (Staatsblad 24-2-1933). These Christian communities shared a bilateral kinship system. The Batak Christian community was excluded from this regulation, because Batak law was rooted in a patrilineal kinship system, and therefore the regulation was considered unsuitable for application in Tapanuli (Van Randwijck 1981:284).

view, this system should become the only one operative throughout the Indies: it should replace the indigenous system wherever it was still maintained.

Actually, the system referred to as indigenous was a Dutch invention, too: the higher and lower courts had been introduced in Tapanuli in 1886. The administration of justice by these courts had also undergone the influence of Dutch legal practice concerning procedures. The main differences between the two systems were that in the government system, European judges were in charge of the administration of justice and the law applied was government law, whereas in the indigenous system untrained chiefs adjudicated disputes (under the supervision of Dutch officials not trained in the law either)—and they applied local customary law.

At his request, the Resident of North Tapanuli Vorstman sent Scheuer in 1918 the draft of four decrees (*ordonnanties*) for the introduction of the government system in four districts in Tapanuli, although personally he did not agree with the idea.⁵⁶ Scheuer, meanwhile, managed to gain the support of the Council of the Netherlands Indies (*Raad van Nederlands-Indië*) as well as that of the High Court in Batavia. The secretary of that body only informed him that the introduction of the government system in regions other than those where it was already in force was unfortunately not yet possible, because European judges were too short in supply.⁵⁷ Van Limburg Stirum, sensing that ideological differences and practical problems still stood in the way of solving the issue, ruled at the end of 1918 that the situation should remain as it was.⁵⁸

Scheuer, however, continued to lobby for his cause, and in the following year obtained the support of another influential government body, the proto-parliament of the Netherlands Indies, the *Volksraad*.⁵⁹ With the backing of the aforementioned higher bodies in the colony assured, he must have been confident that the time had arrived to overcome any remaining resistance. In January 1920 he convened all the Residents of the regions mentioned above, with the intention of bringing them over to his point of view. This meeting proceeded

kinds, village tribunals organized by the government, and still entirely autonomous systems, see Burns 2004:151–73.

⁵⁶ NA, Col., V 7-3-1919, 44 doos 1951. Directeur van Justitie aan Gouvernor Generaal 14-3-1918, no. 4874.

NA, Col., V 7-3-1919, 44 doos 1951. Advies Raad van Nederlandsch Indië, 10-5-1918, no, XII;
 J.H. Carpentier Alting on behalf of the High Court to Governor-General 24-7-1918, no. 1255/3815; MR 1920, 284, doos 133, Scheuer to Governor-General 24-12-1919.

⁵⁸ NA, Col., V 7-3-1919, 44 doos 1951.1st Government Secretary G.R. Erdbrink to Director of Department of Justice, 22-10-1918, no. 2769/II and to Director of Internal Affairs, 31-10-1918, no. 2859/II.

⁵⁹ NA, Col., MR 1920, 284, doos 133, Scheuer to Governor-General 24-12-1919.

in a very tense atmosphere: the Residents clearly felt bullied by Scheuer. The Resident of Bali and Lombok, H.T. Damsté, protested most vehemently against the introduction of the government system, followed by several others, including Resident Vorstman.⁶⁰ The Residents' first objection was one of principle: customary law and the indigenous system of justice were more suitable for the populations of their regions than the government's legal system.

Moreover, the introduction of the government system posed insurmountable practical problems. Because the government had no European judges available, the only alternative would be for the regional administration to carry it out, and that was out of the question because the Controllers and Assistant Residents were already heavily overburdened.⁶¹ The Residents found an ally in their fight against Scheuer in the person of their superior, the Director of the Department for Internal Affairs, F.L. Broekveldt, who justified in particular their second argument. He asked the Governor-General not to take any preparatory steps without prior consultation with him and the heads of regional administration.⁶²

After the meeting in Batavia, Vorstman kept quiet; but when Governor-General D. Fock succeeded Van Limburg Stirum in March 1921, he immediately took the liberty of requesting his opinion on his earlier proposals for the regulation of the indigenous system of justice in North Tapanuli, which had remained pending since 1915. He used the argument that, as far as he knew, the government system would not be introduced in the near future.⁶³ He was right. Due to the economic crisis in 1922, the new Director of the Department of Justice, F.J.H. Cowan, had to economize and could not free funds to appoint the necessary qualified European judges.⁶⁴ Fock, meanwhile, left Vorstman in the dark.

⁶⁰ NA, Col., MR 1920, 2386, doos 146. Notulen der bijeenkomst van de hoofden van Gewestelijk Bestuur der Buitenbezittingen, 31-2-1920. The meeting was held in the building of the *Volksraad*.

⁶¹ This problem lay at the heart of the debate. Other issues left out for the sake of brevity were adat transgressions not regulated in the Civil Code, the comparative advantage of the indigenous legal system as being simpler than the government system, the high costs of its introduction, and the anticipated burden of having to grant the right of review by the Supreme Court in Batavia to many more plaintiffs if that system was introduced throughout the archipelago.

⁶² NA, Col., MR 1921, 684, doos 158. Brief Breton de Nijs, secretary Director of Internal Affairs to Governor-General, 16-7-1920.

⁶³ NA, Col., MR 1921, doos 162, Resident of Tapanuli to Governor-General, 27-4-1921, no. 4894.

⁶⁴ NA, Col., MR 1922, 3885, doos 192, Letter secretary Director of Department of Justice to Resident of Tapanuli, 3-10-1923, no. B. 47/50/24.

	Subdistrict	High Court				Low Court				
		Civil		Criminal		Civil		Criminal		Offence
		Done	Backlog	Done	Backlog	Done	Backlog	Done	Backlog	Done
1	Silindung	35	73	30	4	267	90		19	544
2	Toba Plain	18	11	34	12	43	15		17	125
3	Toba	111	273	79	46	483	84		66	1421
4	Samosir	44	26	46	1	205	24		11	584
5	Barus	2	0	5	0	32	7		26	167
6	Dairi	7	0	20	6	37	21		4	149
	Total	217	383	214	69	1067	241	0	142	2990

TABLE 4Lawsuits adjudicated by the High and Low Courts per sub district (1926)

Note. In particular the backlog in civil cases brought before the high courts was enormous, exceeding the number of cases settled in 1926 with 176%. I have not found an explanation for the apparent inability of the lower Courts to settle criminal lawsuits.

SOURCE: KITLV, ADATRECHTSTICHTING H 1051, 77. OVERZICHTSTAAT AANTOONENDE HET TOTAAL AANTAL STRAF-, OVERTREDING EN CIVIELE ZAKEN DOOR DE GROOTE EN KLEINE RAPAT IN DE AFDEELING BATAKLANDEN GEDURENDE HET JAAR 1926 AFGEDAAN.

In 1921, Vorstman was succeeded by Ypes, who had a different opinion on the issue than his predecessor.⁶⁵ Ypes had nothing against customary law and the indigenous legal system as such; on the contrary.⁶⁶ But during his previous term as Assistant Resident of North Tapanuli, he had witnessed that the Controllers were overburdened to an intolerable extent because they had to spend so much of their time in their duties as chairpersons of the higher courts. The problem was that Toba Batak filed hundreds of lawsuits at the lower and higher courts each year, causing an enormous backlog in the administration of justice

⁶⁵ NA, Col., MR 1925, 392, 226. Ypes to Director of Department of Justice, 10-9-1923, no. 10255/A.Z.

⁶⁶ In 1917, when he was Assistant Resident, Ypes had already informed Vorstman, that he was "a great proponent of the indigenous legal system, because due to its simple formalities it satisfies the people [*justiciabelen*] more", but that he nevertheless was in favour of the introduction of the government legal system for the reasons presented here (NA, Col., v 7-3-1919, doos 1951. Ypes to Vorstman 7-12-1917 no. 7850/9). After his term of office as Resident of Tapanuli, Ypes carried out research on Toba Batak customary land rights (Ypes 1932).

that seemed almost impossible to overcome (just how serious the problem was can be concluded from the data presented in table 4). Understandably, Ypes wished to transfer that problem to judges specifically appointed for the job, so the Controllers could devote their time to the administration's plans for the economic development of the region.⁶⁷ In 1924 he added a political reason for this in a letter addressed to the Governor-General.⁶⁸ The Batak local population had violently opposed the arrival of "a European entrepreneur", by which he meant the aforementioned planter Van Oefele, and the higher court in Tarutung, supervised by the local Controller, had convicted the culprits of the unrest. This had damaged the relationship between the Controllers and the chiefs (kepala negeri as well as demang). Ypes thought it would therefore be better if the Controllers were relieved of their duty to supervise the court sessions so they could not be blamed for the meting out of verdicts that were unpopular with the population and the rajas.⁶⁹ Ypes's pressure was fruitful: the Governor-General informed him in February 1925 that the meeting on the colony's budget for the year 1926 might discuss the funds necessary for the appointment of three judges for the introduction of the government legal system in North Tapanuli.70

But at the end of 1925 the tide turned. The Council of the Netherlands Indies, consulted on Ypes's proposal, argued that the introduction of the government legal system was justifiable only if the population requested it or if the indigenous administration of justice was so deficient that the population suffered because of it. The Council stated that no request to replace the indigenous legal system with that of the government had come forward. This was actually untrue, because in March 1924 the Congress for the Unity of Tapanuli (Congres Persatoean Tapanoeli) had sent a request to that end to the Governor-General.⁷¹ It is likely that the Council put this request aside as not representative of the general feeling of the Toba Batak population, because the architect of the request was H. Manullang, the secretary of the Congress, whom they considered a political troublemaker. As the leader of the first independent Toba

⁶⁷ As Assistant Resident of North Tapanuli (1917–1921) Ypes had already pleaded for this. NA, Col., v 7-3-1919, doos 1951. Ypes to Vorstman 7-12-1917 no. 7850/9.

⁶⁸ NA, Col., MR 1925, 392, 226. Ypes to Governor-General 25-8-1924, no. 9629/9.

⁶⁹ I doubt whether the Toba Batak population would have understood Ypes's envisioned division between the administrative and judicial powers. I assume they would have continued blaming the government anyway.

⁷⁰ NA, Col., MR 1925, 392, 226. Government Secretary H.A. Helb to the Director of the Department of Justice, 17-2-1925 no. 346/III AZ.

⁷¹ NA. Col., MR 1925, 392, doos 226. Verzoekschrift aan Gouverneur-Generaal, namens het Congres Persatoean Tapanoeli, 10-3-1924.

Batak organisation, the Hatopan Kristen Batak, established in 1918, Manullang had been behind the actions against the planter Van Oefele referred to above, which had brought him into conflict with the regional administration, including with Assistant Resident Ypes.⁷² On the point of the functioning of the indigenous legal system in North Tapanuli, the Council remarked that although complaints about it were numerous, complaints about the government system in South Tapanuli outnumbered them—so why introduce it in North Tapanuli?

The Council also analyzed the course and outcome of the debate over the previous decades. It concluded:

One thus observes each time the issue is brought to the table, a persuasive pressure on the part of the heads of administration to maintain the indigenous system, and, from the side of the Director of the Department of Justice, time and again efforts to have it replaced by that of the government.

The Council commented on its own position as well, pointing out that its members had always been divided on the issue.⁷³ Nevertheless, each time the outcome of the debates had been the same: the highest authorities in Batavia, the Director of the Department of Interior Affairs and subsequently the Governor-General, had sided with the Residents.

Based on these findings and taking note of the fact that Ypes was the only Resident in favour of it, the Council came to the following conclusions. It would not do to introduce the government legal system in Tapanuli, because the Director of the Department of Justice had declared that there was a possibility that he could deliver the necessary judges in the near future. One should at least consider the wider implications of the measure. Moreover, one had apparently lost sight of the more fundamental question of whether replacement of the indigenous legal system by that of the government was desirable in view of

Ypes had been attacked by Manullang in the press because he had slapped a woman protesting against the occupation of land by Van Oefele's men in 1919. Apparently his hatred of Manullang got the better of him, even to the point that he did not exploit the Tapanuli Congress's support for his own cause. He wrote about its request that its tone was "improper" (*niet gepast*), which he attributed to Manullang's influence and did not forget to mention the ignominious fact that Manullang had just come out of prison in September 1923, where he had served a fifteen-month sentence for sedition (NA, Col., MR 1925, 392, 226. Ypes to Governor-General 26-4-1924, no. 5059/4).

⁷³ In 1918, there was actually only one member, W.J. Coenen, who squarely opposed the introduction of the government legal system in Tapanuli for principled reasons. In 1925, B.J. Swart seconded him.

the legal needs of the population. The Council acknowledged Ypes's complaint that legal proceedings took up too much of the regional administrators' time, but thought a legal expert who would take over part of their burden could solve that problem. That official could also do research on the comparative advantages and flaws of the indigenous legal system. Only after the results of such a study were available, would it be possible to make a well-informed decision on the introduction of the government system of justice.⁷⁴ The advice of the Council had immediate effect: Governor-General Fock supported it.⁷⁵ Ypes, who still had reservations on the Council's recommendations, lost no time informing the Governor-General once more about his ideas, but it was a lost battle.⁷⁶

This was due to the growing influence of school of adat law. The successor of Cowan as the new Director of the Department of Justice, D. Rutgers, decided to lend an ear to Professor B. ter Haar, one of the outstanding pupils of Prof. Van Vollenhoven. Ter Haar had just started teaching customary law (*adatrecht*) at the new Law University (*Rechtshogeschool*) in Batavia, established in 1924 (Keuning 1964:VII). Ter Haar supported the recommendation as the Council of the Netherlands Indies to appoint an official for the indigenous administration of justice (*ambtenaar voor de inheemsche rechtspraak*). He proposed J.C. Vergouwen, like himself a former student of Van Vollenhoven and



ILLUSTRATION 73 *Prof. C. van Vollenhoven.* SOURCE: KITLV, NO. 2877

⁷⁴ NA, Col., MR 1925, 1277, doos 230. Advies van de Raad van Indië, 8-5-1925, no. XXI. The Council's advice was supported by a lengthy elaboration.

⁷⁵ NA, Col., MR MR 1925, 1277, doos 230. Gouvernement Secretaris W.G. Stroband aan Directeur van Justitie, 19-5-1925.

⁷⁶ NA, Col., MR 1926, 398, doos 232. Ypes to Governor-General 10-7-1925 no. 4212/9.



ILLUSTRATION 74 *Prof. B. ter Haar.* SOURCE: KITLV, NO. 30655

Secretary of Resident Ypes at the time, as a suitable candidate for the job.⁷⁷ In May 1927, Vergouwen was officially relieved of his previous duties and charged with the leadership of the higher courts (*Rapot na bolon*) in North Tapanuli.⁷⁸

10.5 Vergouwen: Causes of Legal Insecurity

Vergouwen was charged with assessing whether the prevailing system of administering justice in North Tapanuli functioned satisfactorily. The standard he used was the same as the Commission for Adat Law and Kielstra had used over a decade earlier: legal security had to be guaranteed by the decisions taken by the indigenous judges. Were they (still) able to do so? Three years later, in 1930, Vergouwen submitted his report on the indigenous administration of justice, in which he presented the reasons for its malfunctioning, summarized below. But Vergouwen thought that it was possible to overcome its shortcomings and recommended its preservation (Vergouwen 1930). This was not surprising:

NA, Col., MR 1926, 398, doos 232. Rutgers to Governor-General, 5-2-1926, no. A -16/1/6; B. ter Haar, Nota betreffende de voorloopige handhaving der inheemsche rechtspraak in Tapanoeli en de daarvoor te nemen maatregelen, 2-6-1925.

⁷⁸ Secretary Haze Winkelman of the Department of Justice to Director of Department of Internal Affairs, 28-4-1926, A 16/1/14, NA. Col., MR 1926, 1262, doos 249.

CHAPTER 10

being an adept of Van Vollenhoven and the school of adat law, he was a staunch supporter of maintaining the indigenous legal system, which meant in practice the support of the colonial government in North-Tapanuli where cases were still adjudicated according to customary law.⁷⁹

Vergouwen started from the same point of view as Kielstra over ten years earlier: the ultimate purpose of the administration of justice was to ensure legal security. His judgement on the functioning of the courts in North Tapanuli was negative: it did not serve that purpose. Erratic decisions of the courts "compromised" the indigenous administration of justice, and it showed signs of "a certain degree of degeneration". He identified the following structural impediments.

The first was related to the government's formation of the Toba Batak supra-local and transferable bureaucratic elite in 1915, consisting of district and sub-district officers (demang and assistant demang) who assisted the Controllers. These salaried Toba Batak officials were selected by the government on the basis of aptitude for their duties, evaluated by their level of education and loyalty.⁸⁰ They enjoyed a higher income and higher social status than the rajas whom the government had appointed as heads of the sub-districts (kepala negeri) during the terms of office of Resident Vorstman and Ypes (Drijvers 1941:665). In the course of time, power had concentrated in the hands of *demang* and assistant *demang* in the administration as well as the judiciary, where they seconded or replaced the Controllers as chairpersons of the higher and lower courts. According to Vergouwen, all these demang and assistant demang had undermined the traditional authority of the kepala negeri, who had always adjudicated disputes in the past. The government had also contributed to the erosion of the latter's authority, because it had neglected to give the kepala negeri a clear mandate to see to the observance of customary law in the communities they administered. As a result, the kepala negeri had been left

⁷⁹ He expressed his views before he started his assignment as follows: "I was, am, and hope to remain a supporter of indigenous system of justice" (*Ik was, ben en hoop te blijven een voorstander van de inheemsche rechtspraak*), J.C. Vergouwen to B. Ter Haar, 26-4-1926, KITLV, *Adatrechtstichting* H 1051, 77.

⁸⁰ The introduction of a supra-district indigenous bureaucracy was the extension to Tapanuli of a system already applied in other parts of the Outer Provinces. The *demang* preferably had been trained at the schools for indigenous civil servants (OSVIA = Opleidingsschool *voor Inlandsche Ambtenaren*). However, the government could not yet require this of the first generation of Toba Batak *demang*. As a result, not a few *demang* were fired because they proved incompetent Castles (1972:61–2).

with little more than an interest in the levies for their work as judge.⁸¹ Vergouwen deplored this, because the *kepala negeri* were usually the best informed about marriages contracted in their area, since marriages were registered at their office. This was all the more deplorable because disputes about marriages formed the bulk of the cases adjudicated. Vergouwen therefore suggested that the government give them an incentive to see to the proper maintenance of the law (Vergouwen 1930; [1933]1964:161; 200–2).

Another source of legal insecurity was the fluidity of customary law. Toba Batak customary law had always varied between sub-regions as far back as the pre-colonial period.⁸² The emergence of Christian adat law had further exacerbated the already existing fragmentation.⁸³ Although the judiciary should accommodate these differences, Vergouwen was in favour of more legal uniformity and revision of adat law, if necessary.⁸⁴ He thought this could be achieved best by following the initiative of a *demang* who in 1924 had convened a great council of rajas in order to reach a consensus on the lifting of the marriage ban (*sumbang*) between exogamous clans on the island of Samosir.⁸⁵

The third impediment to legal security was the unsatisfactory implementation of the government regulation issued in 1915 on the voluntary registration of marriage at the office of the *kepala negeri*, prescribing the specification of marriage payments. According to Vergouwen, this regulation did not function well because the specification was often not reliable.⁸⁶ Vergouwen suggested involving the village chiefs once again in lawsuits on the material settlement of divorce and separation of widows. This was appropriate because they always

Warneck (UEM, F/b 1,7 Ref. 1928:6) confirmed the loss of authority of the rajas. He wrote:
 "the rajas today are no longer what the old rajas were; their prestige and authority are gone [...]. The new times have not given them a commensurate position [...]".

⁸² Vergouwen paid ample attention to sub-regional differences, probably with the practical objective in mind that Dutch officials should be informed about these.

⁸³ Vergouwen did not pay comprehensive attention to the contents of the CBLs and KDAL or their impact, referring to these regulations only in passing. On the other hand, he paid ample attention to the many misconceptions of the missionaries and nineteenth-century authors about Toba Batak marriage (Van Bemmelen 1986:55–64).

⁸⁴ Vergouwen [1933]1964:268. This view he expressed in relation to the great variety in court decisions pertaining to lawsuits on *langkup* of widows, but I think it is representative of his general opinion.

⁸⁵ Vergouwen [1933]1964:158–9. Although this ad hoc great council had reached a consensus on the matter and the government had given its fiat as well, the ban was not lifted in practice. In 1928 Vergouwen made use of the same method to elicit a consensus on legal issues related to bigamy and divorce (Chapter 12, Section 12.4).

⁸⁶ The ensuing debate on this subject with his superiors is discussed in Chapter 11, Section 11.4.

received a fee (*upa raja*), which implied their duty to bear witness if needed (Vergouwen [1933]1964:198–200).

10.6 Vergouwen: Caught between Preservation and Revision of Matrimonial Laws

Although Vergouwen's assignment did not entail the codification of customary law, he recommended the preservation of particular customary laws, as well as revision of other laws, because he was not blind to the excesses to which these laws could lead. He denounced forced marriages, deploring the cases of suicide by girls reported each year.⁸⁷ He also worried about the vulnerable position of orphaned girls, in particular those who had no brother, or a brother too young, to stand up for them. An orphaned girl could easily become the victim of heartless uncles who might encourage her husband to rape her immediately after the wedding in order to force her into submission. In his opinion, the government would have public opinion on its side if it took measures against such excessive coercion. Not only were the younger generation of educated women strongly opposed to it, but young men had become adverse to such conduct as well, regarding it as "no longer worthy of a man" (Vergouwen [1933]1964:191-3). Vergouwen thus supported the norm introduced by the Batak Mission and confirmed by the KDAL, that a girl had to give her consent to marriage and should be protected against a cruel parboru—although he gave no practical clue how a girl could defend herself if no one was willing to help her.

Vergouwen also frowned upon the abduction of a girl (*mangabing*) against her will; but according to him, this custom was already disappearing, and in the rare cases that still occurred, the government had taken a firm stand.⁸⁸ Rape should be adjudicated as a criminal offence for which the culprit should

⁸⁷ On the other hand, Vergouwen ([1933]1964: 191–2) had no strong misgivings about the exercise of moral pressure on a daughter, adding that the father often did so with the full support of the girl's mother (as if this made the pressure more acceptable). Girls, raised to be submissive, often gave in, he argued. He remarked that he had come across many women coaxed into marrying the spouse chosen for them who eventually led a happy married life after giving birth to a number of children.

⁸⁸ Vergouwen had confirmed the conviction of a young man by the higher court of Tarutung to a prison sentence (the term not mentioned) as well as the payment of a penalty to the girl for her purification. The man had tricked the girl into getting into his car and had not allowed her to get out (Vergouwen to Resident of Tapanuli, 4-3-1929, for the case report see no. 266, KITLV, Adatrechtstichting H 1051 80 II).

serve a prison sentence.⁸⁹ It is remarkable that for Vergouwen the testimony of a woman was sufficient grounds for convicting the rapist: Batak girls and women would never dare to lie about being raped, for fear of soiling their good name. For attempted rape (*aanranding*), however, he was in favour of an adat punishment: the culprit and his family members should apologize publicly for his conduct, offering the offended girl and her family a meal of pork meat served with rice.⁹⁰ The court could mete out such an adat punishment, but the village chiefs could also arrange an amicable settlement.⁹¹ Vergouwen did not think widows were still forced to marry in levirate. "The wish of the widow tips the scales", if she preferred to marry a more distant relative of her deceased husband instead of a closer one.⁹² Moreover, young widows without children were often allowed to return to their family or marry someone else with the approval of her husband's heir.⁹³ Older widows who had children often remained unmarried, in particular if they had sons (Vergouwen [1933]1964:243–6).⁹⁴

As far as Vergouwen was concerned, the fight against bigamy was the concern solely of the Batak Mission. The government should not forbid bigamy, even for Batak Christians. He scorned the dismissal of bigamous chiefs, to which the regional administration had resorted in 1915 on the insistence of the Batak Mission, considering that such punitive measures were ineffective to root out the custom anyway.⁹⁵ It was much better to strive for "the gradual

90 Vergouwen aan Resident van Tapanoeli, 8-11-1927, KITLV Adatrechtstichting H 1051 81. See also Vergouwen 1966:266.

91 For such an amicable settlement, see Soerat Perdamaian 13-8-1927, KITLV Adatrechtstichting H 1051 86.

92 He probably came to this conclusion because he had come across lawsuits in which a widow successfully opposed the heir of her husband who wanted to force a levirate marriage on her. See Timbangan dan kepoetoesan Rapat Advatvonnis Lagoeboti 21-9-1928 no:19; KITLV, Adatrechtstichting H 1051, 81; Advice Vergouwen on Vonnis Groote Rapat Balige 27-11-1925 No. 23, KITLV, Adatrechtstichting H 1051, 80. Vergouwen failed to mention that the enlarged measure of freedom granted to widows to decide whom to marry was the result of the Batak Mission's policy against forced marriages in levirate.

93 See for several published amicable settlements of this kind taken from Vergouwen's archive: Minnelijke schikkingen 1936:123–4; 132–4; 137–8.

94 He failed to attribute these conditions to the influence of the Batak Mission.

95 One of the victims of this policy was I. Amir Hamzah Lumbantobing, who after his dismissal became one of Manullang's close associates in the Hatopan Kristen Batak (Castles 1972:151). In fact, the Batak Mission had already decided in 1916 that they would no longer file requests for the dismissal of Toba Batak officials (UEM, F/b 1,6 KP 349/9).

⁸⁹ Vergouwen ([1933]1964:266–7). Two relevant cases are kept in his archive. Vonnis Groote Rapat Balige 22-10-1926, KITLV Adatrechtstichting 80 I; Timbangan; Vonnis Groote Rapat Trt. 13-10-1927, no.16; (KITLV H 1051, 87).

development of the law in a Christian spirit" in this matter (Vergouwen [1933]1964:235–7). His personal efforts to promote such a development in 1928 are discussed in Chapter 12.

'Irregular marriages' were another concern high on Vergouwen's list. In contrast to his position on the previous issues, his stance on this one was very conservative. By an irregular marriage he meant cohabitation not formalized by an adat ceremony with exchange of marriage payments (marbagas roha*roha* = sharing a household at will). He insisted that under all circumstances, a married woman—or rather her *parboru*—should settle a divorce before she entered a new relationship; if necessary, they should go to court to sue the husband if he had not treated his wife properly. In his view, neglect of these formalities was "most indecent and rude" (Vergouwen [1933]1964:264-5). He likewise denounced the incidence of widows living with a new partner without first arranging her separation from her deceased husband's lineage.⁹⁶ He called for strong action by the rajas in cases such as these, "in the interests of the legal order" and as "a check on lawlessness and the degeneration of morals". The judges should have no mercy on the culprits, who had "violated other people's rights" (meaning the rights of a husband or his heir vested in the woman). The male party should be convicted for *langkup*, and the woman should also be punished. If the *parboru* had married off his daughter without arranging her divorce first, the judges should mete out punishment to him as well.⁹⁷ He also supported the observance by the court of the old law forbidding a cohabitating couple to marry, even after the woman had been formally separated from her husband's lineage. If the couple had a child, it should be regarded as born out of wedlock and handed over to the husband or his heir, as was the old custom. In his opinion, deviation from the old adat on these points was anathema, based on "modern concepts which are not supported by the traditional law" (Vergouwen [1933]1964:268). Unfortunately, his conservative position in cases like this achieved the opposite of the promotion of legal security that Vergouwen intended, not to mention justice.98

Vergouwen's ideas about the grounds for divorce and the settlement of marriage payments were less univocally conservative. In contrast to the Batak

⁹⁶ Vergouwen ([1933]1964:170) mentioned that illegal cohabitation among young people was unknown to him. Cases involved divorced women and widows only.

⁹⁷ For example, he criticized a court decision in an (alleged) case of *langkup*, because the judges had not convicted the *parboru* who had married off his daughter before arranging her divorce from her husband, who had given her back to her father two years earlier (Vergouwen aan Resident van Tapanoeli, 2-7-1929, KITLV, Adatrechtstichting H 1081, 81).

⁹⁸ See Chapter 12, Section 12.3.

Mission, he regarded impediments to procreation such as sexual impotence, infertility or illness, or if the couple continually had lost their children, good reasons for divorce, stressing that for the Batak the purpose of marriage was begetting children.⁹⁹ But not in accord with customary law was his opinion that long-term desertion and negligence of the partner were sufficient grounds for divorce. He also wanted to see older women protected by law against wilful repudiation by a husband who intended to get rid of a so-called 'old pasture', the term for a post-menopausal woman.¹⁰⁰ In general, however, he was opposed to divorce, emphasizing that the authorities had the obligation to cooperate with Batak Mission to prevent it.¹⁰¹ On the other hand, he disagreed with the policy of the Batak Mission written in the Christian By-laws to counter easy repudiation of the wife by denying her husband at least the refund of a substantial part of the brideprice. Likewise, he was still in favour of the old maxim that a *parboru* had to return more than the brideprice if his daughter had left her husband for no good reason.¹⁰² He reintroduced the concepts of magigi (a husband's unreasonable dislike for his wife) and mahilolong (a wife's unreasonable dislike for her husband), which had been obscured in Kielstra's description. Based on the existing practice, he supported the return of twothirds of the brideprice in the first case (with the provision that the husband could claim the refund only when his wife remarried) and, in the second, the refund of the brideprice increased by half.¹⁰³ According to Vergouwen, the husband was often even willing to accept less, as long as the court's verdict

⁹⁹ On one point, he had misgivings. Vergouwen ([1933]1964:250) thought it "less easy to explain" that a man wanted to divorce his wife who had given him only daughters, but who was not yet passed the age of childbearing.

¹⁰⁰ Vergouwen ([1933]1964: 254) wrote: "It is right that a man should keep his wife, care for her and maintain her even though there are no further sexual relations". He reported that in Silindung a man was not allowed to divorce a woman if there were children, but this was not the case in Toba.

¹⁰¹ Vergouwen mentioned that Warneck, the Ephorus of the Batak Mission had often urged this, but the administration had not heeded its request (Vergouwen to Resident of Tapanuli, December 1928,) KITLV, Adatrechtstichting H 1051, 81.

¹⁰² Vergouwen ([1933]1964:253) wrote: "there is apparently no reason now to introduce special measures favouring the wife who wants to leave her husband or whose husband wants to part with her, by making the financial arrangement of a divorce more disadvantageous for the husband than would be the case under the old law or under present-day law".

¹⁰³ This was less than the doubled value of the brideprice which the *parboru* had to return according to letter of Toba Batak customary law, which probably was rarely demanded of him in the past anyway.

stated explicitly that his wife had caused the failure of the marriage (Vergouwen [1933]1964:261).

Vergouwen must have been aware of the fact that a woman often endured an unsatisfactory marriage because she could not take her children with her after a divorce. In none of his writings, however, did he express an opinion about this. A critique of this state of affairs would have implied questioning the Toba Batak notion that children belonged to the husband and his clan. Apparently Vergouwen did not want to go as far as that. But he did support the decision often taken by the court to grant the mother an allowance if she took a young child with her because it still needed her care, a practice introduced by Kielstra.¹⁰⁴

It is noteworthy that Vergouwen paid far more attention to the economic activities of Toba Batak women and their control over household assets than any other author before him:

In view of the legal position of the *pater familias*, one would not expect to find that a woman has any authority to execute legal transactions. In fact, she not only handles the daily expenditure, but she also sells the things that she makes herself at the market, the pots, mats, clothing, etc.; she sells the fruit from the garden and the rice from the field; she disposes of the small domestic animals and she can also be a trader in different goods, a buyer for a wholesale trader or a keeper of a small shop. She can enter into loans of rice for the family with the proviso of payment after the coming harvest, she can borrow money against interest, she can buy standing coffee trees without consulting her husband and can lend money against a wet rice-field as security. She can even appear in a lawsuit with her husband as the plaintiff about items belonging to the marriage property and can legally oppose a contract entered into by her husband. This is over and above her special rights in respect of the pauseang- and bangunan-fields, which she has brought to her marriage. [...] This marked independence of married women is particularly noticeable in Toba. Elsewhere the wife is more restricted to the sphere of domestic economy.

VERGOUWEN 1964:222-3

¹⁰⁴ There are many cases in Vergouwen's collection that were ruled accordingly. See for an example Adatvonnissen 1936:81. The mother was given two guilders per month for maintenance of her child.

The Gender Division of Labour

Men were assigned the tasks of clearing the fields and maintaining the irrigation system. But women did the brunt of agricultural work, including planting, weeding, and harvesting, whereas men maintained the irrigation system and cleared the fields prior to planting. Women also raised pigs and chickens, which usually went about freely but had to be fed. Women's other duties were cutting firewood for cooking, carrying it home on their head, hauling water from the nearby well, and pounding rice (no. 11). Women also cooked for their family. Unfortunately, hardly any photographs were taken of Toba Batak women performing these agricultural tasks and household chores. This stands in sharp contrast to the many pictures of women weaving and making pottery. Toba Batak women were said to age quickly due to hard labour, but also because of frequent childbearing (no. 76).

Women petty traders were very visible at the small and larger markets in the region and outnumbered male traders. They sold agricultural produce and a large variety of items they made themselves (no. 81). Men also traded at the market but sold different goods such as meat, tobacco, benzoic, and palm sugar.



ILLUSTRATION 75 Women carrying baskets with produce returning from the fields, Silindung. SOURCE: KITLV, NO. 106319. COLL. L.V. JOEKES



ILLUSTRATION 76 Arduous labour taking its toll: Toba Batak emaciated older woman. SOURCE: TM, NO. 10005430

Woven Cloth (ULOS): the Changing Product of Women's Hands

Over time the production of cloth underwent change. Yarn imported from British India came to replace locally spun yarn because it was cheaper. Bright coloured dyes and new patterns were introduced as well as new weaving equipment, using tall poles (no. 79). The revival of Batak cloth stimulated by the Batak Mission, however, could not stop Western dress replacing woven cloth as daily wear for men and children. For women *ulos* became an item of fashion; for men an item of clothing used during ritual. This still guarantees women weavers a source of income to this day (Niessen 1993:104–12).



ILLUSTRATION 77 Spinning cotton, Samosir. SOURCE: TM, NO. 10014377



ILLUSTRATION 78 Dyeing the yarn with indigo. SOURCE: TM, NO. 10014180



ILLUSTRATION 79 Woman weaving outside her hut, Tiga Ras (ca. 1915). Next to her a blackskinned pig, an animal usually raised by women. SOURCE: TM, NO. 7830001901



ILLUSTRATION 80 Women producing pottery, Pangururan, Samosir. Hilly Samosir was not suitable for wet rice cultivation, apart from a small strip on its eastern and northern shores. But its soil was suitable as basic material for pottery. Other trade items produced by women on the island and probably elsewhere, too, were mats and baskets. SOURCE: TM NO. 10005753



ILLUSTRATION 81 Women selling palm toddy (tuak) at the market (1935). SOURCE: KITLV, FROM HELBIG 1935B:198

The many disputes on economic assets involving women he had come across must have fostered Vergouwen's understanding of women's informal economic power.¹⁰⁵ That he was so impressed by this may have had its source in the conditions in the Netherlands, where women's authority to engage in economic transactions and take independent legal action was very restricted by law, which often required the consent of the husband or a disposition by a judge for this.¹⁰⁶ It is remarkable that he was not at all judgmental about women's economic activities outside the home: he did not voice the opinion that Batak women were the "slaves" of their husbands or "beasts of burden", an opinion shared by many authors in the past.¹⁰⁷ Nor did he suggest that women should devote themselves solely to the care of husband, children, and their household.¹⁰⁸ Observing the reality in many households, he concluded that it was "difficult to say with any certainty that the property of a married couple is not under joint ownership" (Vergouwen 1964:223). On the other hand, he reported that a malevolent husband could still dispose of property without his wife's consent, because traditional law granted him that right. Vergouwen was not certain that married women would gain formal rights to conjugal property in the future, but he was optimistic about this.¹⁰⁹

Vergouwen (1964:246, 248) also remarked that sons often left the management of the inheritance to their widowed mother, so the position of a Batak widow approached that of a widow in Western society.¹¹⁰ But he also saw the other side of the coin:

many are the bitter complaints of girls, and women who have only daughters, that immediately after the father's or husband's death, the *uaris* insist on their rights of custodianship and management and distrain [*sic*]

- The common representation of the gender division of labour was that women did all the work in the home and most of it in the fields, and that men were lazy, only talking in the café (*lapo*), waging war, and addicted to gambling (Marsden ([1793]1975:383); Junghuhn 1847:1,81; Geen kolonie [[Ida Pfeiffer] 2003:37; [Köhler] 1911:18; Bruch: 1912:24; De Boer 1920:335; Jansen 1924:358; Warneck 1936:83). It is interesting that Rodenburg (1993:137) emphasized the difference in perspectives on women's economic role by giving the title 'beasts of burden or competent managers' to the paragraph devoted to Toba Batak female farmers.
- 108 His view about women's roles was relatively exceptional. The 'ideology of the housewife' was current in circles of the missionaries and colonial officials (Locher-Scholten 1986:48–9).
- 109 This does not seem to have materialized, see Chapter 14, Section 14.2.
- 110 In most lawsuits, the women were widows. Out of the forty-six lawsuits mentioned in footnote 88, twenty-four involved widows.

¹⁰⁵ For discussion of these cases, see Chapter 12, Section 12.7.

¹⁰⁶ See footnote 12 for the source.

on everything, show no willingness to allow them more than what is barely sufficient for their subsistence [...].

VERGOUWEN 1964:287

Widows without children who were no longer young and staying in the family of their deceased husband were virtually without rights. Vergouwen (1964:247) spoke of "outrageous examples of inhuman conduct" of the *uaris*, the husband's heir. Young girls left in the care of their *uaris* were also sometimes treated very badly. Vergouwen advised that the courts should see to it that the *uaris* left widows and their daughters the usufruct of a part of the inheritance sufficient to live on, which the courts actually already did.¹¹¹ But he did not go as far as the Christian By-laws, which stipulated the usufruct of a fixed portion of the inheritance to widows and daughters to safeguard them from destitution.¹¹²

Vergouwen advocated the need for legal protection for widows and their daughters ensuring them a decent life without encumbrance, but was reluctant to grant daughters inheritance rights. After all, according to traditional customary law only sons had the right of inheritance, with the understanding that they would take care of their widowed mother, reserving, if possible, gifts such as a *pauseang* field for their unmarried sisters and a gift for their married ones.¹¹³ As for married daughters, Vergouwen saw no problem because they often already had received an *ulos*-gift in the form of a paddy field during their father's lifetime. He thought it fair, however, if girls and married women without brothers received a part of their father's inheritance. He noted that the court, upholding the strict law on inheritance, did not always heed the claim of

¹¹¹ For cases of widows duped by the *uaris* of their husband whose case was adjudicated in their favour, see Chapter 12, page 27–8.

¹¹² Chapter 8, Section 8.8. Vergouwen did not refer to these stipulations. However, he mentioned the Batak Mission's intervention: "often a widow who does not get along with her husband's kinsmen or perhaps does not trust them, seeks the support of the missionaries, to whom she gladly entrusts the money her husband has left to her, while waiting until her sons are grown up. Large sums are therefore left (by widows) with some missionaries for keeping and management" (Vergouwen 1933;316 footnote 2, which–surprisingly–has been left out of the English translation). The Batak Mission also took care of the widows of their own Batak personnel: it had established a special widow fund.

¹¹³ A sister could ask her brothers to give her something out of the inheritance, but only if all her brothers and sisters had married and had been provided for and her mother had enough to live on (Vergouwen [1933]1964:286). Vergouwen once advised the lower court of Onan Runggu to allocate a paddy field to a sister, which she had requested as *daon sihol* from her half-brother (Vonnis Kleine Rapat Onan Roenggoe (civiel) 27-1-1926 No. 3, KITLV, Adatrechtstichting H 1051 87). For the record of the court session, see Vergouwen 1930:139–41.

daughters, and recommended that the judges intervene on their behalf if the *uaris* wanted to keep the entire inheritance for himself. He had come across cases in which the judges had indeed decided in favour of daughters, but their decisions differed on the portion to be allotted.¹¹⁴ In his opinion, the need for more certainty on this point was undeniable (Vergouwen 1964:288). He failed to mention that the Batak Mission had already tried introducing fixed portions of an inheritance to daughters. Close reading of the relevant cases in Vergouwen's archive reveal, however, that it is highly questionable whether the Toba Batak courts really had accepted the principle that a daughter had a right to inherit. The records of the suits never mentioned such a right, but often referred to the property allocated to a girl without brothers as bridegift (*pauseang*).¹¹⁵

10.7 Kielstra, Vergouwen, and Evolving 'Ethical' Modernities

It should be mentioned that Vergouwen's report published in 1930 and his monograph on Toba Batak Batak customary law published three years laterboth based on three years of first-hand experience as indigenous supervisor of the application of adat law by the indigenous courts-were far more extensive and Batak-oriented than Kielstra's description of adat law. Still, it is worthwhile to compare their work, because several continuities present themselves. Both shared the desire to promote legal security (rechtszekerheid). Both were convinced that this depended on the clarity of the laws, certainty about contracts and agreements, and the proper administration of justice by the rajas. Because the legal needs of the Toba Batak were not uniform and still in flux, the law should be flexible. In their view, the rule of law could be effective only if rooted in the sense of justice of those benevolently ruled. Both were of the opinion that one should preferably refrain from infusing Toba Batak customary law and the administration of justice with novelties derived from Dutch law or Christian norms not yet generally supported. On the other hand, both also considered piecemeal revisions acceptable if the Toba Batak judges asked for or supported these, or if certain laws violated generally upheld principles of "justice and fairness" (rechtvaardigheid en billijkheid). It was implied that

¹¹⁴ For claims of daughters adjudicated in their favour, see Chapter 12, Section 12.7. Only in one case (1909) did the judges follow the 1892 CBLs (Adatvonnissen 1936:23–4). This was probably the result of the replacement of the CBLs by the KDAL in 1915.

¹¹⁵ This was confirmed in a brief dated 9-10-1928 by the *kepala negeri* of Huta Toruan, addressed to Vergouwen, who apparently wished to be informed by him about the rules regulating the division of an inheritance (KITLV, Adatrechtstichting H 1051 86).

CHAPTER 10

the source of judgement on these points was the European administrator. But all these similarities mask a fundamental difference in the vision behind the contributions of these two legal experts, which reflect the evolution of the colonial government's policies in the field of law.

After the turn of the century, the 'Ethici' came to dominate colonial politics. Although a very mixed group of people, not a few of them shared the vision that Indonesians should follow in the footsteps of modern developed nations (Locher-Scholten 1981:201). The question dominating the debate on the future of the colony and its population, which lasted until the end of the colonial period, was how to translate this vision into practical policies in all fields of administration. At no time did the idea of assimilation into Dutch culture and practices guide these policies, although the educational policy during the 1910s—whose objective was to assimilate the Indonesian elite through Dutch education—was reminiscent of it. This may also account for the idea of a uniform code of law based on Western example for all Indonesians that briefly dominated the political debate in the first years after 1900. Nonetheless, the draft bill based on this extreme form of assimilation, presented to Parliament in 1904, was soon shelved after successful opposition.

Among those who rejected the bill was the young Professor van Vollenhoven, who had entirely different ideas about the role of the colonial courts in the Netherlands Indies. He argued that the judiciary could ensure legal security only if adjudication of cases was based on the customary law of indigenous peoples, because that law reflected their sense of justice. Codification, even of customary law, was inappropriate, however, because it would inevitably lead to fossilization. Instead, he suggested the drafting of semi-official legal guidelines sufficiently flexible to serve the needs of both the traditionally-minded indigenous groups and nascent communities having different interests and embracing new moral values. He expected that a gradual modernization of indigenous law would organically grow out of the modernization of the indigenous societies. Van Vollenhoven's ideas thus fitted in the paradigm of progressive association advocated by other proponents of the Ethical Policy prior to 1920 (Locher-Scholten 1981:206). Van Vollenhoven and his associates in the Commission for Adat Law suggested the drafting of legal guidelines for the different Christian communities in the archipelago in 1910, which paved the way for Kielstra's assignment in 1914.

Kielstra's description of Toba Batak customary law was part of a larger project the Dutch colonial government had been discussing since the early 1890s: the provision of the Christian part of the Indonesian population with a better code of law than the 1861 and 1864 regulations, which were found to work out unsatisfactorily in practice. That the Christian part of the population received privileged attention reflected the dominance of the Calvinist party and its leader A. Kuyper during the last decades of the nineteenth century. He was the first to speak of a moral mission towards the Indonesian inhabitants of the Netherlands Indies, a reaction to the former Dutch policy focused on the exploitation of the colony's natural resources and the Indonesian rural population, particularly on Java.

Kielstra's work was infused by Van Vollenhoven's ideas about the secular role of the state and the tenet that the chiefs of the people (*volkshoofden*) were the sole and proper source of information on customary law, for Christians and non-Christians alike. The tool he used for his description of Toba Batak customary law was the one he had mastered-the format of Dutch marriage law—into which he squeezed elements of Toba Batak law and legal practice. He probably also used the same format for his descriptions of the customary law of large Christian populations elsewhere in the archipelago. One is therefore tempted to interpret his use of that template as an indication of the intention to arrive at a common code of law for Christian Indonesians in the future, the idea that had inspired the debate on the subject since 1892. It is noteworthy that Kielstra did not start from the idea that a system of adat law could be studied as a coherent entity governed by legal concepts different from Dutch law. He was probably not yet familiar with this paradigm, which was the theoretical basis of Van Vollenhoven's work on Indonesian adat law (Het adatrecht van Nederlandsch Indië), which appeared several years after his assignment, in 1918. In this work Van Vollenhoven divided the archipelago in nineteen 'law areas' (rechtskringen), reserving one for the combined Batak groups.

Locher-Scholten (1981:203) has suggested that from 1920 onwards a shift in emphasis took place: ethical policies ventured into a more conservative direction. In the field of law, however, this was not immediately apparent. On the contrary: around 1920, the old idea of uniformity resurfaced again. This time the debate, initiated by the Director of Justice, focused on the introduction of the government legal system in those regions where the population had been left 'to enjoy the benefit' of the indigenous justice system and its own customary law. The wide support for this policy within the higher bodies in the colony is remarkable. It highlights that the officials serving on these bodies were still unconvinced by Van Vollenhoven's arguments against uniformity of law and a uniform legal system even after these had circulated for approximately twenty years.¹¹⁶ Perhaps they still thought that it was too wild a card to bet on the

¹¹⁶ Holleman (1981:XXXIV-V) discusses the occasions on which Van Vollenhoven criticized the government's attempts at legal unification and the neglect of adat law in his publications between 1905 and 1925, the time when the government started considering preservation of indigenous justice systems (and customary law) seriously.

preservation of adat law. More decisive was that they were not prepared to give up the perceived practical advantages of more uniformity in the legal sphere.

Nevertheless, the year 1920 witnessed a dramatic turning point. Fearing its disastrous social impact, the heads of those regions where customary law had been maintained voiced a strong and successful protest against the introduction of the government legal system and laws. They were of the opinion that the populations of the regions they ruled were just not ready for it. Keeping in mind that the populations of these regions had become part of the empire only fifteen to twenty years earlier and had been subjected to a plethora of new regulations, their point of view seems sensible. Thus local conditions seem to have determined the attitude of the Residents of these regions at the time, not Van Vollenhoven's ideas.

The solitary manoeuvre of Resident Ypes of Tapanuli—the only one among his colleagues lobbying for the government system in the first half of the 1920s—calls for an explanation. What made the difference between his region and that of others appears to have been the exceptional lust for dispute and litigation of the Toba Batak, in particular disputes about marriage.¹¹⁷ Lawsuits of this kind formed the bulk of disputes brought to court, causing a tremendous backlog troubling the already overburdened Controllers, an untenable situation which Ypes wanted to remedy. He nearly got his way, but for the tight budget in the years 1921–23 and the shortage of Dutch-trained judges. The fate of the indigenous legal system and the adat law of the regions may have been different if these obstacles had not been present at that particular time.

With the introduction of government law set aside for practical reasons, the way became free for a change of policy. It was only then that the influence of the Leiden school of adat law led by Van Vollenhoven really became decisive. A pupil of his, B. ter Haar, who was appointed professor at the Higher Institute for Law (*Rechtshogeschool*) in Batavia in 1924, persuaded the decision-makers in Batavia to consider the preservation of the indigenous legal system and adat law. He suggested using North Tapanuli as a test case and recommended Vergouwen—a former student of Van Vollenhoven as well—to carry out the investigation.

Although Vergouwen and Kielstra shared the same concern for legal security, their ideas about how the state should achieve this differed. Kielstra may have viewed some sort of common code as a future goal, but Vergouwen definitely did not. During his student years in Leiden, Vergouwen had become familiar with Van Vollenhoven's idea that the body of customary law was a coherent system embedded in a group's social organization and that not tampering

¹¹⁷ This has to be confirmed by research on the justice systems in the other regions.

too much with the indigenous judiciary that applied that law ensured legal security best. He therefore maintained indigenous legal concepts, something Kielstra had not tried to do. He also pleaded for restoration of the authority of the rajas at the sub-district level in the judiciary, reinforcement of many customary laws the Batak Mission had tried to change, and preservation of adat punishments for mild offences. Although overall he comes across as an 'adat purist', he was in favour of the revision of particular adat laws. In this respect, he operated cautiously and selectively. He fought for the legal protection of women if the application of customary law gave rise to excesses, but he left untouched crucial pillars of the patrilineal system, such as male inheritance rights and the membership of children in the lineage of their father.

The influence of Vergouwen's work was far more significant than that of Kielstra.¹¹⁸ His report, submitted in 1930, contributed to the conclusion of the debate on the government versus the indigenous legal system that had occupied so many fine minds for many decades. In 1931, the Council of the Netherlands Indies advised the Governor-General to regulate the indigenous system in all the regions where it had remained in force, because of its "intrinsic value and real benefit". After Van Vollenhoven and Ter Haar, the Council's advice mentioned Vergouwen among the jurists and colonial officers who had argued convincingly for its preservation.¹¹⁹ The government decree promulgated a year later (*Staatsblad* 1932, no. 80) stipulating the preservation of the indigenous legal system demonstrates how extremely long it took before the views of Van Vollenhoven and his students on adat law finally tilted the balance.¹²⁰

Two years later, another government decree was issued regulating the indigenous justice system in regions under direct administration, including North Tapanuli.¹²¹ This regulation followed Vergouwen's recommendation to return the administration of justice in part to the *kepala negeri* and lower chiefs by introducing a new type of council below the existing lower and higher courts

¹¹⁸ Perhaps Kielstra's work influenced the decree regulating marriage of Indonesian Christians on Java, Minahasa, Ambon, and so forth, issued in 1933 (Staatsblad 1933, no. 74). I have not consulted the literature and sources on the debate prior to its promulgation, but it is telling that Prins (1949) makes no mention of Kielstra's adat descriptions.

¹¹⁹ Staatsblad 1932, no. 80, doss 13181, 135; MR 1931, 943. Advies Raad van Indië, 15-5-1931: 12–3.

¹²⁰ One may also select another year as the closing of the debate. Ter Haar himself, for example, regarded 7 November 1928 as the turning point, because on that date the government announced it had abandoned the unification principle (Burns 2004:92). Burns also discusses other fields of law in which the views of the Leiden school came to prevail after 1925 (Burns 2004:91–108).

¹²¹ Staatsblad 1934, no. 517 and decree Resident of Tapanuli 31-7-1934, no. 423. NA, Col., Regeling van de inheemsche rechtspraak in rechtstreeks bestuurd gebied.

at the level of the sub-district chaired by them.¹²² This local council (*rapot negeri*) brought relief indeed: it was able to settle many disputes, reducing the number of lawsuits submitted to the lower and higher courts.¹²³ For his colleagues working in North and South Tapanuli in the 1930s, Vergouwen's volume on adat law was also important: it served them as a useful source of reference and guided the building of their policy on several crucial legal issues in the 1930s.¹²⁴ Perhaps contrary to Vergouwen's intention, this occasionally had the effect of ossifying the further development of customary law.

On the question of why North Tapanuli figured so prominently in the debate, a last remark is called for. Two sectors in which colonial authorities often interfered with customary law were labour relations and landholding.¹²⁵ On precisely these matters, there was no compelling reason for interference in North Tapanuli. The plans of the regional administration after 1915 to push for the development of a plantation economy came to naught and never regained momentum. Economic modernization was thus not a prominent consideration for the regional administration's legal policy in later years.¹²⁶ Rationalization of legal procedure to reduce the number of disputes was enough, and this objective was best served by leaving the indigenous justice system as it was and respecting customary law. That rationalization included the introduction of a

125 Mommsen (1992: 9) states this as a general conclusion pertaining to all colonial governments. These issues also figured prominently in the Netherlands Indies. See for example Van Vollenhoven (1919) on customary rights of Indonesians on Indonesian land rights.

126 The opponents of "turning (the colony) into an open-air adat museum" precisely referred to "the needs of the individual and society in a rapidly changing and modernizing Indonesian world" of which Tapanuli had indeed a share, but mainly through the exodus of its labour force to East Sumatra. However, after Vergouwen's departure, a high profile case in the 1930s did exhibit the government's concern about the region's economic development. See Chapter 12, Section 12.6.

¹²² NA, Col., Memorie van Overgave 770, Ch.F.H. Welter.

¹²³ NA, Col., Memorie van Overgave 773, Tj. H. Velthuysen. Lev (1985:66) probably refers to the *rapot negeri*, when stating that the government revived adat courts in the Batak lands that had already disappeared. He fails to mention, however, that disputes which could not be solved by its mediation continued to be handled by the higher and lower courts at the district and sub-district level.

¹²⁴ A.J. Keuning (1964:VIII), who served in Tapanuli as Assistant Resident, expressed this as follows: "I recall how, in 1935, as a young government official, I had immediately on arrival in the Batak country the feeling that I had entered a known and understandable world. Above all, Vergouwen's study was a source, difficult to surpass, from which I acquired a knowledge and a comprehension of Toba-Batak laws and custom when I was President of the highest Customary Courts in 1940 and 1941". Keuning later became a scholar on Batak adat law himself (Keuning 1948).

regulation on the registration of marriage and marriage payments, discussed in the next chapter.

Besides the obligation to ensure legal security, proponents of the Ethical policy stressed (or at least paid lip service to) the moral mission of the colonial state to provide Indonesians with a judicial system that guaranteed decisions based on "the principles of justice and fairness".¹²⁷ Clearly, both Kielstra and Vergouwen struggled with the intrinsic tension between these two missions: the preservation of customary law guaranteed legal security; but if traditional law denied fair rights to certain groups, how could it then ensure justice for all at the same time? They deemed legal protection of women necessary, but neither was prepared to translate this into strict regulations such as had been included in the Christian By-laws. The colonial state should not infringe too much on the private sphere of family law, including the prerogatives of Toba Batak men.¹²⁸ But their views were not entirely consistent. They confirmed the position of Toba Batak women as legal minors on many points, but followed the Batak Mission's example of holding women legally responsible for adultery and other offences. They were not in favour of forbidding polygamy, but made an effort to discourage it. Kielstra and Vergouwen rejected 'missionary-made law', but apparently, they could not entirely shake off the moral values of a Christian nation.

A conservative trend was certainly discernable in the legal policy of the Tapanuli administration in the late colonial period, if we accept that the strengthening of the traditional legal system and law after 1925 amounts to that.¹²⁹ Did this also imply that the officials involved paid less attention to the acceptability of the colonial administration for the indigenous population, as Locher-Scholten (1981:203) has concluded for the more conservative Ethici in the colony after 1920? It appears that Vergouwen in particular was deeply concerned about this issue. He had genuine respect for the Toba Batak judges and love for the Toba Batak people, whom he had come to know in court so intimately in their

¹²⁷ For example, this was stressed by the 'father' of the Ethical policy, Mr. C.Th. van Deventer as well as C. Snouck Hurgronje, the architect of the colonial expansion in Sumatra, Borneo and Celebes, who demanded that Dutch colonial rule should be "just", besides being "mild, modernizing and foremost indirect" (Locher-Scholten 1981:178, 198).

¹²⁸ This is in conformity with the conclusion of Mommsen (1992: 10) that colonial governments did not consider it their prime duty to civilize the native population. On the contrary, there was much to be said for leaving the natives alone and leaving it up to them to manage their own affairs, as long as this did not impair vital interests and proclaimed rights of the colonial power.

¹²⁹ One should acknowledge, however, that at the time, this shift was viewed, if not as progressive, then at least as new.

moments of distress. The idea that preserving customary law was a strategy to keep Indonesian people divided had no relevance for him: it was overruled by his reverence for Toba Batak social institutions and law. If there is something to criticize, it was his unmistakably patronizing attitude, which he had in common with many other Ethici. Despite his acceptance of the authority of Toba Batak judges to administer justice, it appears that Vergouwen often felt that he knew best. Many of his colleagues shared his convictions and attitude. This is an indication that they had become absorbed in Batak society through its legalistic culture, a characteristic they had in common with many missionaries of the Batak Mission in previous decades.

But not all Toba Batak *demang*, *kepala negeri*, and Dutch officials accepted Vergouwen's predominantly conservative views. Individual Toba Batak men and women who brought their troubles to court had other ideas about justice as well.

Administrative Zeal Eroding Customary Marriage (1912–1942)

It would be erroneous to think that change in what used to be adat marriage was brought about only by the revision of customary matrimonial laws. As has been convincingly shown by Kugle (2001), changes in a legal system may play as important a role as the codification of unwritten law, leading to its fossilization. Kugle, who has written about the recasting of Islamic jurisprudence in South India under British colonial rule, points to the effects of the British takeover of the legal system from the Mughal empire: the loss of one of its most essential features, the autonomy and freedom of Islamic legal specialists, the qazi, to interpret the principles of Islamic law. Both processes also occurred in North Tapanuli under Dutch colonial rule. The codification set in motion by the first Christian By-Laws (CBLs) under the guidance of the Batak Mission was continued in Kielstra's description of Toba Batak adat law and Vergouwen's work on the indigenous legal system. Although since 1912 the colonial government had persistently underlined that any description of Toba Batak adat law should serve only as a guideline and not as a codification, these descriptions functioned nevertheless as a codification in the practice of the law. In addition, the Batak rajas also lost their independence in their function as judges (see next chapter).

This chapter focuses on another aspect of the indigenous legal system that was altered by the colonial government: the use of evidence, in particular in disputes about women and marriage payments, the hata boru. As pointed out previously, this category of lawsuits burdened the judicial system excessively and therefore the government was adamant to do something about it. The instrument it introduced to serve this purpose—soon after the organisation of the indigenous administrative system had been finalized in 1915-was the registration of marriage and marriage payments. The registration of the marriage payments was considered particularly important: adjudication was often hampered by disagreement between the contesting parties about the items exchanged or promised at the time of marriage and/or their value. The government hoped that written records might prevent disputes, or at least help the judges to clear up disagreements faster, because they would no longer need to sort out the often-contradictory testimonies of witnesses who had been present when parboru and paranak made an agreement about items to be exchanged, and at the time of their actual transfer.

Over time, however, the regulation concerning marriage registration started to live a life of its own. It turned out that neither the Batak Mission nor the Toba Batak rajas played their roles in its implementation as the government had expected them to do. Consequently, the regulation inadvertently undermined legal security by eroding customary marriage as a way to legitimize a union between a man and a woman. In other words, the regulation diminished the prominence and resilience of Toba Batak customary marriage, the very institution the government wanted to preserve. It therefore contributed to a process previously initiated by the Batak Mission's introduction of the church wedding alongside customary marriage.

11.1 The Government's Introduction of the Marriage Registration

In 1912 Resident J.P.J. Barth of North Tapanuli issued a decree that introduced a civil registry for indigenous Christians (Besluit 1912:31–3). The idea itself was not new: in 1889 Resident A.L. van Hasselt had already put this idea forward, but nothing had come of it because there were not enough controllers to see to its implementation.¹ Barth issued the decree primarily as a benevolent gesture towards the Batak Mission, which had long wished for the government's acknowledgement of the marriages of Toba Batak Christians as legal.² That the decree was issued at that time was probably not accidental: it reflected the general trend towards intensification of colonial rule expressed in the diversification and solidification of the state bureaucracy and administrative procedures. The goal, however, was still modest: the civil registry would be limited to the Christian part of Tapanuli's population, and the registration itself was still left to the Batak Mission's church dignitaries. They had to submit the records on births, marriages, and deaths to the heads of the nearest colonial administration's office every six months, using a fixed format.

For the Toba Batak, there seemed to be nothing new under the sun. They already knew that the Christian congregations kept records on births, marriages, and deaths. The Christian part of the population was also already accustomed to the obligation of the *parboru* and *paranak* to pay a variety of dues when their children married. However, in 1913 two alterations were introduced which reflected a change in outlook on the part of the government. According to the 1892 Christian By-laws, the dues the *parboru* and *paranak* had to pay to the rajas consisted of a fixed portion of the brideprice, which probably came

¹ NA, Col., Tapanoeli. Missive 28 October 1889, no. 145. Geheim, in Verbaal 31-3-1900, no. 31.

² UEM, F/b 1,5, Ref. Brakensiek 1911, pag. 13; KP 1911:115.

close to what had been the custom previously.³ The dues stipulated in the 1892 CBLs were thus still flexible, depending on the brideprice the *paranak* could afford to pay. The 1913 CBLs, on the other hand, stipulated fixed amounts for the dues, independent of the value of the brideprice. The father of the groom had to pay seven and a half guilders to the village head of the *parboru* (*jambar ni raja huta*), one and a half guilders to the *raja paidua*, and another guilder to the *jaihutan*. He also had to deposit one guilder in the village treasury. The father of the bride had to pay two guilders to the church treasury. Both the bride and the groom were obliged to give one guilder to the *guru* (teacher/ preacher) and another to the elders of their congregation. The expenses for marriage thus amounted to seventeen guilders in total. This elicited the comment of the Commission for Adat Law that this was a lot of money (Adatrecht 1915:5), but it did not delve into the reasons why the procedure to conclude a marriage had become so costly.

A clue emerges if we compare the traditional practice, the stipulations in the earlier CBLs about the dues to be paid (*upa kawin*), and those of 1913 CBLs, which show striking changes over time. First, the dues were monetized. Already since the first CBLs, in 1885, the rajas' entitlements were expressed exclusively in terms of money, whereas in the past these entitlements had come mainly in the form of gifts in kind: an *ulos* gift from the *parboru* to the village chief of the *paranak*, and a part of the animal slaughtered during the wedding party (jambar) for the village chief of the parboru. The reason for this was the missionaries' desire to curb the avarice of the rajas. Second, the number of rajas who were entitled to receive a share appears to have increased. According to the 1885 and 1892 CBLs, only the father of the groom had to pay the rajas the fixed portion of one *pilaarmat* for every weight of gold (tail) he paid for the brideprice. The regulation did not specify exactly which raja would receive how much. Most likely, the village chief of the parboru lineage received the money, sharing it with higher rajas of his lineage if they were present, which was not required and often not the case if the marriage was between commoners (Vergouwen [1933] 1964:201). What made the 1913 CBLs regulation particularly onerous was that not only was the village chief of the parboru entitled to a certain amount of money, but the higher chiefs of the district where the parboru resided, the jaihutan and raja paidua, as well. The marriage registration

³ The 1892 CBLS (article 5) stipulated the tithes as follows. The father of the groom and the bride each had to pay for every 24 *matten* of the brideprice, one *mat* to the rajas. The father of the groom had to pay one *mat* to the *guru* and the father of the bride one *mat* to the church (Adatregeling van Christen-Bataks 1913:44–5). A [*pilaar*]*mat* was a Spanish dollar, worth two guilders in the 1890s (Meerwaldt 1894:536).

thus became an instrument to subsidize the administrative supra-structure created by the regional government in 1886 and expanded by the administrative reorganisation of 1915. Whether this was intentional government policy, I have not been able to establish.

In 1916, a year after that reorganisation, Resident F.C. Vorstman issued a new regulation whose primary purpose was not to bestow state acknowledgement on marriages between Christians, as had been the idea behind Barth's regulation; rather, Vorstman wanted to provide the administration with a grip on contractual agreements—primarily the contracts on marriage payments, but also other types of contracts. The government needed written records considered more reliable evidence than oral testimonies—if a dispute arose; and those on marriage payments were very frequent. The availability of written records, which occasionally had been drawn up by a teacher of the Mission at the request of the *parboru* and *paranak*, had already proved its use in court.⁴ Perhaps the administration at the time felt that written evidence was urgently needed: after 1914, the number of disputes suddenly increased disproportionably, as is evident from the figures on lawsuits presented in table 5.

	1914	1915	1916	
Civil cases				
High Court	49	1027	1112	
Low Court	245	437	1536	
Criminal cases				
High Court	103	135	157	
Minor offences				
High Court	42	32	47	
Low Court	91	336	1446	
Single judge	1375	3386	3475	

TABLE 5Number of lawsuits filed in the years 1914, 1915 and 1916 in North-Tapanuli

SOURCE: KITLV, ADATRECHTSTICHTING, H 1051, 77. OPGAVE VAN HET AANTAL IN DE JAREN 1914, 1915, EN 1916 BIJ DE INHEEMSCHE RECHTBANKEN IN DE AFDEELING BATAKLANDEN EN DE ONDERAFDELING PADANG LAWAS AANGE-BRACHTE ZAKEN.

⁴ Twelve contracts about marriage payments from the years 1911, 1912, 1913, 1915, and 1928 in KITLV, Adatrechtstichting H 1051 85, file huwelijksregistratie. See also 'Overeenkomsten' 1936:144–8, for four other contracts, from the same early years (1911–1915).

These figures show that civil lawsuits—the category to which disputes about marriage payments belonged—far outnumbered criminal ones.⁵

As the government intended to foster legal security in general, it no longer made sense to restrict the registration of marriage and marriage payments to only the Christian part of the population. All Toba Batak had to comply with the new rules, and the registration had to be done by the colonial authorities. The government thus relieved the Batak Mission of the task of marriage registration and transferred the authority to do this to the *demang* residing in the capital of the district where the couple came from. This proved too burdensome for villagers, who often had to travel a long distance to the demang's office. Therefore, between 1920 and 1925 the task to register marriages was transferred to the office of the kepala negeri at the sub-district level. The kepala negeri and their representatives were henceforth entitled to receive the dues for the registration, the upa kawin. After the introduction of a new administrative unit, the kampong, which consisted of a cluster of villages and hamlets, the kepala kampong also received a share, along with the village head (raja huta), who had always been the main recipient of the upa kawin. The demang and assistant *demang* were excluded: they received a monthly salary from the government, and a high one at that. The chiefs at the intermediate and lower levels, the kepala negeri and kepala kampong, on the other hand, who were also part of the administration—although not as bureaucrats but as so-called 'chiefs of the people' (volkshoofden)—were not salaried. Understandably, they came to value the upa kawin as a source of income. After the 1916 regulation came into force, the registration of marriage therefore became even more expensive than stipulated in the 1913 CBLs, because more chiefs had to be paid and one had to pay for the travel costs to the nearest government office as well. An overview of the upa raja compiled by Assistant Resident D.W.N. de Boer in 1928 shows that by that time, the total sum of the upa kawin varied between ten to seventeen and a half guilders, depending on the district.⁶ On top of that, as mentioned

⁵ The cause of the increase is not reported, but I assume that the reorganization of the indigenous administration had something to do with it. Perhaps chiefs had asked people to wait to bring their complaints to court until the new system had been introduced.

⁶ Assistant Resident D.W.N. de Boer's overview gives the following tariffs per sub-district: Tarutung, Pahae, and Pangaribuan: *f*10; Sipoholon *f*15; Toba plateau *f*7.50; Toba depending on sub-district *f*5 to *f*10; Samosir *f*16.50. Dairi *f*17. The overview also details the registration fees per district. For brevity's sake, I give as an example the distribution of the dues for Toba only. The first and second chief received *f*1 each; the *kepala kampong* or *raja huta f*2.50; *f*1 went into the coffers of the village; and *f*2 into the treasury of the sub-district. Twenty five cents had to be paid to the clerk at the *kepala negeri's* office. De Boer's overview also details other dues to which the rajas were entitled (Adatheffingen 1932:198–201).

before, the Christians had to pay the church official conducting the wedding, and the congregation's treasury. How did the Mission and the Christian and non-Christian parts of the population react?

11.2 The Batak Mission: Open Support and Tacit Defiance

A second reason for the 1916 revision of the marriage registration was the intention of the regional administration to draw a strict dividing line between the spheres of authority of the government and the Batak Mission. Assistant Resident Bosch, at a meeting in 1916 with a delegation of missionaries to discuss the regulation's implications, did not beat about the bush: objections to a marriage from the point of view of the church were "of no concern to the government" and should by no means stand in the way of the registration at the *demang*'s office. The missionaries, fully aware that the separation of church and state justified this policy, did not protest. They requested only that the bride's presence at the time of registration at the government office not be obligatory, because Batak etiquette considered it improper for her to travel with the groom. Also, referring to an incident in which the girl's forehead and torso had been measured at the time of the registration, this would prevent disrespectful behaviour by government clerks.⁷

In the following years, the Batak Mission faithfully supported the implementation of the new regulation. Church dignitaries demanded proof of the registration of a marriage at the local government office before it granted a couple permission to marry in church, even though the registration was not obligatory. The Christian population was thus forced to abide by the new regulation, which became effective in Silindung first, gradually followed by other districts over the next years. The Batak Mission's support appears to have been very significant: the figures compiled by Assistant Resident D.W.N. de Boer in 1928 show that the districts with the largest number of Christians—Silindung and Toba—were good for 86% of over 21,000 registered marriages since the regulation had been in force.⁸

⁷ UEM, F/b 1,6 кр 1916:336–7.

⁸ The number of registered marriages totaled 21,757, specified per district as follows: Silindung 7,514; Toba 11,035, Toba Plateau 1,677, Samosir 1,249; Dairi 181 (Table without heading, KITLV Adatrechtstichting H 1051 85, folder huwelijksreglementregistratie). The table also shows that the number of registered marriages far exceeded that of other agreements and contracts. It listed only 1,312 contracts pertaining to land, 20 agreements on joint ownership of cattle, and 620 unspecified contracts.

Unfortunately for the Batak Mission, the government was unwilling to reward its loyal assistance by addressing certain of the missionaries' misgivings. In 1917 a disgruntled delegation filed the complaint with Resident Vorstman that some government officials informed Christian men who wanted to take a second wife how they could evade the punishment for bigamy stipulated in the KDAL. They advised these men to inform the missionary of their parish of their decision to apostatize prior to marrying. Vorstman said he deplored this, but this was nothing but politesse, because he subsequently stated that people had every right to change their religion to achieve "certain ends".⁹ What stung the Batak Mission in particular was that government did not require the clerks in charge of the registration to ask for a letter from the congregation stating the Christian man's apostasy before registering his second marriage. Christian men therefore hardly ever took the trouble to inform the missionary of their change of faith, as the assistant *demang* of Silindung, M. Frederik, reported in 1924.

The problem of course was that the matter never ended there, because marriage was a family and community affair. How complicated the matter could become is demonstrated by a lawsuit against a Christian by the name of Johannes. In 1924, the Siborongborong high court fined him for not having arranged the marriage to his second wife Margaretha properly. He explained that it was not his fault. Margaretha's Christian parboru had refused to accept the brideprice he offered for her; and the Christian rajas of both Margaretha's and his own village had refused to accept the upa raja. In his comment on the case, Assistant Demang Frederik put the blame on the village heads, because he saw no valid reason why they had withheld their cooperation in concluding the marriage. In his opinion, there was no need to consider Johannes a Christian anymore, because by wanting to take a second wife, he had de facto become a pagan again and as such, he was entitled to have a proper adat wedding arranged by the rajas.¹⁰ What Frederik did not mention was that a Christian like Johannes put his Christian kin and those of his wife, as well as their village heads, in an impossible position towards the church. The church would undoubtedly impose a disciplinary sanction on each of them for cooperating in the adat wedding, because according to the congregation's records the groom was technically still Christian.

⁹ UEM F/b 1,6, KP 1916:349,359; Besprechungen mit Baron Boetzelaer und Resident Tapanuli, 26-10-1917, UEM F/b 1,6:386–9.

M. Frederik, Advies atas poetoesan rapat besar Siborong2 5-2-1924. No.5; KITLV, Adatrechtstichting H. 1051 87.

The lack of synchronization of the government's and Batak Mission's policies in this matter sometimes led to unpleasant encounters. Exasperated individual missionaries tried to prevent the registration of second marriages, which bewildered the Batak officials in charge. For example, the *kepala negeri* of Nainggolan (Samosir) complained to Controller Ingram that the *pandita* (pastor) had forbidden him to register the second, bigamous marriage of a Christian. Ingram of course assured him that a *kepala negeri* was authorized to register all marriages, regardless of the religious denomination of the husband and wife, and including the second marriage of a Christian even though the first was still standing (Notulen 1934:30).¹¹

The government applied the same principle in the high-profile case of one of the Batak Mission's own pastors, Kenan Hutabarat. The problem for the Batak Mission was not that their pastor wanted to become a bigamist, because that was not the issue. The problem was that he had violated the old rule forbidding a Christian to participate in a ritual accompanied by a gondang orchestra: traditional Batak music had added lustre to Hutabarat's own adat wedding with a Christian woman from Bungabondar. Appalled by this, Ephorus Warneck expelled Hutabarat for heterodoxy and consequently refused him and his wife a church wedding. The government, on the other hand, saw no reason to refuse the couple the registration of their marriage.¹² Hutabarat subsequently became involved in the independent Huria Mission Batak Medan, where he continued to cause offence to the Batak Mission.¹³ In 1928 he solemnized another high-profile marriage: the marriage of the daughter of M.H. Manullang-the leader of the Hatopan Kristen Batak, who was much resented by the German missionarieswith the son of Raja Ancus Lumbantobing. He did so after the Batak pastor in Pearaja had refused to marry the couple, because Manullang's daughter was not a confirmed member of the Batak Church.¹⁴ This time the government, too, had misgivings, because the Medan-based independent church was

^{1 1 &}quot;Notulen dari vergadering Inlandsche Volkshoofden dalam onderafdeling Samosir pada hari Senen tanggal 18 September 1933 di Rapatzaal Pangoeroeran", *Pandoe* 1934,2:29–31.

¹² Sitoemorang, M., "Parbagason ni P. Kenan Hutabarat", Soara Batak 1923, no. 24.

¹³ The Huria Mission Batak Medan was established in 1927. Hutauruk (1980:195–204) makes no mention of Kenan Hutabarat or his role in this secession of the Batak Mission in North Tapanuli, but apparently he was allowed to officiate as a pastor in the HMBM's congregation.

¹⁴ This was the official reason, but perhaps the fact that the RMG missionaries had many reasons to dislike Manullang may have played a role as well. Confirmation as a requirement for marriage was actually a subject of debate at the time, because many young men living outside Tapanuli and returning on a vacation with the intention to marry were not confirmed (UEM, F/b 1,7 KP 1920:56; KP 1923:189/6; KP 1924:209/2). In 1926 the decision

not an officially registered body and Hutabarat had only a permit as ordained pastor in the service of the Batak Mission. Still, the regional government was in no great hurry to sue Hutabarat for his 'illegal' action, pending the central government's decision on the request for legal status of the new church.¹⁵

The Batak Mission thus had ample reason for grinding its teeth. But the government had equally valid reasons for its reluctance to accommodate the Batak Mission's complaints. Although generally complying with the government's rule that a marriage must be registered prior to the wedding in church, the Batak Mission also continued to wed couples who had eloped (mangalua). A couple who desired to marry without parental approval usually approached an elder or *guru* in the parish of the groom and asked for his assistance. The church dignitary then provided the girl with lodging in his house, meanwhile informing the parents of her whereabouts and urging them to come to an agreement on the marriage payments.¹⁶ If his mediation was unsuccessful, he married the couple after some time in church anyway. The CBLs of 1913 provided for such mediation by church dignitaries.¹⁷ Because these couples did not have the permission of their parents, arranging the marriage registration before the wedding was not possible. Apparently, elopement and marriage with assistance of the church without prior registering of the marriage had become a common alternative to regular marriage over the years.¹⁸ In 1923, Demang Hamonangan complained that "At present, people make use only of the blessing of the church (pasupasu) by the pastor in the church, whereas the blessing according to adat is not used anymore".¹⁹ J. Sirait confirmed this over

was finally made: confirmation as a requirement for marriage remained in force (UEM, KP 1926:3).

¹⁵ NA, Col., MR 1929, 126*, vierde kwartaal 1928.

¹⁶ Vergouwen 1964 [1933]: 214. Erika Tambunan (interviewee 24), the daughter of a pastor, confirmed this practice: she remembered that eloped girls used to stay at her parents' house when she was young.

¹⁷ The CBLS of 1913 actually did not yet mention elopement (*mangalua*), only the older practice of *maiturun* of a girl. According to article 7, the church dignitaries could decide to marry the couple if the rajas had judged the *parboru*'s grounds for obstructing the marriage unfounded. The brideprice for the girl would be temporarily deposited in the church treasury until the *parboru* was willing to receive it.

¹⁸ Newspaper clipping "Liefde contra adat" (Love versus custom), author unknown, source unknown (KITLV, Korn OR 435.450) tells an interesting story full of typical Batak details of a girl near Balige who sought refuge at the house of a *guru*, who gave the couple the church blessing on the next day.

¹⁹ The sentence this quote is taken from goes as follows in Malay: "(...) *adat jang masih baik bila dipakai dimasa ini, orang Batak soedah boeang, jaitoe peratoeran 'nikah'. Sekarang*

a decade later, writing in a Batak newspaper that the practice was "customary in the Batak world".²⁰

Understandably, the government did not look favourably on the practice, which had developed since the 1890s.²¹ In 1934, A. Verhoef, the Controller of the Toba Plateau district, made an issue of this, stating that the church wedding should not take place without informing the *kepala negeri* and that the requirements for an adat marriage had to be arranged prior to it. He added in a stern tone: "it speaks for itself that this matter has a bearing on a good relationship between the chiefs and the Mission".²² His remarks are an example of the distance that had grown between the government and the Batak Mission, resulting in a lack of understanding on the part of government officials of why church weddings took place prior to the registration of the marriage and the adat ceremony.

The Batak Mission leadership officially accepted the new status quo that the registration of marriages belonged to the authority of the state. Some missionaries, however, had misgivings that the marriage registration took place prior to the church wedding. The Batak Mission had always regarded the conclusion of customary marriage before the church wedding expedient to forestall disputes on marriage payments later on, but this time the objection was not of a practical but a more fundamental nature. Missionary F. Tiemeyer lamented in 1936 to his fellow missionaries: "when we have an already married couple in front of us, what remains then of the meaning of the marriage vows?" In his opinion, the Church had better abolish the marriage vows.²³ The—by then independent—Batak Church did not follow his suggestion, probably not least because Toba Batak Christians had come to value a church wedding highly, as is clear from an article written by a Batak author published in the *Soara Batak*.²⁴ He stated that the Batak were very proud when their marriage was solemnized by a church official, whereas the blessing of a village chief hardly

tjoema 'pasoepasoe' dari pendeta digaredja dipakai orang, pasoe2 menoeroet adat, tidak dipakai lagi". (КITLV, Korn 435.416. Advies B. Hamonangan 15-11-1923).

- 21 Chapter 8, Section 8.1.
- 22 NA, Col., MvO 767:48.
- 23 UEM, F/b 4, Ref. F. Tiemeyer 1936. Die Liturgische Frage im evangelischen Gottesdienst: 271.
- 24 K.B. "Siparateatheonon ni dongan Kristen Batak taringot toe na naeng marbagas (kawin)", *Soara Batak* 1922, 28 oktober.

²⁰ J.G. Sirait, "Adat dengan Christenan", *Bintang Batak* 16-10-1936. The author wrote the article because he regretted the strict enforcement of church disciplinary measures if a Christian couple eloped without taking the precaution of involving their parents and a church official beforehand. Noteworthy is that he used the Malay term for elopement: *kawin lari*.

counted, nor that of an elder. If it was a *guru*, it was all right, but much better if it was a Batak *pandita*. If it was a European *pandita* (a missionary), people considered it "a blessing from heaven". The author added that in fact it did not matter who consecrated the marriage: in the pre-Christian period, marriage concluded by the raja was also "holy". The content of this article testifies to the success of the Batak Mission's policy of instilling Christian norms on unblemished conduct by playing on the sensitivity of the Toba Batak to hierarchy and glamour.²⁵ It is important at this point, however, to remember that the practice of eloping and having the marriage blessed by a lesser church official persisted, despite the government's displeasure.

11.3 Optional Becomes Obligatory

When introduced in 1916, the registration of marriage and marriage payments at a government office was optional. This situation apparently continued for a long time: in 1933, Vergouwen ([1933]1963:200) remarked that many marriages were still concluded without the parents registering it first. De Boer's figures mentioned above indicate that this concerned primarily marriages between non-Christians. Pagan bridegivers and bridetakers probably did not see the need for registration, thinking this was obligatory for Christians only. Besides, what was the advantage of the registration if a customary marriage was already considered legal? Moreover, why register if one had to pay the entire range of *upa kawin* that was required for the registration?

Gradually, however, non-Christian Toba Batak had to comply with the new regulation. As mentioned earlier, the government began to transfer the registration of marriages from the *demang*'s office to the lower administrative level of the *negeri* in 1920,²⁶ a policy implemented in all districts eight years later. As perhaps could have been anticipated, the *kepala negeri* immediately seized the opportunity to increase their income by forcing the population to register marriages, even though registration officially remained voluntary. The *kepala negeri* used their function as judge in the courts to do so, suing the *parboru* who had neglected the registration of his daughter's marriage. Initially the vigorous action of the *kepala negeri* must have caused bewilderment, as is attested by a

²⁵ For this policy, see Chapter 8, Section 8.1.

²⁶ D.W.N. de Boer's notes at the end of Vergouwen's letter to him state the reason why: besides the shorter distance people had to travel, the *kepala negeri* should know about the marriage contracts concluded by families living in his area in case a dispute ensued later on. Letter Vergouwen 6-2-1928, KITLV, Adatrechtstichting H 1051, 85.

criminal case adjudicated by the Pangaribuan lower court in 1925.²⁷ The *parboru* in this case, evidently taken aback by the charges brought against him by the *kepala negeri*, stated in his defence that the village chief had not informed him about his obligation to inform the *kepala negeri* and to register the marriage. The court nevertheless ordered the man to pay a penalty of ten guilders. Vergouwen, who reviewed the court's decision, disagreed with the verdict. He suggested lowering the fine to two and half guilders for not informing the *kepala negeri*, because the defendant should have done this. He objected, however, to fining the man for not registering the marriage, because this was optional.²⁸ Vergouwen also questioned the authority of the *kepala negeri* to enforce the regulation.²⁹

In the case above, the reason for not informing the kepala negeri and refraining from registering a marriage was ignorance. Poverty, however, appears to have played a more important role. The dues must have been a burden for poor families, considering that the fees could amount to as much as 10% of the lowest brideprice for a daughter, which had a value of about fifty guilders.³⁰ In the prosperous 1920s the population seems to have been able to pay the upa kawin without difficulty,³¹ but this started to change once the population began to feel the impact of global recession in the early 1930s. In 1933 the Controller of Samosir, L. Ingram, noticed that many couples in his district married without registering their marriage, to which the courts had responded by convicting these couples for illegal cohabitation (marbagas roharoha). Worried about the increased number of these suits and doubtful whether the charge of illegal cohabitation was justified, he invited all the demang, kepala negeri, and raja *paidua* of the district to a meeting to discuss a guideline to prevent future lawsuits of this kind. It turned out that his hunch about the lawsuits being the consequence of the economic malaise was correct. Many bridetakers (paranak) were too poor to pay the previously normal brideprice. The parboru, knowing this but in favour of the marital alliance, subsequently allowed his daughter to

²⁷ The crime for which the man was convicted was giving offence to the rajas.

²⁸ Straf (en civiel) vonnis kleine Rapat Pangaribuan (strafzaken) 4-12-1925. no. 69, KITLV, Adatrechtstichting H 1085.

²⁹ Vergouwen aan Resident van Tapanoeli t.k. Assistent Resident der Bataklanden, 27-7-1928 (KITLV, Adatrechtstichting H 1051, 85).

³⁰ The minimum brideprice recorded for Lumban Julu was fifty guilders, whereas the *upa kawin* in that sub-district amounted to five (Adatheffingen 1934:200).

³¹ In the late 1920s, neither Vergouwen nor De Boer made mention of a reluctance to pay the *upa kawin* because the population considered the *upa kawin* too high.

go over to her lover's house following the old custom of *maiturun*.³² Contrary to custom, formal negotiations on the marriage payments did not take place immediately, or were held in secret, as both parties wanted to keep the brideprice as low as possible and avoid the additional expense of the *upa kawin*. The problem seems not to have been limited to Samosir. In a newspaper article on a lawsuit in neighbouring Dairi, the *parboru* was willing to forego the brideprice altogether. The rajas however, still demanded the *f*i6 *upa kawin*, leaving the destitute families of the bride and groom at a loss of what to do. The author of the article asked whether something could be done about this sorry state of affairs.³³ The economic recession thus not only affected the people's ability to pay for the marriage registration and other dues, but even made it difficult to marry according to customary procedure.

The Samosir meeting on the so-called "hidden marriages" did not bring relief. The convened rajas insisted on punishment if a marriage was concluded without registration. The meeting only granted wayward heads of families some respite by giving them fourteen days to arrange and register the marriage properly after they had received a warning from their *raja adat*. If they still failed to do so within the said period, the court would proceed to sue them and the couple for illegal cohabitation.³⁴ It is noteworthy that the courts on Samosir also imposed a fine on a girl who had eloped with her lover or resorted to *maiturun*, whereas according to customary law only her partner was held responsible. This was new: neither the 1913 CBLs nor the KDAL of 1915 had included punishment of the girl in cases like this. Several lawsuits demonstrate, however, that the courts in other districts had started fining women for illegal cohabitation as well.³⁵

³² I deduce this from a question raised by aspirant Controller Ch. Welter, present at the meeting. He asked the chiefs for a clarification of whether *marbagas roharoha* could be equated with cohabitation after *maiturun* if it was not followed by payment of the bride-price (*sinamot*), with the purpose of having it lowered.

³³ Newspaper clipping "Adat" (no source, no date, KITLV, Korn 435.416).

³⁴ The minutes of the meeting did not differentiate between the charges against the *parboru, paranak*, and the couple itself, nor did they include a decision on the extent of the penalty or penalties to be imposed on them.

³⁵ Vonnis strafzaken Kleine Rapat Lagoeboti 23-12-1930, No. 302: the man had to pay *f*20, the woman *f*10; Strafvonnis Kleine Rapat Moera 7-5-1931, No. 59: the man had to pay *f*20, the woman *f*5; Strafvonnis Kleine Rapat Moera 27-5-1931, no. 74: the man had to pay *f*25, the woman and her *parboru* each *f*10 (KITLV, Adatrechtstichting H 1051, 85). In one case the woman was not punished because she was still underage: Strafvonnis Kleine Rapat

Controller Ingram may have wished the Samosir chiefs to take pity on the poor, but they flatly refused to lower the upa kawin.³⁶ As the kepala negeri of Sirait pointed out to him, the kepala negeri and lower-ranking rajas did not receive a salary from the government and their revenues from the registration of marriages were already low, as often only one marriage per month took place in the area under their authority. Apparently even the chiefs were hard-pressed for money.³⁷ The outcome of the meeting also suggests a noteworthy change in the role of the rajas, already recorded by Vergouwen a few years earlier. In the past, it had been the duty of the village rajas to seek an amicable settlement between the *parboru* and the *paranak* on the marriage payments after maiturun—a duty still stipulated in article 7 of the 1913 CBLs. Apparently, such a mediatory role was no longer considered by the Samosir chiefs: they acted mainly to enforce a regulation and used their authority to mete out punishment.³⁸ The meeting illustrates furthermore that by 1933 the Samosir chiefs took it for granted that the registration of marriages was obligatory. Considering that only five years earlier the number of registered marriages in this district still was very low, this at least is remarkable. The same trend took place elsewhere.39

Moeara, 26-2-1931, no. 28/1931. The fact that the *parboru* in these cases did not sue the partner of his *boru* for *langkup* indicates that he agreed with the union by *maiturun*.

³⁶ The dues mentioned in the minutes of the meeting were *f*4 for the *kepala negeri* and *f*6 for the *kepala kampong* ("Notulen" 1934:30) Whether there were other dues to be paid is not stated, but the *raja huta* probably had to be paid as well.

³⁷ In Silindung the *upa raja* even increased by 50% between 1928 and 1937, from fio to fi5: the *paranak* had to pay fio to four rajas of the *parboru*'s district, the *parboru* half to those of the *paranak*'s district (*Demang* Herman to Controleur, 29-5-1937, KITLV, Korn OR. 435.442).

³⁸ Vergouwen to Resident, 27-3-1928, KITLV, Adatrechtstichting 1051, 77. Vergouwen stated in this letter that the rajas' role in the justice system had changed as a result of Western legal procedures that allowed less room for amicable settlement, usually referred to by the derogatory term *dameien* (seeking an amicable settlement by negotiation). He advocated the support of the government for the traditional role of the rajas as mediators in disputes, because it would help to mend the rift between the disputants.

In 1933 Vergouwen (1964:200) wrote that "from many a criminal sentence by the lower courts it is clear that it [the registration] gradually came to be regarded as obligatory". Several lawsuits in his archive substantiate this. Lawsuits in which the *parboru* was fined: Vonnis kleine rapat Siborongborong (strafzaken) 12-12-1925, No. 118; Vonnis van de Kleine Rapat Lagoeboti 25-2-1930, No. 56; Civiel vonnis Kleine Rapat Lagoeboti 11-11-1930, No. 41 (KITLV, Adatrechtstichting H 1051 85).

11.4 Effectiveness and Legitimacy

Did the regulation on marriage payments serve its purpose of fostering legal security? According to Vergouwen, not satisfactorily. Lax or incompetent clerks working at the (assistant) demang's offices failed to fill in the section reserved for the registration of the marriage payments properly. Often only the total value of the payments was recorded, without specifying whether the gifts consisted of a payment in cash or of particular items in kind (animals, woven cloth and so forth). Outstanding debts were rarely mentioned. In fact, the registration form itself was not helpful; such details were not explicitly required (see form for registration of marriage and marriage payment on the next page). Moreover, Vergouwen argued, it was impossible to check whether the registered items really had been exchanged, because the contract was drawn up before the adat marriage ceremony, the *parunjuhon*, took place. On the day of the ceremony, the parties could still decide to deviate from the signed contract and change their agreement. Usually the village chiefs and the persons who acted as intermediaries (*domu*) during the negotiations were the best sources of information on the eventual outcome, because they were always present at the parunjuhon. Unfortunately, if a dispute was brought to court, the judges did not take the trouble to verify the data with the village rajas and intermediaries, but were inclined to use the written contract as evidence. In the case of uncertainty, they only demanded that one or both parties took an oath.

Vergouwen was of the opinion that the village chiefs should be involved again in disputes. This was also appropriate, because they received the *upa raja* not only as a gift of homage consistent with their status, but also as an acknowledgement of their duty to bear witness.⁴⁰ He also advised that the duty to register marriage be returned to the sub-district office, as clerks from that office could easily attend the adat marriage ceremony.

Assistant Resident D.W.N. de Boer, who had been the architect of the regulation when serving as Controller of Silindung, took Vergouwen's criticism very seriously. In a letter to Resident H.Ch. Gooszen, he acknowledged that "shady cases" still led to disputes, but that these cases were not representative for the "thousands and thousands" of registrations filed since the regulation's introduction.⁴¹ He even took the trouble to instruct the Controllers to discuss the matter with the Batak officials in their district. The *demang* and assistant

⁴⁰ Vergouwen to Assistant Resident, 8-2-1928, KITLV, Adatrechtstichting H 1051, 85 and Vergouwen 1964 [1933]:198–200.

⁴¹ See his notes at the end of Vergouwen's letter to Assistant Resident, 8-2-1928, KITLV, Adatrechtstichting H 1051, 85. He added that Vergouwen's suggestion to transfer the

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ILLUSTRATION 82 Form for registration of marriage and marriage payments (ca. 1915). SOURCE: KITLV, H 1051, 85

Registration of Marriage and Marriage Payments

The form for the registration of marriage details separately the division of the brideprice (*toehor ni boroena*) by the *parboru* among those entitled to receive a part (first arrow) and the items of which the brideprice consisted that were paid by the bridetaker (*paranak*, second arrow). The value of all items is monetized, mentioned in the Dutch currency guilder. Vergouwen considered it problematic that the form did not provide space for items given in kind and also did not provide information on gifts which were agreed upon, but were not yet paid by the other party.

demang supported his view: they were unanimously of the opinion that the marriage registration had led to a significant reduction of the number the disputes about brideprices. They were in favour of the strict use by the judges of the registration form arguing that "the population should learn the hard way" (to fill out the form correctly to avoid a dispute).⁴² De Boer, not yet satisfied with this verbal support, wanted substantial evidence to support his point of view and subsequently requested the Controllers to conduct a survey on the number of all marriage and other contracts registered in their district since the regulation's introduction in 1912.⁴³

Vergouwen retaliated by bringing up an entirely different matter: he questioned the authority of the Resident to issue any regulation other than a guideline, emphasizing again that the regulation should remain optional. Consequently the Resident had no authority to confer legal status to the registration of marriage payments.⁴⁴ De Boer, evidently becoming impatient, retorted in his reaction to Resident Gooszen that Vergouwen's argument was irrelevant. The status of the registration was one of a private contract (*onderhandse acte*) only, which could, however, be used as evidence by the court. If contested by

registration to the *kepala negeri*'s office had already taken place in many districts and that the form for the registration might be revised.

⁴² These Batak officials pursued a hidden agenda: they appear to have tried to prevent the transfer of the registration to the *kepala negeri*'s office. Controller van Zanen, who presided over the meeting with them, was perhaps not in favour of that either: he saw nothing in Vergouwen's suggestion that a clerk of the *kepala negeri*'s office should have to attend every marriage in the district. Van Zanen (Controller of Toba) to Assistant Resident 9-7-1928. KITLV, Adatrechtstichting H 1051, 85.

⁴³ De Boer to onderafdeelingschefs (Controllers), 9-6-1928. KITLV, Adatrechtstichting H 1051, 85.

⁴⁴ Vergouwen to Resident, 27-7-1928, no. 1563, KITLV, Adatrechtstichting H 1051, 85.



ILLUSTRATION 83 Raja Hoenda of the island Pardapoer (Lake Toba) and his family (1908). SOURCE: KITLV, NO. 404472. COLL. M. JOUSTRA



ILLUSTRATION 84 Jaihutan on the Toba Plain and his family (1910). SOURCE: KITLV, NO. 10059

The Transformation of Appearance of Toba Batak Rajas Appointed by the Colonial Government After 1900

83 and 84. The raja of the island of Pardapoer in no.83 wears a dark jacket like the *guru* and pastors in the service of the (Batak Mission), combined with a hipcloth. He probably entered the colonial service before 1900, because the colonial government no longer conferred the title *jaihutan* (and *raja paidua*) after 1906. The elderly *jaihutan* of the Toba Plain in no. 84 seems to wear trousers, but his appearance is a bit shabby.

84 and 85. Western-style clothing was not adopted by the rajas in different regions at the same time. Note the remarkable difference in appearance between the raja's in the previous photographs with of these ones. The *kepala negeri* of Ompoe Radja Maoeloe still goes barefoot, but looks very posh. The *raja paidua* of Hutabarat, Silindung in no. 85 is no longer recognizable as a Toba Batak raja, wearing a white jacket, dark trousers, and even shoes.



ILLUSTRATION 85 Kepala Negeri Ompoe Radja Maoealoe marga Sirait, Samosir (1915). SOURCE: KITLV, NO. 1403592



ILLUSTRATION 86 Raja Paidua *of Hutabarat, Silindung (ca. 1917).* SOURCE: KITLV, NO. 34273



ILLUSTRATION 87 Toba Batak chief with his family in front of their house. SOURCE: TM, NO. 10001701



ILLUSTRATION 88 Kepala negeri Urat, Samosir (ca. 1939–1941) with his family in front of their house. SOURCE: KITLV, NO. 99637

The Appearance of Toba Batak High Officials in the 1920's and 1930s

87 and 88. Photograph 87, probably taken ca. 1925, shows a wealthy raja and his extended family in front of their richly decorated house. The pater familias, the confident man who sits cross legged, but also two of the young men and several of the children wear Western-style clothing. The less fashionable clothing of the adult women is similar to that of Raja Pontas' wife in no. 48. The latest development in men's clothing was a white shirt with a suit and tie, as is worn by the *kepala negeri* from Urat, Samosir in no. 88. His wife's clothes are not Batak: rather than woven shoulder and hip cloths as the women still wear in no. 83 and 84, she wears a Malay sarong and long white blouse. In both photographs, the young girls wear white European dresses. These two images also show that shoes had become common for (nearly) all members of these highstatus families. Footwear was rarely worn before 1920. Note the house of the kepala negeri family in this image, which is obviously less grand than the one in previous image, indicating that this family was less wealthy; this also shows in the appearance of the family members.

the opponent in a lawsuit, the court could demand credible evidence against it. De Boer acknowledged that the registration was indeed optional, but the fact that the Batak judges had started demanding it indicated that the registration had become "adat". He supported this argument by presenting the result of the surveys he had meanwhile received, showing the registration of over 21,000 marriages mentioned earlier.⁴⁵ As additional proof of the appreciation of the registration, he referred to a letter from the Batak chiefs of Panei in the governorship of East Sumatra, who requested information on the marriage registration in North Tapanuli. They wanted to know whether introduction of such a regulation might help reduce the large number of disputes on marriage payments in their district.⁴⁶

⁴⁵ De Boer to Resident, 30-12-1928, no. 11076/9. КІТІV. Adatrechtstichting H 1051, 85.

⁴⁶ Assistant Resident der Simeloengoen and Karolanden, 30-6-1926, no. 7264/39, KITLV, Adatrechtstichting H 1051, 85. The letter contained a report in Malay by the raja of Panei explaining that many disputes on marriage payments were filed, that it was so difficult to obtain reliable evidence on this, and that the registration of these payments was therefore desirable.

Resident Gooszen closed the debate with a short and firm reply to Vergouwen: the regulation could and should be maintained. He made only one minor concession: if a dispute arose about the marriage payments written on the registration form and credible evidence against it was presented, then the court would base its decision on the latter.⁴⁷

11.5 The State versus the People

The debate about the marriage registration between Vergouwen on the one hand and Assistant Resident De Boer and Resident Gooszen on the other, in which the Controllers as well as the Toba Batak bureaucrats were involved, appears on the surface to be a mere technical issue. What was at stake, however, was more than the effectiveness of the marriage regulation or the right of the colonial state to enforce such a regulation. It reflected the struggle of the colonial administration in North Tapanuli to gain control over one of its most persistent problems: the Toba Batak tendency to quarrel about marriage payments. It is therefore not surprising that the higher Dutch administrators in the region never contemplated relinquishing this useful administrative tool to foster legal security. The outcome of the debate—the regulation's unconditional preservation—was thus to be expected. The Toba Batak bureaucrats and the *kepala negeri* were not willing to part with the new "adat" either: the colonial state had given them an alluring material interest in the maintenance of the system.

In the process of implementation, ordinary Toba Batak people found themselves further distanced from the simple customary way of getting married in the village and also from a flexible negotiation on dues that had to be paid to the rajas. Prior to the regulation's introduction in 1912, the Christian part of the population had already been forced to adapt to the new requirement of a marriage in church with new dues to be paid to the Christian church dignitaries and the congregation; but a marriage had at least still been the concern of their own community. The additional, *de facto* obligation of registering marriage not only made marriage more expensive. It also led to the criminalization of parties who did not comply.

This problem became more acute in the early 1930s after the economic recession hit the already not-very-prosperous Batak population, the majority being subsistence farmers living off a not-too-fertile soil. How grave the problem

⁴⁷ Resident of Tapanoeli aan Ambtenaar voor de Inheemsche Rechtspraak, 15-2-1929, no. 1049/9, KITLV, Adatrechtstichting, H 1085.

became is difficult to say, but clearly there were families too poor to pay for the registration or even for a proper adat marriage ritual. Not surprisingly, the young generation who felt the impact of the difficulty of their kin in amassing brideprice most painfully started voicing protest against the brideprice, some even advocating its abolition. Their desire to get married resulted in a higher pressure on the church to grant them a Christian wedding without the adat ceremony. The Batak Church, although worried about this trend, continued to do so (Warneck 1932:221; Rauws 1938:74).

Apart from the deplorable direct consequences, the marriage registration probably had an even more pernicious impact in the long run. First, it made customary marriage dependent on registration by the state, whereas previously it had stood on its own. This was of course a conceptual devaluation of customary marriage. Besides this, the prescribed sequence of the different elements of what became a 'normal' marriage—registration first, followed by the adat marriage, and then the blessing in church—had negative consequences as well. For pecuniary reasons, families decided to do without the formalization of a union by the customary marriage ceremony with exchange of marriage payments, at least for the time being. Customary marriage thus became 'disposable' under dire circumstances, because couples could still conclude a 'second-best marriage' that was socially acceptable for the Christian congregation, although the adat marriage ceremony was still necessary to make the couple adults before the adat community. The growing number of Toba Batak who converted to Christianity in the last decade of colonial rule must have intensified this trend.

The erosion of customary marriage was the unintended result of the Batak Mission's insistence on the legitimization by the state of a church wedding, followed by the colonial state's zeal for legal security through the registration of marriage payments. These measures set the stage for the practice that evolved after the colonial period, which is discussed in the last chapter.

Dynamite Disputes: Mirror of Change (1923-1939)

Presently, the day has begun to brighten in the Bataklands, the children of the land are now willing to change customs which are rotten. Is it then still appropriate that the government (educated people) follows (reinforces) those rotten customs? In my opinion, although the indigenous legal system is in force, it is no longer appropriate to accept bad customs. *DEMANG* B. HAMONANGAN, Taroetoeng, 15 november 1923.¹

"The day has begun to brighten" was an expression used by Europeans and Indonesians in the early twentieth century who devoted their hearts and careers to the development of the Netherlands Indies and its population. It evoked the title "Through Darkness to Light" (Door Duisternis tot Licht 1911) bestowed by the former Director of the Department of Education and Religion, J.H. Abendanon, on the compilation of letters written by the woman who would become Indonesia's most famous national heroine after independence, Raden Ajeng Kartini (1879–1904). Kartini's Letters had just been published in Malay translation the year before (1922). Whether Demang Hamonangan, a member of the nascent Toba Batak indigenous bureaucracy, actually had read Kartini's letters, I cannot say; but he was undoubtedly inspired by the spirit of progress (hamajuon in Batak) that took hold of the Toba Batak population in the early 1920s.² In his advice on the lawsuit of the widow Na Leoes, discussed below, he expressed the opinion that a brighter future for his people was within reach only if traditional customary law was adjusted to serve the needs of the Toba Batak population in modern times. He expressed the ardent hope that the colonial government would foster evolution in that direction.

The implementation of Toba Batak adat law indeed changed during the last two decades of colonial rule, despite the colonial government's commitment

Sekarang, hari soedah moelai terang di Bataklanden, anak negeri soedah soeka meobah adatnja jang boesoek-boesoek, patoetkah lagi Gouvernement (menoesia jang terpeladjar) menoeroetkan (mengoeatkan) adat boesoek itoe? Saja timbang, meskipoen di Bataklanden berlakoe inheemsche rechtspraak, tidak patoet lagi diterima adat djelek. Advies B. Hamonangan, Taroetoeng, 15 november 1923 (KITLV, Korn. OR. 435.416).

² That Kartini's letters in Tapanuli were known is clear, for example, from reference to her ideas at the congress for teachers in Sibolga in 1930 (Congres goeroe-goeroe 1930:60).

to preserve it. This chapter focuses on the changes in the content of matrimonial law that can be deduced from lawsuits falling into two categories: the records of lawsuits formulated by the court's clerks, and the comments on the lawsuits by Batak and Dutch administrators that throw more light on the legal issues at stake and sometimes contain additional background information.³ Out of sources on approximately 250 suits in which women appeared as one of the disputing parties, five disputes are selected that sparked debates in which Toba Batak chiefs and Dutch officials at various levels participated.⁴ In some of these, the Batak Mission and the Batak press were involved as well. These disputes covered three issues. The first two lawsuits, involving the young widow Na Leoes (no marga name given) and deserted wife Nantalia boroe Manjoentak, illuminate the legal issues pertaining to two different forms of irregular marriage.⁵ In the next two lawsuits, brought to court by Marianna boroe Hoeta Oeroek and Kamaria boroe Hoeta Toroean, the rights of men and women to divorce in the instance of a husband's bigamy were at stake. In the last high-profile dispute, the widow Mariam boroe Hoetatoroean fought against the colonial state for her right to manage the estate of her late husband in the interest of her indebted son and other children.⁶

The Dutch officials Kielstra and Vergouwen were ambivalent about the traditional status of women as legal minors, as has been demonstrated in Chapter 10. The lawsuits offer an opportunity to see how women positioned themselves and whether or not the judges treated them as legal subjects in their own right (Section 12.7). In the last section, the role each stakeholder played in the process of the revision of matrimonial law is evaluated against the backdrop of the increased power of the colonial state after 1915. I will also return to

³ For limitations of lawsuits as a source, see Chapter 1, Section 1.5.

⁴ Another controversial issue was the lifting of the ban on marriage within the *marga*, triggered by the highly controversial marriage within the *marga* Lumbantobing in 1928, a case discussed in the next chapter. A debate also evolved around the right to marry of persons suffering from leprosy (KITLV Korn OR 435.450).

⁵ See van Bemmelen 2009 for a detailed discussion of these cases.

⁶ I have left the names of persons as they appear in the records of the lawsuits, even though the spelling in these records is not consistent. In the following I have left out the word *boroe* (daughter of) preceding the *marga* name of women, as this would be too repetitious. The family name of women thus refers to their *marga* of origin, often but not always without the prefix 'Si- (*boru* Mandjoentak instead of *boru* Simandjoentak). It is noteworthy that in the records of lawsuits, the *marga* name of persons is nearly always added, while in other colonial sources it is usually omitted—see for example the name of *Demang* Frederik. The omission of a *marga* name comes across as downgrading. Unfortunately I have not been able to retrace the *marga* names of most Batak *demang*, assistant *demang* and *kepala negeri*.

Demang Hamonangan: did his hope for a modernized Toba Batak customary law materialize?

12.1 The Irregular Marriage of the Widow Na Leoes (1922–1923)

In 1922, a man by the name of Hiskia filed a lawsuit at the higher court of Balige against Na Leoes, the widow of his deceased brother Parsangko, and Hansing, the man with whom she cohabitated. The course of events preceding the case was as follows. After both of their sons had died at a young age, Parsangko turned Na Leoes out of the house and she went to live with her parboru, her uncle Jahia. Several months later, Parsangko came to Jahia's house to fetch Na Leoes, but she refused to follow him to his village, probably because he was already sick and she was wary of him, but also because meanwhile she had met Hansing. After a while, Hansing asked Na Leoes to marry him. But the marriage could not take place, because Parsangko refused to cooperate in settling the divorce. Na Leoes then went to live with Hansing nonetheless, with the consent of her uncle Jahia. Then Parsangko died. When his brother Hiskia heard that his sister-in-law had set up house with Hansing, he charged them with adultery. According to Hiskia, Na Leoes had begun cohabiting with Hansing before his brother Parsangko died. The higher court, citing article 284 of the Dutch Criminal Code, found the couple guilty as charged. Their child, meanwhile born, was allocated to Hiskia because, according to customary law, Na Leoes had not been separated formally from her deceased husband's family and therefore the child belonged to her husband's marga.

W.K.H. Ypes, the Resident of Tapanuli, who had to ratify the higher court's decision, apparently questioned whether the court had dealt with the case appropriately and asked the aforementioned *demang* of Silindung, B. Hamonangan, for his opinion. The latter replied that it was not a question of adultery, but only of *langkup* of a wife who had not lived with her husband for some time, or of a widow who had not been formally separated from her deceased husband's kingroup. Which of the two was the case, he could not ascertain, as the court's records were not clear on this point. But according to customary law, that did not matter much, since both offences were milder forms of *langkup*. Hamonangan also pointed out that this case was not unusual. Marriages often broke down when there was no male offspring or children had died, or when the wife or husband had fallen ill. In the eyes of the public, Hamonangan argued, Na Leoes was not at fault for marrying again after her husband had turned her out of the house and had long neglected supporting her. Whether she had remarried before or after his death was irrelevant. In such cases, the refund of

the brideprice by her *parboru* to her husband or his heir (*uaris*) was sufficient to settle the dispute. Hamonangan thought that actually this was what Hiskia, the brother of the deceased Parsangko, had been after. In his opinion, the court should not have treated the case as a criminal suit, but as a civil one, finalizing the separation of Na Leoes from her husband's kingroup.⁷ On the basis of Hamonangan's advice, Resident Ypes ordered the revocation of the Balige higher court's decision and reopening of the case as a civil suit. The higher court of Balige subsequently arranged for an amicable settlement between the disputing parties in March 1923.

The Controller for Toba, J.J. Fanoy, however, was not satisfied with Ypes's disposition. In a letter addressed to Assistant Resident D.W.N. de Boer several months later, he argued that according to the law prevailing in Toba, langkup was a crime; and because the government had maintained the indigenous legal system, the courts should deal with *langkup* as a criminal offence.⁸ To fortify his argument, Fanoy had taken the trouble of requesting the opinion of several Batak officials in his district: Elias, demang of Porsea and M. Frederik, demang of Balige, as well as three assistant demang, of Lumban Julu (Cumala), Habinsaran (Iskander), and Laguboti (Renatus).⁹ Each had submitted a description of the various forms of *langkup*, adat law regulating widow remarriage, and other related customs in their area. All of them stated that *langkup* of a widow without the consent of the heir of her husband was a criminal offence according to Batak customary law, some of them adding that in the past the crime was a cause for war or led to ostracism of the culprit. They also confirmed the custom that a child born to a widow out of a union not sanctioned by adat belonged to the family of her late husband.

None of the Batak bureaucrats mentioned the need for changing these customary laws or commented on Hamonangan's advice, probably because Fanoy had not asked for it. Neither had he requested information on the appropriate punishment for the offence. Only the assistant *demang* of Lumban Julu gave information of his own accord on the traditional settlement: the culpable man, the *pangalangkup*, should offer the rajas and the heir of the husband an adat meal, slaughtering a pig or cow for the occasion, and he had to pay

⁷ Nota *demang* van Silindung, B. Hamonangan, 19-1-1923 (KITLV, Korn 435.416). In this report, Hamonangan described the background of the suit. I have not found the transcript of the suit itself, nor Ypes's request for Hamonangan's comments.

⁸ J.J. Fanoy to Assistent-Resident der Bataklanden, 3-8-1923, no. 3052/9 (KITLV, Korn 435.416).

⁹ Keterangan, Elias, n.d.; Keterangan, M. Frederik, 13-6-1923; Manghampi, Cumala, 9-7-1923, no. 294/20; no title, Iskander, 14-5-1923, no. 294/26; Melarikan perempoean jang soedah kawin, Renatus, 7-6-1923 (KITLV, Korn 435.416).

the penalties decided upon by the rajas. Only after fulfilling these obligations would the culprit be allowed to marry the woman.

The purpose of this adat punishment—reconciliation of the disputing parties and compensating for defiling the rajas' authority—was apparently lost on Fanoy, because he disregarded Cumala's information. Instead, he suggested to the Assistant Resident another punishment of his own device but in line with the type of punishments in the criminal code: the *pangalangkup* should pay a penalty or, if unable to do so, serve a three-month imprisonment sentence. He defended this "light" sentence, because

[S]urely there is no objection whatsoever to making it clear to the population by way of meting out a lighter punishment [than customary], that according to our understanding these facts are not punishable.¹⁰

The light sentence, he pointed out, also had the advantage that complaints about *langkup* would fall within the competence of the lower courts and therefore forestalled the option of appeal. This had the additional advantage of reducing the number of criminal suits the higher courts had to deal with.

Resident Ypes, apparently perplexed about what to think of Fanoy's proposal, asked Hamonangan again for his opinion. The *demang* repeated his previous advice, adding that although people still referred to the adat of the old days, this did not mean that the force of adat law was as strong as it used to be. In the past, it was indeed considered shameful if a widow did not remarry with a relative of her husband, but that was no longer the case. The allocation of a widow's child to the family of her deceased husband was the type of "rotten custom" referred to in the quote at the beginning of the chapter. This custom he found intolerable and not to be preserved. To reinforce his arguments, he cited the precedent of another old custom that the government had abolished: the obligation of the *parboru* to refund the brideprice if his daughter died before she had born a child.¹¹ He then went on to discuss the negative consequences of forced levirate marriages. Marriages between an older widow and a younger unmarried relative of her husband who did not like her often broke down. Neither was it a good idea to match a young widow with a much older

J.J. Fanoy to Assistent-Resident der Bataklanden, 3-8-1923, no. 3052/9 (KITLV, Korn 435.416).

¹¹ In fact, this rule had already been stipulated in the 1884 CBLs (article 24), the 1892 CBLs (article 21) and 1913 CBLs (article 20).

widower.¹² He concluded that it was far better if the widow married someone she liked, even if that person did not belong to her late husband's lineage. If she took this step before she was formally separated from her husband's patrikin, such behaviour need no longer be considered criminal.¹³

The differences between the opinion of *Demang* Hamonangan and his colleagues in Toba reflected the mixed composition of the corps of Toba Batak officials at the time. When the Toba Batak indigenous bureaucracy was established in 1915, the government could appoint only a few educated Christian men to the positions available. For the remainder, it had no other choice than to select more traditionally-minded rajas. *Demang* Hamonangan clearly belonged to the first category and it is probably for that reason that Ypes consulted him.¹⁴ The *demang* and assistant *demang* in Toba belonged to the second category, probably recruited for their past loyalty to the government. The historical division between Christian Silindung and more traditional Toba may also have played a role. In Silindung, the local population had been familiar with Christian norms and values for decades, and the rajas had become accustomed to applying the Christian By-laws (CBLs). In Toba, on the other hand, the CBLs had met with strong opposition from the rajas since the 1890s and were hardly applied after that.

The debate on the Na Leoes lawsuit also attests to the difficulty the Toba Batak rajas experienced with the Dutch separation of civil and criminal law, a feature absent in Toba Batak customary law. What is remarkable is that the judges of the Balige higher court at first applied the Criminal Code's stipulation on adultery uncritically: *langkup* was a criminal offence according to Batak law—and as all criminal offences had to be adjudicated according to the Criminal Code, which in this case was the article on adultery. The root of the problem was thus the lack of correspondence between the legal concept of adultery in the Dutch Criminal Code and the Batak concept of *langkup*. The Western concept of adultery covered the extramarital sexual relationship of a woman (or man) without further specifications. Toba Batak customary law, on the other hand, made a distinction between different forms of *langkup*. *Langkup* unquestionably covered adultery in its most serious form, an extramarital relationship of a man with a married woman who had children and led an

¹² These arguments against the levirate were the same as those voiced in the 1890s by the missionaries.

¹³ Advies B. Hamonangan, Taroetoeng, 15-11-1923 (KITLV, Korn. OR. 435.416).

¹⁴ Hamonangan understood and perhaps also spoke Dutch (he quoted parts of Fanoy's letter written in Dutch) and was able to present his arguments excellently, which contrasted with the notices submitted by the Batak officials in Toba whom Fanoy had consulted.

otherwise normal conjugal life (*langkup tataring*). According to the Criminal Code, it also applied to the case of an extramarital sexual relationship with a married woman who was not living with her husband anymore, but Batak adat considered this a less serious offence (*anggi ni langkup*). Although it was unclear whether Na Leoes was still married or a widow at the time she started living with Hansing, the Balige Court decided that she was at fault nonetheless, at least according to Batak law, because not only as a wife but also as a widow, she had not been free to remarry.

The difference in attitude of Fanoy and Ypes had to do with the same incongruence of legal concepts. Ypes, influenced by Hamonangan's ideas, opted for the more lenient stand: because it was unclear whether the widow Na Leoes was guilty of adultery as prescribed in the Criminal Code, the suit was better adjudicated as a civil case. Fanoy suggested a more complicated construction: he advocated for a separate category of offences, such as less serious cases of *langkup* not regulated by the Criminal Code but still regarded as a crime requiring punishment according to customary law. Rather inconsistently, he did not advocate the application of an adat penalty, but inserted a feature of Dutch criminal law by introducing the possibility of imprisonment for the *pangalangkup*, which was definitely not a Toba Batak customary punishment.

Several years later Vergouwen supported Fanoy's position that remarriage of a widow without prior separation from the husband's patrikin was a criminal offence. This is evident from his ruling about the decision taken by the lower court of Pahae in 1928 in a similar case.¹⁵ A forty-year-old widow, Teresa Siagian, had followed Ama ni Mangkait Sitanggang with three of her four daughters, a year after she had returned to her father's village because she preferred to stay with her own kin instead of with her in-laws. The village head, Loecas Tamboenan, a younger brother of Teresa's deceased husband, subsequently sued Ama ni Mangkait and Teresa in November 1928, accusing Ama ni Mangkait of stealing (merampas) Teresa. Things started to look worse for the couple when Teresa's father and several elders of his village declared that Ama ni Mangkait had not paid a brideprice nor any of the other necessary adat dues even though they had reminded him twice of his obligation to do so. Ama ni Mangkait and Teresa confirmed this, thereby openly acknowledging their trespass, perhaps hoping that this would mellow the judges. The judges, however, clearly thought that the couple's improper action and Ama ni Mangkait's lack of respect for the rajas justified a severe punishment: he had to go to jail for two months, and Teresa had to pay a penalty of twenty guilders or serve four

¹⁵ He may have been inspired by the correspondence on the Na Leoes's case (it is filed in his archive).

days' imprisonment. The court also confirmed Loecas's authority over Teresa. Because Loecas wanted to marry her to a relative of his, Teresa had no hope of marrying the man of her own choice.¹⁶ Vergouwen, asked for his opinion by the Controller of Silindung, who had doubts about the court's decision, informed the latter that he saw nothing amiss with the firm line taken by the court against Ama Ni Mangkait. He expressed his pleasure that in Pahae the population still valued the proper adat procedures, whereas in Toba offending the rajas was no longer punished, "to the detriment of public morality".¹⁷ He also did not object to Teresa's punishment, despite the fact that punishing a woman in cases of *langkup* was not prescribed by customary law.¹⁸ He was apparently not inclined to grant forty-year-old Teresa a little happiness for the rest of her life.

The adjudication of suits on illegal marriages of widows continued to be fraught with uncertainties. The higher court of Balige, at a loss of how to formulate the offence committed by a widow involved in a case of *langkup* in 1936, resorted to the term "a wandering pig" (*babi djalang*) in the absence of an appropriate concept in customary law. The Aspirant Controller J. Keuning and his superior J.J. van de Velde objected to the use of this term, as the common understanding of the term was a woman of easy virtue, whereas a widow engaged in a steady extramarital relationship could not be said to be promiscuous. They also had misgivings about the court's decision to sentence both the *pangalangkup* and the widow to no less than ten months of imprisonment.¹⁹ Like Vergouwen, Keuning was of the opinion that the widow deserved punishment, but he doubted whether the Batak thought it fair and just that her punishment would be the same as that for the *pangalangkup*.²⁰ Van de Velde

¹⁶ Vonnis Kleine Rapat Pahae 9-11-1928, no. 24, In zake "mangalangkoep" (КІТLV, Adatrechtstichting H 1051, 80 II).

¹⁷ De Ambtenaar voor de Inheemsche Rechtspraak aan den Controleur van Silindoeng, 7-1-1929 (KITLV, Adatrechtstichting H 1051, 80 II). The practice in Toba as pictured here by Vergouwen apparently deviated considerably from the strict rule of law as described by Fanoy several years before by the *demang* and assistant *demang* in that same area.

¹⁸ In a similar case, however, he objected to the three-month detention for the widow, which he thought exorbitant (Vergouwen aan Resident van Tapanoeli, 2-2-1930) (KITLV, Adatrechtstichting H 1051, 80 1).

¹⁹ Note that in the case of the widow Teresa, the court passed a milder sentence on her than on her lover.

²⁰ J. Keuning aan Controleur, 25-4-1936 (KITLV, Korn OR.435.450). It is noteworthy that Keuning referred to Vergouwen's work (1933:34) where the latter had explained that according to customary law only the *pangalangkup* was legally responsible for the offence.

also thought the sentence exceptionally long for both of them and suggested to Resident Heringa that it be reduced to five months.²¹

As this case demonstrates, the Batak judges in Toba continued to consider *langkup* of a widow a very serious offence. The lawsuit also shows that the Dutch administration had shelved the option of adjudicating this category of suits as civil cases, as had been suggested by *Demang* Hamonangan in 1923. Following Vergouwen in 1930, *langkup* was maintained as a criminal offence. It is also clear that the Dutch administration still struggled with the measure of punishment: like Fanoy in 1923, his colleagues thirteen years later were of the opinion that a long sentence was unnecessary.

12.2 The Irregular Marriage of Deserted Nantalia (1936)

That Vergouwen's points of view on the issue of irregular second marriages carried weight is also clear from another lawsuit brought to court in 1936. In this case, the woman, Nantalia Mandjoentak, was not a widow, but a wife deserted by her husband, Radin Tampoebolon.²² The couple had left Tapanuli in 1931 and settled in Pematang Siantar, Simalungun, where Nantalia gave birth to a child. Nantalia, however, was ailing and therefore Radin brought her and his child to her parents in Tapanuli. During the following two years, he made no contact whatsoever, let alone sent Nantalia money for her upkeep and that of their child. When the toddler died, he did not show up.

In March 1935, on behalf of Nantalia's *parboru*, the *kepala negeri* of the district Pohan Julu requested the mediation of the *demang* of the Toba Plateau to ask Radin to come and fetch Nantalia or otherwise face the charge of *magigi*—harbouring an unreasonable dislike for one's wife. Radin, who had to be summoned formally by the Pohan Julu court, finally made an appearance and admitted that he had neglected Nantalia. The court sentenced him to an adat penalty in the form of an adat meal to ask for the forgiveness of his in-laws and Nantalia within a week's time. Radin failed to fulfil this obligation.

Nantalia, seeing no hope for her marriage anymore, wrote a letter, this time not to the *demang*, but to the Controller of the Toba Plateau, G.W. van der Zwalm, stating that she wanted a divorce. She argued that Radin had done nothing but disregard his responsibilities towards her while meanwhile "her

²¹ J.J. van de Velde aan Resident, 3-5-1936 (KITLV, Korn OR.435.450). Whether the latter followed this advice, I have not been able to confirm, because the file on this case does not include the Resident's response.

Files bearing on the Nantalia case can be found in KITLV, Korn OR 435. 416 and 435.446.

body aged". Van der Zwalm informed her in June 1935 that she should sue Radin through the court in Pematang Siantar in the governorship of East Sumatra, where Radin lived at the time.²³ Nantalia then sent a mediator, Alex Sianipar, to the Controller of Simalungun, and repeated her request for a divorce. This time she added that she wanted to prevent Radin from bringing *langkup* charges against Alex, with whom she had meanwhile started an amorous relationship. Unfortunately Alex's efforts to trace Radin were unsuccessful. In May 1936, Nantalia delivered a daughter, of which Alex was the father.

From then on, the case took a nasty turn. Radin, informed by Nantalia that she had given birth to a child, withdrew his earlier confession that he had neglected her and sued Alex for the criminal offence of langkup jongjong (lang*kup* of a married woman) before the lower court of Siborongborong later in the same month. Alex of course defended himself and Nantalia, arguing that they had done their utmost to arrange for Nantalia's divorce, but that Radin had deliberately obstructed the procedure. Therefore, he had been unable to formalize his relationship with Nantalia. Nevertheless, the lower court convicted Alex and Nantalia for the crime as charged. Objecting to this decision, Nantalia and Alex took their case to the higher court of Siborongborong, which, unfortunately for them, confirmed the decision of the lower court. Nantalia's parboru, Julius (probably an uncle, because her father had died), was ordered to refund the brideprice to Radin. The judges also decided that the couple had to perform an adat ceremony slaughtering a buffalo for the rajas of Radin's village and pay a penalty of sixty guilders for the offence. If incapable of paying, they both had to go to jail for one year. Nantalia was divorced from Radin, but forbidden to marry Alex. The court awarded Nantalia and Alex's daughter to Radin, but ruled that the baby could stay with the mother until it was weaned.²⁴ Controller Van der Zwalm confirmed the court's decision.

Nantalia did not abide by the higher court's verdict and sent a request in July 1936 to the authority next in line, the Assistant Resident of the Bataklanden. Alex also wrote a letter of protest, addressed to the Resident of Tapanuli. Zwalm,

²³ Van der Zalm probably requested this, because according to article 207 of the Civil Code divorce cases had to be filed at the court located closest to the place of residence of the husband (Burgelijk Wetboek 174). However, he could have applied article 211 (Burgerlijk Wetboek 175) which offered the option to submit a request for divorce at the court closest to the place where the couple had last lived together in case of wilful desertion.

²⁴ The only leniency the higher court showed concerned Nantalia's mother, who had been convicted by the lower court as a *palangkuphonsa*, being an accomplice to the act of *langkup*. Perhaps because she had allowed her daughter to have a relationship with Alex out of necessity—she had no money to support Nantalia—the higher court dropped the charges against her.

requested by his superiors to give his views on the case, suggested the revision of the charge of *langkup jonjong* to *anggi ni langkup*, the milder form of the offence, referring to Vergouwen's book. Accordingly, he proposed a lowering of the penalty. But he suggested confirming the court's decision on Nantalia and Alex's child, because the court "did not dare to deviate from the principle that a child born out of wedlock belongs to the (clan of) the lawful husband".

After more petitions from Nantalia and Alex and letters from Van der Zwalm and the Assistant Resident, the Resident of Tapanuli, V.E. Korn, in his capacity as the highest authority of appeal, reviewed the court's decision on several points.²⁵ Radin had to forgo the refund of the brideprice, because he had obstructed the divorce requested by Nantalia. He also discharged Nantalia and Alex of the obligation to hold a placatory adat ceremony in Radin's village, because their offence had been indirectly Radin's fault. The couple still had to pay a penalty of thirty guilders for the offence of illegal cohabitation, but there was no longer any question of imprisonment.²⁶ However, contrary to Demang Hamonangan's suggestion who thought such a decision unfair, The Resident followed Van der Zwalm's advice to award Nantalia and Alex's child to Radin.²⁷

The Radin versus Nantalia and Alex dispute demonstrates that in the 1930s, Toba Batak and Dutch bureaucrats did not support the decriminalization of less serious forms of *langkup* advocated by Hamonangan in 1923. Even the old issue of whether the partner of a deserted wife could be sued for *langkup jonjong* instead of the milder form of *anggi ni langkup* was still not yet resolved. One wonders why the government did not take the trouble to issue guidelines for cases such as these. It is not plausible that the reason for this was their rare occurrence.²⁸ According to Vergouwen, the policy of maintaining customary law in the case of illegal marriages was justified, because the legal system

²⁵ This is, again, an example of the *de facto* control of the Dutch administration over the nominally independent Toba Batak judiciary: the Resident had the power to overrule the decisions of the judges (Burns 2004: 164).

²⁶ Instead, the Resident ruled that if they could not pay, the authorities would seize their property for the said amount, a usual clause for insolvability in case of minor penalties.

²⁷ Van der Zalm's advice was perhaps based on article 250 of the Civil Code which stated, "A child, born or conceived during the marriage, has the husband as its father" and article 263 which stated that children conceived as the result of adulterous or incestuous relationship cannot be legally acknowledged (Burgerlijk Wetboek: 181, 185). Note that article 250 covers neatly Batak customary law on the status of children sired by a man other than the husband.

²⁸ Although it is impossible to know the number of cases on adultery and *langkup* filed for any year, irregular marriages of neglected wives and widows were obviously a real problem and a burden for the legal system. This is evident from Vergouwen's strong emphasis

offered sufficient opportunity to arrange for a divorce or the separation of a widow. If a woman and her *parboru* neglected to make use of that opportunity, punishment was appropriate.²⁹ The legal means were indeed available, but this was obviously insufficient to prevent irregular marriages from occurring. It is doubtful that this was due merely to negligence, as Vergouwen suggested. Let us take a closer look at the social dynamics leading to irregular marriages.

12.3 Social Dynamics behind Irregular Marriages

It is clear that Na Leoes and Nantalia could not remarry according to the proper procedure because their husbands refused to settle the divorce. By withholding their cooperation, their husbands created a situation of limbo for their wives. Na Leoes and Nantalia were both still young and both had no (surviving) children. The lack of male offspring made them feel unhappy living with their in-laws, which is clear from their return to their parental homes. As Nantalia pointed out, she wanted a divorce because her "body aged". She referred here to her worry that she was not in a position to conceive, simply because her husband was not there. Both women understandably wanted to remarry as soon as possible, hoping they would beget a son with their new partner as a safeguard for their old age. Perhaps even Teresa, although already forty years old, still fostered that hope.

Moreover, it seems that Na Leoes looked for a new husband because she thought there was nothing wrong with that. In court, she stated that she thought a separation had already taken place, because Parsangko had repudiated her. It appears that at first she did not fully grasp the legal implications of her step to start living with another man. Taking into account the naïveté of her confession, the widow Teresa seems to have been oblivious of this, too.³⁰ It is plausible that legal illiteracy prompted other Toba Batak women to enter

on irregular marriages as a disturbing phenomenon, and from Controller Fanoy's desire to confine these suits to the authority of the lower court.

²⁹ Vergouwen aan Resident, 2-7-1929 (KITLV, Adatrechtstichting H 1051, 81). See also his comments on divorce cases because of *magigi* of a husband after deserting his wife: Vergouwen 10-3-1929 on the decision of the adat court Porsea 18-12-1928, no. 75 (KITLV, Adatrechtstichting H 1051, 80, II).

³⁰ Nantalia, obviously literate, appears to have been a woman much better informed about the law than Na Leoes and Teresa: she was aware of the nasty consequences of entering an illegal union. She must have been an exception: illiteracy was still high among adult Toba Batak women (around 95%) in 1930 (Volkstelling 1935: 80).

into an illegal marriage without considering the consequences, in particular if their *parboru* did not take the trouble to forestall this.

Vergouwen apparently expected a parboru to take this responsibility, because if he did not, he was guilty of complicity to *langkup* according to customary law. According to Demang Hamonangan, however, it was common practice in the 1920s for a deserted wife or widow to take up with another man prior to the official separation. Nobody made a problem of this, as long as the parties concerned arranged the separation afterwards.³¹ The lack of action by Na Leoes's *parboru* when she set up house with Hansing thus seems to have been quite normal. Perhaps it contributed to his passivity that he was not a relative of her in the first degree-he was her uncle-and was not directly involved in her life because she was already living elsewhere. A distant kinship relationship between a woman and her *parboru* appears to have played a role in Nantalia's case as well. Her parboru, clearly not her father or brother, did take the first step to see to her divorce by bringing her case to court, probably on Nantalia's request. But after that he left it to Nantalia and her lover Alex to stand up for their interests. It is probably no coincidence that in cases of divorce which were arranged in a timely manner by the *parboru*, he was either a father or a brother of the woman. To them the interests and the well-being of their daughter or sister did matter.

Nantalia's case also highlights the impact on marriage stability of the outmigration of Toba Batak men. Nantalia's husband Radin succeeded disappearing without a trace in the region of the East Coast of Sumatra, leaving her behind fretting about the future of her marriage. He was not the only one. Iskander Simandjoentak was another young husband who left his young wife, Noeria Loebis, when she was five months pregnant. He failed to come back after she had given birth and after the child had died at the age of three months. He also left her without sustenance. Because her in-laws neglected her and—on top of that—accused her of using black magic against them, Noeria returned to her family out of desperation. After five years, in 1928, her brother Eli ended her ordeal by arranging her divorce from Iskander at the higher court of Tarutung. Noeria herself appeared as a witness testifying at the court session.³² Rolina Marpaoeng, aged twenty-one, was more astute. She asked for a divorce herself, seconded by her father, after her equally young husband had deserted her four

³¹ Nota demang van Silindoeng, B. Hamonangan, 19-1-1923 (KITLV, Korn 435.416).

Civiele Zaken, Groote Rapat Taroetoeng 23-1-1928, no. 3 (KITLV, Adatrechtstichting H 1051, 85). The role of Noeria's brother confirms the importance of alert and caring close male relatives mentioned above.

months after their marriage and she had waited for him for nearly five years.³³ Renta Nadeak, aged twenty, was less fortunate. Her husband, Boni Siagian, left her three months after their marriage, causing her to return to her family, as the other women had done. When her brother-in-law Eli sued her for having started an extramarital relationship, she barely escaped conviction. The court decided against the immediate dissolution of her marriage, only ordering Eli to find his brother Boni. If Boni failed to turn up within a period of nine months, the court proclaimed it was willing to reconsider Renta's request for divorce.³⁴

The common denominators of these cases are obvious. All the women were young, deserted by a husband who apparently was not interested in preserving their marriage, perhaps because their marriage had been arranged and no love was lost between them. In all cases either the women had not given birth to a child or the child had died. It is highly plausible that after 1900 desertion of wives became more common as the result of increased male outmigration. This latter trend is reflected in the 1930 population statistics, recording a significant gender imbalance in the adult population in the district Bataklanden—46,8% men versus 53,2% women—with a surplus of nearly 16,000 women.³⁵ Among these women, there must have been more wives who were neglected by their husbands. Those who had sons probably endured the situation and coped as best as they could, whereas those who had the bad luck of having no male offspring did not always manage to get out of their predicament.

The disputes also disclose another trend: the decreasing control of elder male family members over younger ones. In the past, fathers and older brothers could set a limit to independent and arbitrary actions of young men, because the latter were dependent on them for access to sources of livelihood and the brideprice for their wife. In the late colonial period, young men could take a job outside the region and withdraw from the control of senior family members, to the detriment of their wives and children.

³³ Rapat Hadatvonnis Porsea 18-12-1928, no. 75. J.C. Vergouwen aan Resident van Tapanoeli 15-3-1929 (KITLV, Adatrechtstichting H 1051, 80 II).

³⁴ Strafvonnis van de Kleine Rapat Lagoeboti 22-7-1930 no. 154 (KITLV, Adatrechtstichting, H 1051, 85).

³⁵ Volkstelling 1935:162-168. In the Toba Batak homeland (district Bataklanden) the total adult population amounted to 249,426 persons, with a surplus of 15,834 adult women. The number of adult Toba Batak living in the other districts of Tapanuli (Sibolga, Padang-sidempuan, and Nias) and in the neighbouring governorship of East Sumatra, the main destination for Toba Batak migrants, was 60,717, of which only 45.2% was female, with a surplus of 5,805 adult men. For the age groups of toddlers and children, the sex ratio in the Bataklanden was balanced.

In sum, Vergouwen's appraisal that the prevention of irregular marriages by legal means was feasible was not entirely realistic. He seems to have given insufficient thought to the various obstacles that could effectively limit a deserted wife or widow's access to a divorce or separation from the husband's kingroup. Therefore, the reinforcement of the customary laws pertaining to *langkup* that he (and Fanoy before him) had advocated in the name of legal security, did not achieve this objective. It was also at odds with the principle of "fairness and justice" the colonial government claimed to be committed to, because it led to the victimization of deserted wives and young widows, a situation the modern-minded *Demang* Hamonangan protested against. Nantalia, too, felt that the application of customary law was unfair, which explains her tireless efforts.

It is noteworthy, too, that in the entire debate *Demang* Hamonangan was the only one who thought about the position of children born out of an illegal union. In his view, these children should be allocated to their natural fathers. The government, on the other hand, never questioned the premise of Toba Batak customary law that a child born out of wedlock belonged to the mother's lawful husband or, if she was a widow, to his patrikin.³⁶ Assistant Resident Zwalm was more concerned about the preservation of the adat than about the future wellbeing of the child, whereas Resident Korn, already having revised the court's decision substantially, was reluctant to make an issue out of this matter. Radin—or any other 'aggrieved' husband, for that matter—might have insisted on his right to the child out of spite for his 'unfaithful' wife and her lover.

But what did it mean for a child to be raised by a stepfather, knowing he was not his child? An extraordinary lawsuit throws light on this. A young man requested the court to separate him from the *marga* of his stepfather, with whom he had had a tense relationship since childhood, and incorporate him into the *marga* of his biological father, who had already died. The latter had informed his half-brothers of his existence on his deathbed and they were willing to acknowledge him as their sibling. The young man's stepfather—who had raised him and paid for his education—and his mother opposed him. The court withheld a verdict, reasoning that no one in the world could force a man to remain a member of a *marga* if he did not want to and that the only party who could

³⁶ This situation reflects the idea that "brideprice is childprice"—that is, by paying a brideprice to her family, the husband and his patrikin required the right to any child born to the woman.

object to a change of his *marga* would be the members of the *marga* he preferred to belong to.³⁷

12.4 First Wife Marianna Refuses Repudiation (1928)

In 1928 four disputes pertaining to divorce and bigamy led to heated debate and new case law. Three of these lawsuits concerned a husband's request to divorce his first wife, whereas in the fourth a Christian first wife demanded a divorce because her husband had taken a second wife. Vergouwen, sensing that the issues were controversial, did his best to orchestrate consensus on the legal issues involved. Prior to the court sessions, he consulted the Batak Mission's leadership on this. In his capacity as official for the indigenous legal system (*ambtenaar voor de inheemsche rechtspraak*), he also made sure that a larger number of rajas than usual would adjudicate the cases.³⁸ No less than twentythree *kepala negeri*, one pensioned *jaihutan*, two *raja paidua*, two Batak pastors, and one church elder were present at the sessions of this great council (*rapot bolon*) presided over by Vergouwen himself. In this section, the legal issues of the first three disputes are discussed, for which the lawsuit of Marianna Hoeta Oeroek was the prime example. The issues pertaining to the fourth are the subject of the next section.³⁹

Marianna Hoeta Oeroek, a woman of fifty-six, asked the higher court of Tarutung to deny her husband, Aron Samosir, the right to repudiate her, to reinstall her in the house she used to live in, and to return to her the rice fields she had tilled during their marriage. Marianna had been married to Aron for twenty-five years and she had given him eight children: seven daughters and one son. Unfortunately, only the youngest daughter had remained alive. When there was no hope left that Marianna would conceive again, she had consented to Aron's taking a second wife so that he could have a son with the other

^{37 &}quot;Adatvonnissen" 1941c:161–86. The mother evidently lied in court about who the father of the young man was, but others testified that she had become pregnant while her husband was away. She probably lied because she did not want to lose her son to another *marga* and did not want to oppose her husband. The final verdict was given by an assembly of judges specifically composed to deal with the case on request of the government after it had nullified the verdict of the lower and higher courts of Balige.

³⁸ The higher court of Tarutung adjudicated the cases on 15, 16, and 17 October 1928.

³⁹ Vergouwen aan Resident of Tapanuli, December 1928 (no date, KITLV, Adatrechtstichting H 1051, 81). In this letter Vergouwen gave a summary on the background and the adjudication of the four cases.

woman. The couple even looked for a suitable wife together. Aron's second marriage, with Marsalina Manaloe, produced a boy and a girl. After some time, Marsalina, who lived in a separate dwelling with her two children, began to turn against Marianna. She succeeded in influencing Aron, who first turned Marianna out of the main house. After that, he requested a divorce on the instigation of Marsalina, who accused Marianna of an attempt to poison her son. Marianna vehemently denied the accusation, arguing that it made no sense: she had agreed to Aron's second marriage with Marsalina precisely because she wanted him to have a son—so why would she want to poison the child? There was no ill will on her part, she said. She wished only to live in peace with her husband and his second wife.⁴⁰

Before the dispute was brought to the Tarutung higher court, Aron had already requested a divorce from Marianna at the adat court for amicable settlements (rapat perdamaian). The kepala negeri, who chaired that session, had pronounced the couple divorced, accepted the fee for divorce (pagopago sirang) and ruled that Aron had to give Marianna and her daughter thirty tins of rice per year to live on. It was this decision that provoked Marianna to sue her husband at the higher court of Tarutung. In her opinion, not only was the allocated amount far too meagre, but it was also improper that Aron wanted to repudiate her, because she was already an old woman. The relevant legal question Vergouwen asked the higher court to consider was therefore whether a husband still had the right to repudiate an elderly first wife after she had been married to him for many years and given him children, considering that she was too old to have the chance to marry again. What was at stake in this case was the previously unlimited right of a husband to repudiate his wife. The higher court made the decision Vergouwen had aimed for: it turned down Aron's request to divorce his wife. Aron also had to restore the main house to Marianna and the rice fields she used to till. He even had to give her the yield of the harvest of the previous season.⁴¹

Another plan of Vergouwen's, however, came to naught. Regretting that the law of the church and customary (secular) law ruled differently on bigamy, he had wanted the Batak Mission to change its policy forbidding bigamy on any

⁴⁰ Vonnis Groote Rapat Taroetoeng, 15-10-1928 No.70, KITLV, Adatrechtstichting H 1051, 81.

⁴¹ The second dispute was similar to the one between Marianna and Aron and therefore the court denied her husband a divorce as well. The third lawsuit took an unexpected turn, because the first wife changed her mind during the trial, agreeing to a divorce. The court decided on a divorce based on evidence of mutual dislike (Vergouwen to Resident of Tapanuli, December 1928 [no date], KITLV Adatrechtstichting H 1051, 81). The file on these cases does not contain copies of the court proceedings of these two trials.

grounds, hoping an exception could be made for men who had no son, if the wife was beyond childbearing.⁴² He knew that the Batak Mission struggled with this problem. Already in 1920, Ephorus Warneck had spoken of "an epidemic" of instances of bigamy (Warneck 1920:36). This observation was confirmed by a survey held in the Christian congregations in 1926 yielding the alarming result of 740 Christian men excommunicated for this reason.⁴³ Not surprisingly, the dominant reasons for bigamy were barrenness and lack of male issue. To the missionaries' chagrin, the first independent Batak church (Huria Christian Batak), established in Pematang Siantar in 1927, had taken advantage of the Batak Mission's inflexible policy by accepting bigamous Christians as their members (Hutauruk 1980:348). Vergouwen therefore had reason to believe that his mission might have a chance of success.

Prior to the court session, in July 1928, he approached the Batak Mission, which subsequently convened a meeting chaired by Ephorus Warneck and attended by other missionaries, Batak pastors, and church elders.⁴⁴ At this meeting, Vergouwen's hope was shattered. Warneck told him that the Batak Mission was obliged to reject all forms of bigamy, because the Batak Mission's mother organization, the Rheinische Missionsgesellschaft (RMG), was committed to uphold the decision of the World Mission's Conference in Edinburg in 1910, which forbade polygamy unconditionally. Vergouwen was also given to understand that the entire Christian congregation opposed bigamy out of principle.⁴⁵ The only result of the meeting was that the Batak Mission agreed

^{42 [}Vergouwen] to Resident, 16-7-1928; Resident to Vergouwen, 26-7-1928 (KITLV, Adatrechtstichting H 1051, 80 11). Resident Gooszen, a Catholic, replied that Vergouwen could attend the meeting in a personal capacity. He underlined that he wished to keep to his own personal opinion (on the issue of bigamy).

⁴³ As previously mentioned (Chapter 8, Section 8.5), not all bigamous Christian men returned to the ancestral faith; many continued to attend the Sunday service and led an otherwise impeccable Christian life. They continued to request that the Batak Mission accept them again as members of the Christian congregations. In the 1920s the Batak Mission tightened its policy on this subject: these men were granted their request only after one of their wives had died (UEM F/b 1,7 KP 1923:186).

⁴⁴ It appears that another meeting had been held in the circle of the Batak Mission prior to this one, because the weekly *Parbarita Batak* of 31 July 1928 published an article written by the Batak pastor, J.H. Uruk, in which he argued, not very convincingly, that bigamy was not a Batak custom. Clipping *Mangaloesi soengkoen2 na di P.B. No. 26 Dia patik ni mangorai marsidoea-doea* (KITLV, Adatrechtstichting H 1051, 80 II).

⁴⁵ The missionaries also accused the rajas of allowing bigamy out of "a kind of personal interest". This accusation did not go down well with Vergouwen. He wrote to Resident Gooszen that the majority of the rajas whom he had sounded out on the issue were not old and old-fashioned, but young men brought up as Christians, implying that they were

to send a delegation to the court sessions. Interestingly, at the court session, the two representatives of the Batak Mission did not make a point of Aron's bigamy. Taking into consideration what was best for Marianna under the circumstances, they agreed with the court's decision.

The impact of the new case law resulting from the Marianna lawsuit appears to have been negligible. When Jozua Silalahi requested a divorce from his forty-five-year-old wife, Porman Siahaan, in 1929, the adat court of Balige granted him the divorce.⁴⁶ In the only two other relevant suits (1931 and 1935/6) of which a record is available, the court turned down the woman's request to protect her against wilful repudiation. Both marriages broke down because there was no son; both women had one daughter only. It is likely that the decisions of the courts were based on the consideration that the women in question still had a chance of marrying again, because they were still young. The court merely ordered the husbands to pay alimony for the upkeep of the daughter for a few months.⁴⁷

12.5 Christian First Wife Kamaria Requests a Divorce (1928)

The fourth case, adjudicated by the higher court of Tarutung on 17 October 1928, was of an entirely different nature. In this dispute, it was again a first wife who sued her husband. Kamaria Hoeta Toroean, thirty years of age, had been married to Wismar Hutapea for eight years. Unfortunately their marriage had remained barren and for that reason, Wismar had taken a second wife, but without Kamaria's consent. When Wismar did not heed her repeated request to send the other woman away, Kamaria returned to her parents. A year

probably personally against bigamy. Vergouwen thought there was another reason for the rajas' cautious attitude: they were afraid of enforcing strict laws on bigamy, knowing that their subjects would probably protest against it.

⁴⁶ Vonnis Rapat Hadat Balige, 16-4-1929 No.11 (KITLV, Adatrechtstichting H 1051, 81). The husband was granted two-thirds of the brideprice paid by the new husband (if she remarried, which was not plausible due to her age).

⁴⁷ Civiel vonnis van de Groote Rapat te Balige, 27-6-1931, No.69/1931 (KITLV, KOrn OR.435.450); Controleur Samosir aan Assistent Resident der Bataklanden, 26-1-1936, No.552/9 and attached files (KITLV, Korn OR.435.451). In the second case, the woman had given birth to four daughters, three of whom had died. The decision to give the women alimony for a few months was probably based on Civil Code article 225 (BW:177), which stipulated that if the spouse who requested the divorce did not have sufficient income to live on, the judges could allot an allowance to be paid out of the property of the other spouse. No time limit was included, however.

later, she sued Wismar, seconded by her father, a village chief, asking the higher court of Tarutung to order her husband to return his second wife to her family, because at the wedding in church Wismar had pledged to love her, to not take a second wife, and not to separate from her until death would part them.⁴⁸ But if Wismar was unwilling to uphold these vows, Kamaria wanted the court to grant her a divorce.⁴⁹

Vergouwen put this suit up for discussion at the great assembly, perhaps because he suspected (probably rightly) that more Christian women like Kamaria preferred a divorce to living with a co-wife, and also because he was aware that several thorny legal issues were involved. Actually, Kamaria preferred to preserve her marriage, but only on the condition that her husband would send the other woman away. The Tarutung higher court immediately dismissed this request. The majority of the members of the council shared the opinion that a secular judge could not forbid a man to take a second wife, because customary law allowed him to do so. The fight against bigamy was the concern solely of the church. Moreover, the court was aware that if it backed Kamaria's request, it would deny her husband the possibility of fostering male offspring in a second marriage. The council probably anticipated that such a decision would be very unpopular. The fact that Wismar's second wife was pregnant served as a convenient excuse to shelve the highly controversial issue of denying him the right to remain married to her.

This left the court to decide on a second, hardly less controversial legal issue: could a Christian woman obtain a divorce because her husband wanted to force a co-wife on her? This would imply a revision of the customary law, which did not grant a woman a divorce for that reason; and if she nevertheless insisted on it, she was considered guilty of *mahilolong*—an unreasonable dislike for one's husband. Related to this was yet another legal problem. If the court approved of the principle that a Christian wife could ask for a divorce based on the husband's bigamy, it would be unreasonable to demand that her *parboru* refund more than the original brideprice, as was usual in cases of *mahilolong*.

⁴⁸ As Vergouwen ([1933]1964:236) pointed out, the wedding formula used in church implied a prohibition to divorce, but none against bigamy. Therefore, he concluded, the husband was actually not bound by his marriage vows to refrain from taking a second wife. If that prohibition had been included in the marriage vows, he argued, it would have been easier to put a bigamist on trial for "breaking an accepted obligation", which was an acknowledged transgression of customary law. Of course he was splitting hairs with regard to the Batak Mission's position, which prescribed monogamy entailing implicitly a prohibition against taking a second wife.

⁴⁹ KITLV, Adatrechtstichting H 1051, 80 II. [Verdict, without title, heading: Folio 2 of tweede blad].

The second question was therefore what might be a fair settlement of the material aspect of a divorce on the grounds of a husband's bigamy.⁵⁰

The court proved to be internally divided on the question of bigamy as acceptable grounds for divorce. When Vergouwen put this issue to the vote, only a slim majority of the rajas supported it. The council eventually ruled that Kamaria was not guilty of unreasonable dislike for her husband (*mahilolong*): in view of her religious conviction, she was not at fault. But her husband was also not to blame, because according to customary law he had exercised the customary right of taking a second wife. With regard to the settlement on the marriage payments, the court took a decision based on the lack of guilt of Kamaria: her father had to refund only half of the brideprice. Kamaria's father, however, rejected this decision and filed a complaint afterwards. Vergouwen advised Resident H. Ch. Gooszen to ratify the decision on the divorce, but to grant Kamaria's father's request and lower the restitution of the brideprice to a quarter of its original value.⁵¹

Vergouwen's comment on the outcome of this lawsuit was that Christian morality had won only a slim victory. But a different evaluation is possible if one looks at it from a long-term perspective: at least Christian values on monogamy had made significant headway. The Batak Mission had always been in favour of granting a Christian woman the right to divorce if her husband married again—but, for lack of support from the rajas, had been unable to introduce this into the Christian-Bylaws. At last, that right was secured. The Batak press considered the court's decision sufficiently important to devote several articles to it in the weeks following the court's session.⁵²

- 50 It is probable that an advice written by M. Frederik of Silindung in 1925 had drawn Vergouwen's attention to this issue. The *demang* suggested granting a divorce to Lina, first wife of Johannes, because she felt it was "very heavy" for her to share her husband with another woman. Frederik considered her guilty of *mahilolong*, but thought the refund of the brideprice, or less, sufficient, because in his opinion Lina had a valid reason for the divorce (M. Frederik, Advies atas poetoesan groote Rapat Siborong2 18-10-1924, No. 15, KITLV, Adatrechtstichting H 1051, 87).
- 51 Vergouwen to Resident of Tapanuli, December 1928 (KITLV, Adatrechtstichting H 1051, 81). Vergouwen pointed out that a lowering of the amount was in conformity with the practice: in the Christian communities in Silindung, divorce was regarded as shameful, and even more so to push for one's rights on the restitution of the full brideprice. He mentioned that in the third lawsuit adjudicated by the higher court, the husband had even agreed to a restitution of only 10% of the brideprice.
- 52 An article by "Mr. Fire" (J. Tuan Api) was published in the *Parbarita Batak* of 30 October, 1928, praising Vergouwen's initiative to bring up the Kamaria and other cases. The court's clerk, L. Hutabarat, informed the public in detail about the court's decisions in the

Despite the rajas' approval of the new case law, the issue remained controversial and unsettled. Six years later a group of educated women, led by a former teacher of a mission school, held a protest meeting in Tarutung, because of a recent decision by a group of rajas to revive the custom that a man could take a second wife.⁵³ Approximately 4,000 women, several European officials, and members of the press attended the meeting. Statements at this meeting (discussed in more detail below), as well as provocative articles in the media following it, and a petition of the women sent to the Resident of Tapanuli, all stated that bigamy was out of tune with contemporary conditions and requested a revision of the old adat. As a follow-up, Assistant Resident M.J. Ruychaver organized three meetings, in Tarutung, Siborongborong, and Balige, in July 1934.⁵⁴ The result was univocal: the local assistant *demang* and *kepala negeri* rejected the proposal to change the old adat. The Resident, J.W.Th. Heringa, dissatisfied, insisted on the reopening of the discussion, because he had the impression that many of the chiefs had misunderstood the intention of the government.⁵⁵ Ruychaver's next step was a visit in November of the next year to sound out the Ephorus of the Batak Mission and the head of the Catholic Church, who both supported the policy that a *parboru* did not need to refund the brideprice if his Christian daughter divorced her bigamous husband. They thought this policy might deter men from taking a second wife.

- They probably did so because bigamy was still fairly current, as the census of 1930 demonstrated: 3,417 men in the district Bataklanden had reported having two wives (another 152 men had three wives or more). Polygamous men made up 3.62% of all married men. As the survey of the Batak Mission in 1926 had counted 740 Christian men having been excommunicated for bigamy, the majority of polygamous men must have been pagan. Remarkably, the above mentioned percentage for the Bataklanden was even higher than that for the predominantly Muslim district of Padangsidempuan in South Tapanuli (2,1%). Less surprisingly, the lowest percentage was found in the predominantly Christian sub-district Silindung, where only 1% of the married men were bigamous. The percentage for North and South Tapanuli combined was lower than that found in Aceh, West Sumatra, and Lampung, but still above the percentage found in six other predominantly Muslim residencies on Sumatra (Volkstelling 1935: 45, 55–6, 191).
- 54 Polygamie (1941) for this and the following. Unfortunately I have not come across the texts of the request of the Toba Batak women.
- 55 Instead of giving their opinion, they simply reiterated the old rules. Note that something similar had happened in 1923 when Fanoy requested information from the chiefs on the issue of illegal marriages.

same issue. In the issue of 11 November of the same paper, another writer calling himself "A Christian" argued that other former Batak "bad" customs had been abolished and were subject to punishment by the court, so why was this not applied in the case of bigamy? Newspaper clippings in KITLV, Adatrechtstichting H 1051, 80 II.

On 2 December 1935, Ruychaver presided over a meeting attended by thirtyeight kepala negeri from all the sub-districts in North Tapanuli. He explained the purpose of the meeting in great detail, emphasizing the demand of the younger generation and Batak women for the abolition of bigamy and the support of the Protestant and Catholic leadership. He left no room for doubt about the point of view of the government. Nevertheless, seven of the eight rajas who spoke their mind were less than compliant. Each of them underscored that the adat allowed bigamy if lack of male offspring was the main reason, implying their unwillingness to outlaw bigamy.⁵⁶ On the main issue—abolition of restitution of the brideprice in the case of divorce on the grounds of bigamy—only four chiefs gave a conclusive answer. The kepala negeri of Sabulan (Samosir) raised strong objections, saying he feared an increase in divorce cases. The kepala negeri of Hutajulu, Parburu, and Siwalampu wanted to preserve the right of a husband to a refund of the brideprice as well, with the proviso that he could not demand it when the divorce was proclaimed, but only after his wife had remarried and not from her *parboru*, but from his ex-wife's new husband. This idea was hardly new, because it was already applied in cases of divorce based on a husband's aversion of his wife. All present, except the kepala negeri of Sabulan (Samosir), gave their consent to this proposal. Ruychaver wisely did not push the matter further.

Remarkably, Resident Heringa considered the results of the meeting sufficiently important to inform the Governor-General. He stated that he personally vouched for the implementation of the new case law even though it was not binding.⁵⁷ V.E. Korn, who succeeded Heringa in 1936, was like-minded: he applied the new rule on the restitution of the brideprice in the case of Christian Damaria Tampubolon in 1937.⁵⁸

⁵⁶ Only the *kepala negeri* of Hutabarat Partali (Silindung) stated that he was in favour of the abolition of bigamy, not only because it was prohibited for Christians, but also because it caused strife in the family. Moreover, he argued, bigamy had already become rare among the Batak. Interestingly, no raja proposed to forbid bigamy on other grounds than lack of (male) offspring.

⁵⁷ Polygamie 1941:65–6. Heringa sent the same stern message to the Assistant Residents of North and South Tapanuli, as well as the Controller of Sibolga, instructing them to inform the *kepala negeri* and *demang* in their areas about his policy (Letter Resident Tapanuli, 12-2-1936, no. 1725/10, NA, MR 1936, 2007, doos 402).

⁵⁸ In 1934, the higher court of Balige, Toba, had granted childless Christian Damar Tampoebolon a divorce because her husband Immanuel had taken a second wife. Because the court's decision on the settlement of the marriage payments was to the disadvantage of her father, Korn corrected the verdict (Vonnis Groote Rapat Balige 29-7-1937 no. 49/1937, KITLV, Korn OR 435.450).

12.6 The Widow Mariam Defends Her Right to Manage the Estate (1930–1935)⁵⁹

In 1930 Berlioen Hoetabarat, twenty-seven years old, unmarried and working as a driver, caused a car accident. The owner of the car, the trader Cornelius Hoetapea, sued Berlioen for the damage. On 25 June the higher court of Tarutung sentenced Berlioen to pay Cornelius a compensation of $f_{77}6.93$ for the repair of the car, as well as a penalty of f_{50} and two months imprisonment. Because Berlioen could not pay the compensation, the leader of the court ordered the confiscation of property belonging to Berlioen's deceased father for the said amount.

Berlioen's mother, the widow Mariam Hoetatoroean, subsequently sent a letter to the Resident, protesting against the division of her husband's inheritance to cover the compensation. Her protest was successful: the Resident of Tapanuli, U. Fagginger Auer, nullified the verdict in September 1931 after he had consulted two Batak experts on adat law about the responsibility of the family for debts incurred by an unmarried son.⁶⁰ These experts had stated that according to adat, the inheritance had to remain undivided until all the sons of the deceased had married and the widow had died. A claim on an unmarried son (*dolidoli*) was therefore not recoverable out of the inheritance of his father. Mariam and Berlioen thus obtained the support they needed.

Understandably, the aggrieved party, Cornelius Hutapea, refused to accept this decision. He sent requests for the court's review the following years to Fagginger Auer's successor, J.W.Th. Heringa (1933–1936), the advisor for indigenous affairs, the governor-general, and the proto-parliament of the Netherlands Indies (*Volksraad*).⁶¹ Governor-General B.C. de Jonge (1931–1936) considered the case sufficiently important to intervene. Based on "generally acknowledged principles of fairness and justice", he disagreed with an indefinite postponement of Berlioen's payment of the debt he owed to Cornelius. Moreover, he warned that the preservation of the custom of leaving an inheritance undivided could hamper the economic progress of the Batak region. A revision of customary law was necessary to accommodate the needs of traders such as Cornelius.

⁵⁹ This section is based on Adatvonnissen 1941b:124–38.

⁶⁰ The persons consulted were Justinus Martoearadja, *kepala negeri* of Huta Toruan and the *demang* for Silindung, Soetan Soadoeon (both came from the region of Berlioen). For their considerations, see Strafrecht 1932:204–9.

⁶¹ The above-mentioned source contains only Cornelius's request to the Resident of Tapanuli, 14-4-1935 (Adatvonnissen 1941b:124–6).

On 2 December 1935, Assistant Resident Ruychaver asked the same great assembly of chiefs that had decided on the bigamy and divorce issue, to respond to the governor-general's suggestion. Again, several chiefs put up a tenacious fight. Six chiefs, three from Berlioen's native region Silindung and three from Samosir, said they entirely disagreed with a forced division of the inheritance of Mariam's husband. The jaihutan of Harian Nainggolan (Samosir) stated that this would be very humiliating for the widow.⁶² On the other hand, the two kepala negeri from the district Toba, Cornelius's region of origin, were in favour of the division of the inheritance, arguing that this was reasonable because otherwise Cornelius would be duped. One of them, however, the kepala negeri of Laguboti Parhasundutan, clearly declined responsibility for the abolition of the established custom, because he made the provision that the government should not pronounce this solution as the future norm for the region. The two chiefs from the Dairi region were most straightforward, arguing that the custom of leaving an inheritance undivided should not be an excuse for leaving the debts of heirs unpaid. Near the end of the discussion, a fourth kepala negeri from Silindung tried to steer the deliberations towards deadlock by proposing an investigation in the villages about the issue. The exasperated Ruychaver retaliated that it was out of the question to convene another large assembly of chiefs because of the high expense. Moreover, his imminent leave for the Netherlands ruled this out. When put to the vote, twenty of the thirty-eight chiefs came out in favour of the division of the inheritance of Berlioen's father. The chiefs, who had remained silent, apparently did not feel obliged to support either party, but chose the safe option of endorsing the policy preferred by the Dutch government.

The court hearing followed immediately after these deliberations. Berlioen repeated that he had no means to pay for the damage he had caused, because due to the economic recession he was unemployed. His mother Mariam and his older married brother Waller refused to divide the inheritance, arguing that the brideprices for the future wives for Berlioen and one other brother still

⁶² The other five chiefs who disagreed were the *kepala negeri* of Huta Toruan, Pagarbatu and Pagaranlambung (Silindung), Sabulan and Tomok (Samosir), Boven Pegagan (Dairilanden). *Jaihutan* Harian Nainggolan's opinion that it was extremely bad manners if a son took the affairs out of his mother's hand tallies with Vergouwen's remark ([1933] 1964:246) that widows with sons often managed the inheritance. An example of a widow's authority is the case of a widow who sued her stepson for appropriating a paddy field she had allocated to her daughter, in addition to the paddy fields she had already allocated to him. The court ordered her stepson to offer the widow an adat meal for the offence (Strafvonnis Kleine Rapat Porsea 15-1-1929, no. 21, KITLV, Adatrechtstichting H 051, 80 I).

had to be paid from it. Mariam dared to add that Berlioen's share would not be enough to pay his debt anyway. This time the judges had no mercy on the stubborn family: they ordered Mariam to divide her husband's inheritance. Later the court was forced to take the matter into its own hands, because Mariam had cunningly divided the inheritance to the disadvantage of Cornelius Hoetapea. She and her eldest son Waller filed yet another appeal. Unfortunately, for lack of information, the outcome of this exciting dispute is unknown.

The significance of this lawsuit is that the dispute between Berlioen and Cornelius about the recoupment of damage evolved into a dispute between the widow Mariam versus the colonial state about the authority of a widow with sons to manage the inheritance of her husband. She pleaded her son's (and her own) case by arguing that that authority was enshrined in customary law. The Assistant Resident pushed for an exception to this rule by arguing that the widow's authority was not inviolable: it could be transferred to her eldest married son if she was found guilty of mismanagement.⁶³ But what was really at stake was the establishment of a legal foundation for the recoupment of damage in the interest of economic development, advocated by no one less than the governor-general of the Netherlands Indies. To achieve this end, customary practice had to give way, ironically by way of keeping up the deceptive appearance that customary law was still observed after all. The very awkward course of the debate shows that the Toba Batak rajas who were involved did not fall for this. In the end, they very reluctantly gave in, thereby underscoring the loss of their authority to determine the future of customary law.

12.7 Becoming a Legal Subject in Her Own Right

At the end of the nineteenth century, the authors of the Batak treatises on Toba Batak customs and customary law (*Ruhut* 1898 and *Patik* 1898) depicted a society where women were legal minors. Women could not file a lawsuit of their own accord, they could not be sued, and they could not be punished by the court for any misdeed. They could be summoned by the rajas only to testify.

⁶³ In his recommendations on a number of cases, Vergouwen had already stated that a married eldest son could claim the transfer of the management to himself if his widowed mother had been at fault. See Vonnissen Kleine Rapat Onan Roenggoe (strafzaken) van 5/30-6-1926, no. 89 en 96 (advice by Vergouwen in KITLV, Adatrechtstichting H 1051, 87);
2; Vergouwen aan Resident van Tapanoeli, 11-4-1929 on Strafvonnis Kleine Rapat Porsea 15-1-1929 (KITLV, Adatrechtstichting H 1051, 80 II).

Their punishment was left to their kin. It is impossible to verify whether the practice was indeed in conformity with these rules. What is clear, however, is that lawsuits of the 1920s and 1930s present an entirely different picture. The Batak judges did not limit the role of women to that of a witness only. They allowed ample room for women's independent legal action, and they held them responsible for transgressions of the law, too. This is clear from many other disputes involving women besides those already discussed. Although it is not possible to determine the frequency of each type of dispute, the lawsuits at least reflect the range of problems compelling women to seek a solution through legal action.

One common factor in the cases of the widow Na Leoes, the deserted wife Nantalia, the first wives Mariana and Kamaria, and other women who figured in similar cases, was that their predicament was related to the fact that they had no (surviving) son. The vulnerability of this category of women also comes to the fore in cases of widows without children or with only daughters, who sued the patrikin of their deceased husband because the latter had robbed them of the necessary means of subsistence. Some of these cases were quite complicated. Martha Toroes, a fifty-five-year-old widow, sued her second husband Marinus Aritonang, who had married her in levirate eight years before but had left her for another woman after five years. She sought the court's assistance because Marinus refused to return to her two paddy fields that had belonged to her late first husband's inheritance.⁶⁴ Childless Nai Patia Hoeta Pea, a widowed second wife, sued her husband's heir, Petrus Hoeta Haean, the son of the third wife of her late husband; he had refused to return the paddy field her husband had given her.⁶⁵ Nai Anar Hite, an exceptionally astute widow in her late seventies, fought for a garden planted with trees entrusted to her by the husband of her daughter when he left the village, and which the village chief had taken from her. Two and a half years later, she still had the stamina to sue the same man because he had not heeded the former court's decision in her favour.⁶⁶ Also assisted by the husband of her only daughter, another elderly widow without a son, Nai Mangatas Boetar, likewise sued the village chief, who was the uaris of her deceased husband. She stated that the accused should have taken care of her instead of her son-in-law, but that he would rather see her die of the cold and therefore had stolen the building materials to renovate

⁶⁴ Perdamaian no. 17, 8-11-1927, KITLV, Adatrechtstichting H 1051, 86.

⁶⁵ Grote Rapat Balige 12-11-1926, no. 25, KITLV Adatrechtstichting H 1051, 87.

⁶⁶ Vonnis Civiele zaak Kleine Rapat Doloksanggul 12-7-1925, no. 26; Vonnis Civiele zaak Kleine Rapat Dolok Sanggul 27-1-1928, no. 1, KITLV Adatrechtstichting H 1051, 81 and 87.

her dilapidated house.⁶⁷ Sometimes widows even had to fight for a field that had been given to them as bridewealth (*pauseang*).⁶⁸

Daughters without brothers also took legal action against the heirs of their father for leaving them without any or an insufficient part of their father's inheritance. In an old case, dating from 1909, Samaria Panggabean sued her paternal uncle, because she wanted him to allocate a paddy field to her out of the inheritance of her father. The court decided in her favour, based on the stipulation in the 1892 Christian By-laws that girls without a brother had the right to a third of their father's inheritance (Adatvonnissen 1936:23-24).⁶⁹ Daughters not only requested the allocation of a paddy field as *pauseang*, but also the yield of a field or a part of the revenue from produce sold. For example, Sanna Manik, nineteen years old, sued her cousin, Henneri, son of her deceased father's half-brother and village chief. She wanted him to honour the agreement made nine years earlier that he would give her twenty-five guilders a year out of the revenue from a garden that had been planted with camphor trees by her deceased grandfather and his childless first wife, Carolina (around sixty years old). Apparently, Sanna had been given nothing out of the inheritance by her cousin, who had also left elderly Carolina destitute.⁷⁰ In another case, a daughter claimed an outstanding debt owed to her father.⁷¹ In sum, Vergouwen's

Kleine Rapat Porsea 26-7-1930 en 15-8-1930 No, 45/19, KITLV, Adatrechtstichting H 1051, 85.
 The court decided in the widow's favour.

⁶⁸ The widow Nai Maninger Baringbing versus two of her late husband's uncles, who had forbidden her to let her brother work her *pauseang* paddy field. The court decided in her favour (Strafvonnis kleine rapat Lagoeboti, 7-1-1930, no. 1, KITLV, Adatrechtstichting H 1051, 85).

⁶⁹ I have not come across other disputes referring to this stipulation.

No. 3. Rapat damai di Sait ni Hoeta, negeri Hoeta Toroean, 25-1-1928, KITLV, Adatrechtstichting H 1051, 86. The court made a decision on that part of the inheritance of Sanna's grandfather which he had acquired with his childless first wife Carolina, allocating a quarter of the garden to Sanna and another quarter to Carolina, the latter portion to be returned to Henneri and his brother Amintas after her death. The same decision was made on a paddy field. Henneri had to return the house to Carolina. Sanna, who obviously wanted a larger portion, did not accept the verdict, but was reminded by the court that according to Batak law she had no right "to be set up in a household (*manean*)".

⁷¹ Civiele vonnis Kleine Rapat Lagoeboti 13-3-1928, No. 4, KITLV, Adatrechtstichting H 1051, 80,I. Rosianna Simandjoentak sued the defendant for a sum of money her late father had given him as part of the brideprice for his pending marriage. The marriage did not take place. The defendant had given back only part of the sum to her father. The court ordered him to return the remainder to Rosianna (*f*35,-).

observation—that widows without a son and girls without a brother could become victims of greedy heirs—appears to have been all too true.⁷²

Patrikin could also behave selfishly towards women if their male relative had fallen ill. For example, twenty-six-year-old Nai Hoedi Tindaon sued her brother-in-law for taking away a paddy field from her because her husband had become a leper. His defence was that he feared the field would become "polluted".⁷³ The widow Balandina Hoetapea requested the return of a plot of arable land on behalf of her mentally-ill son Hoeria, because his half-brothers by the first two wives of her late husband had neglected to do so, which also left her without means of subsistence.⁷⁴

The largest number of cases, however, belongs to the category of lawsuits on economic assets controlled by women.⁷⁵ Women pawned land for money if they were unable to work the plot themselves or needed cash. If the person working the field refused to relinquish it, the woman sometimes sought the assistance of the court. Rich women became moneylenders, making use of the population's chronic need for cash as the result of the colonial government's introduction of taxes.⁷⁶ Their service was in demand because the government's

73 Adatvonnissen 1936:74–6. The husband had been sent to the Batak Mission's leper colony, Huta Salem. The court returned the paddy field to the woman. Comment of the Commission for Adat Law: village rajas or kin of lepers often act arbitrarily with regard to the possessions of a leper.

74 Advies inzake civielvonnis van de Groote Rapat te Taroetoeng, 4-6-1936, no. 26 (KITLV, Korn OR 435.442). Balandina's appeal was rejected, because the defendant's rights to the plot had been with his family for several generations, being an in-living bridetaking clan of the widow's husband's *marga*. This lawsuit came to revolve around an entirely different issue: whether an inliving bridetaker had the right of converting arable land into building land—the defendant had built a house on the plot in dispute. The conversion of land for this purpose occurred more often around the town of Tarutung (Resident of Tapanuli aan den Assistant Resident der Bataklanden 17-11-1936 in the same file mentioned above).

- The lawsuits in Vergouwen's archive and the volumes on adat law can be divided as follows: (1) on (putative) *pauseang* rice fields (ten); (2) on pawning of land (seventeen); (3) on recoupment of a loan (eleven); (4) on liability for damage (four); (5) other (five). The total number of suits in this category is larger than in any other category of suits involving women in Vergouwen's archive.
- 76 The rajas who had a cash income also took advantage of the shortage of cash by lending money with usurious interest, for which they were scorned (Vergouwen aan Assistant

⁷² Even a widow with a minor son might have to defend the latter's right to the inheritance (Vonnissen kleine Rapat Onan Roenggoe (strafzaken), 30-6-1926 no. 89 en 96). For yet another, very complicated case in which two daughters sued the *uaris* to return the *pauseang* field of their mother, see Civielvonnis Groote Rapat Balige 29-4-1927 No. 49/Appel. Records of both suits in KITLV, Adatrechtstichting H 1081, 87.

pawnshops demanded collateral, which poor Toba Batak men and women rarely possessed.⁷⁷ Money lending was a highly profitable business because the interest was very high. But it held the risk that the debtor could not or might refuse to repay the loan. In several suits, women called upon the court to work out a settlement.⁷⁸

On other issues, records are few, but they are nevertheless presented here to complete the picture. Orphaned Romana Goeltom, seventeen years old, sued her thirty-five-year-old brother-in-law Benjamin Sidari, husband of her deceased sister, to whom she had been betrothed in conformity with the custom of 'the changing of the mat' (*ganti tikar*). Although previously she had agreed to their engagement, Romana no longer wanted to marry Benjamin, because he had tried to force himself upon her and had slapped and kicked her because she did not want to follow him to his village before the marriage was made official.⁷⁹ The widow Regan Sinaboetar also refused marriage, in this case with

- 77 In contrast to Javanese women, Toba Batak women rarely had gold jewellery to pawn in case of need for cash, for which reason the pawnshops did not flourish, a situation underlined by Vergouwen (Letter Vergouwen to Assistant Resident der Bataklanden 20-4-1929. Onderwerp: Woeker. KITLV, Handschriftencollectie H 1051, 80, 11).
- Margaretha Panggabean requested payment of a loan of f20,- plus interest from Benja-78 min Tampoebolon after six years ('Adatvonnissen', 1936:5-6). Ompoe Taronggal Tanggang requested return of piece of gold pawned by Ompu Torang in order to obtain money for trading (Vonnis Kleine Rapat Pangoeroeran 17-8-1918, no. 38, KITLV, Adatrechtstichting H 1051, 80 II). In KITLV, Adatrechtstichting H 1051, 86 are the following cases: (1) Kristina Marangkir requested repayment of a loan of fio,- from church elder Marthin Tamboenan (Acte van Vergelijk 24-5-1927); (2) Nai Hadarian requested payment of interest (20% per month) on a loan of f8 to Panibit Sihombing (Perdameian 7-12-1927); (3) Margaretha Marangkir requested repayment of a f30 loan from Henoch Loemban Tobing with interest over three years amounting to f62,255 (Perdamaian no. 6, 7-2-1928); (4). The same woman requested repayment of loan of f23 plus f6,- interest for one year from Moela Aritonang (Perdamaian no. 7, 7-2-1928); (5) Maria Saroempaet requested repayment of a f50,- loan by Andreas Sihombing with interest 30% per year given ten years previously (Acte-Vergelijk 31-5-1928). In most of these cases, the court asked the creditor to be lenient, either reducing the amount claimed or allowing the debtor to pay in instalments.
- 79 Strafvonnis van den Kleinen Rapat Onan Roenggoe 24-4-1928, KITLV, H 1051 80, II. Benjamin had resorted to these actions out of impatience: Romana's brother was away and therefore the adat ceremony could not take place. He had to pay a fine of f_5 for mild molestation, but the court did not take a decision on the annulment of the betrothal

Resident der Bataklanden, 20-4-1929; Gooszen aan de afdeelingschefs, 21-5-1928, KITLV, Adatrechtstichting H1051, 80 II). I would not be surprised if many a raja left the moneylending business to his wife. The chronic need for cash also spurred the tendency of men to migrate.

a younger brother of her deceased husband. Her wish was granted on the condition that her family refunded the brideprice.⁸⁰

In three suits, the economic activities of the wife or her control over economic assets caused conjugal discord. Nan Djoenggoe Silaen sued her husband because he had forbidden her to continue her activities as a trader in rice. In another case, the husband had forbidden his wife to till a paddy field as she had done before, because he had pawned the plot to someone else, apparently without her consent.⁸¹ Nelly Hoeta Toroean requested the return of a building used for trading, jointly owned by her, her family, and her husband, because the latter had sold it without consulting her first.⁸² In another suit, a woman who had lived separately from her husband for nine years demanded alimony for her own and their daughter's upkeep.⁸³

Rape and harassment were reasons for unmarried girls to seek redress. Twenty-year-old Roendo Silaen sued Julianus Siagian and a friend of his because they had tried to seize her; another girl, fifteen years old, sued two boys for rape.⁸⁴ This is remarkable, because under traditional law the *parboru* should have been the one suing the culprit(s). Girls seem to have been anxious to preserve their good name. For example, Tiolina pressed charges against Pangedar and Lina, because they had called her "pig" in public, insinuating that she had had sexual intercourse with a certain Ernist. Deeply offended, she

⁽probably waiting for Benjamin and Romana's brother to settle the restitution of marriage payments).

⁸⁰ Adatvonnissen 1936:67–8. The Commission for Adat Law commented on this case, adjudicated by the court (*rapat hundulan*) of Parbaba (Samosir) on 15-5-1913, that due to the influence of the government and the Mission, a widow was relieved of the obligation to marry her deceased husband's patrikin, adding that the return of the brideprice since then had become less usual.

⁸¹ No: 24. Perdamaian 26-6-1928, KITLV, Adatrechtstichting H 1051, 86; Vergouwen aan Resident van Tapanoeli, 4-5-1928, KITLV Adatrechtstichting H 1051 80, I. Both cases were settled amicably.

⁸² Perdamejan 9-5-1927, KITLV, Adatrechtstichting H 051 86. The defendant in this case was not the husband, but the man who had bought the building (*roemah perkongsian*).

⁸³ This case again confirms the predicament of women without sons: the wife had left her husband after two sons had died. The claim of the woman was accepted as far as the compensation for the daughter was concerned, but not for herself, because the court considered that she had waited too long in bringing her claim forward. The husband demanded a divorce a year after the court had given this decision (Vonnis Groote Rapat Pangoeroeran 26-8-1925, no. 47; Vonnis Kleine Rapat Palipi 13-8-1926, no. 67, KITLV Adatrechtstichting H 1051, 87).

⁸⁴ Strafvonnis Kleine Rapat Lagoeboti, 18-2-1930, no. 49, КІТLV Adatrechtstichting H 1051, 85; Vonnis Groote Rapat Balige 22-10-1926, no. 42, КІТLV Adatrechtstichting H 1051, 80 1.

even went to such lengths as arranging for a medical certificate to prove her virginity, which she presented to the higher court of Tarutung.⁸⁵ Married Pinta Hutatoruan sued Dorianna and her husband for a similar reason: the couple had accused her of having an extra-marital affair.⁸⁶ Nai Erhem Sirait sued a man for yet another type of slander: he had called her a slave (*hatoban*).⁸⁷

The above cases are ample proof that Toba Batak judges were open to all kinds of women's claims. Moreover, none of the lawsuits brought to court by women was rejected by the judges on the grounds that the plaintiff had to be represented by her *parboru*, husband, or son. Also noteworthy is that the judges did not even require a minimum age for women (or men) to bring a case to court. For example, they accepted the claim of two orphaned girls, aged thirteen and ten, who sued the greedy heir of their deceased father, together with their uncle from mother's side (*tulang*), in order to obtain a paddy field (*pauseang*).⁸⁸ They also accepted the case brought to court by the twelve-year-old orphaned Christian girl Rosianna Simandjoentak, who appeared as the first claimant. Vergouwen was not only surprised that the judges accepted her claim, but also that a girl of her age was able to defend her case so eloquently.⁸⁹

The judges also frequently held a woman responsible for unlawful conduct or summoned her to appear in court if another party sued her. They even fined

⁸⁵ Afschrift dari Timbangan Rapat Besar Taroetoeng pada vonnis 14-7-1926, no. 12, KITLV, Adatrechtstichting H 1051, 80 I. The court meted out an adat punishment: the slaughtering of a pig—changed to a goat because the accused were Muslim—to 'close the lips' (*gatip bibir*) for the village and an *ulos* for the family of aggrieved Tiolina. For a newspaper clipping about a similar case (a young man accusing a girl of not being a virgin anymore, to prevent her from marrying in church), see KITLV, H 1051, 81 ("Satoe akal dari seorang anak moeda oentoek menghalang-halangi satoe perkawinan. Salahnya Kerkeraad!", n.y., no source).

⁸⁶ Acte—Vergelijk 19-10-1927, KITLV, Adatrechtstichting H 1051, 86. The punishment was similar to that of the previous case.

⁸⁷ Strafvonnis Kleine Rapat Loemban Djoeloe 16-4-1930 no.36, KITLV Adatrechtstichting H 1051, 80 I.

Perdamaian Rapat Hadat Batak Toba Balige, 2-11-1928, KITLV, Adatrechtstichting H 1051 80, I. The two girls had been left with their uncle, the *uaris* of their father, after their mother had remarried outside the kingroup of her husband. He did not give them enough food and molested them, so they ran off to their uncle from their mother's side (*tulang*). After six years, this uncle sued the other, together with the girls, who were now thirteen and ten years old, demanding the return of the paddy field given to their mother (*pauseang*) for their upkeep. The court allocated the paddy field to the girls. The action of this *tulang* reflects "the usually fatherly attitude of a man towards his sisters' sons and daughters" (Vergouwen [1933]1964:63–4).

⁸⁹ Vergouwen aan Resident van Tapanoeli 6-7-1928, KITLV, Adatrechtstichting H 1051, 80, I.

women for contempt of court, if they failed to show up.⁹⁰ When we go by the archived sources, girls and women seem to have been most often sued for illegal cohabitation. But women were probably far more often convicted for minor offences, such as petty theft and slander, which were simpler cases of which few records have survived.⁹¹ The courts also convicted women for not paying back a loan, not returning a pawned field, and mismanagement of the inheritance of her husband, including the transfer of household's assets to her own kin.⁹² Judges meted out fines to women—even to unmarried girls—and sent women to prison as well. In general, however, they seem to have passed more lenient verdicts on women than on men.

In the rare cases of a woman impinging on the exclusive rights of men, the court took strong action. One woman was convicted because she had married off her daughter without informing her husband.⁹³ A widow who had sold a paddy field without informing the heir of her husband faced conviction, but eventually managed to avoid this because the heir was willing to settle the matter amicably.⁹⁴ Women's claims were also sometimes dismissed because they were not in accordance with customary law.⁹⁵

⁹⁰ Vergouwen aan Resident van Tapanoeli en Assistent Resident der Bataklandan, 25-8-1926 (KITLV Adatrechtstichting H 1051, 80, 11). The woman had been accused by her husband of leaving the house (*mahilolong*). The fine the woman had to pay for not showing up was *f*₅.

⁹¹ Perhaps these cases were not interesting enough for Vergouwen.

⁹² An example of such a widow was Nai Pitto Agian. Arcenius Sitompoel, her brother-inlaw and heir (*uaris*) to her husband's estate—Nai Pitto had only daughters, no less than six—had generously left the management of the large inheritance to her after his brother had died. However, when he found out that she had been spendthrift and had given her brother a loan of *f*200 without his knowledge, he took over the management of the inheritance by legal contract, but still left Nai Pitto with the usufruct of the largest part (Acte van Vergelijk. no. 8 [15-5-1928]; Aanteekening [Vergouwen], KITLV Adatrechtstichting H 1051, 82).

 [[]Vergouwen] aan Resident van Tapanoeli, 16-9-1927, KITLV Adatrechtstichting H 1051, 85.
 The mother was the second wife of the plaintive. She, as well as the *paranak*, had to pay a fine of *f*30.

⁹⁴ Soerat perjandjian no. 40, KITLV, Adatrechtstichting H 1051, 82.

⁹⁵ Nan Sabang Simbolon, a widow with two daughters, accused her brother-in-law, the *uaris*, of having stolen an item of gold jewellery. The court rejected her claim, because the item belonged to her husband's inheritance, to which the accused had every right. To forestall future conflict, the court ordered a division of the inheritance, granting the daughters a valuable *daon sihol*. Civiel vonnis Kleine Rapat Pangoeroeran 23-8-1928, no. 12, KITLV, Korn 435.452.

This overview of lawsuits not only proves that judges regarded women as legal subjects in their own right in many different types of cases, but also beyond doubt—that women did not regard themselves as legal minors. They took advantage of their access to the colonial courts to seek redress against injustice, some of them with remarkable determination and tenacity. Others, accused of unlawful conduct, defended themselves with aptitude or were able to have an invalid claim rectified by the court. Of course, not all women who took legal action were victims of injustice and not all women sued were innocent. Cunning women tried to get more than their due. Overall, women appear to have been capable of holding their own in court in the same ways as men did. The Toba Batak's reputation for addiction to litigation, however, was probably less applicable to women. Men had more issues they could fight over: the settlement of marriage payments, land rights, access to water for irrigation, rights in cattle (often jointly owned), inheritance, and claims to office (*harajaon*).

12.8 Naked Power, Veiled Contestation

The introduction of the marriage registration discussed in the previous chapter and the revisions of customary law in this one testify to four developments: the increasing control over the legal system of the colonial state; the dwindling influence of the Batak Mission; the not-so-subtle demise of the Toba Batak rajas; and the emergence of women's voices.

After 1915, the colonial state became the leading sector in the recasting of the indigenous legal system. The official commitment to its preservation, a policy affirmed repeatedly, was genuine. So was the principle that revisions of customary law had to come from the Batak chiefs. The decision-making process in the "dynamite disputes" shows with painful clarity, however, that it was the Dutch regional officials who took the initiatives and not the Batak chiefs. True, the demang, jaihutan, and kepala negeri were asked for information, their opinion, and advice. But in the great assemblies held in 1928 and 1936, they were expected to pay lip service to the legal policies preferred by Dutch officials. In fact, their further loss of autonomy was the outcome of a process that had already started with the regulation of the legal system in 1886, which gradually reduced them to mere 'court officers' applying fixed rules instead of exploring all aspects of a case, as had been their traditional role. Vergouwen had the intention to restore the rajas' traditional power in the administration of justice, but the trouble cases discussed in this chapter show that he failed miserably. Thus, although colonial rhetoric legitimized the preservation of the

indigenous legal system and adat law, the outcome was a system for which the epithet 'Batak-Dutch' may be more appropriate.

Looking at the revisions of customary laws on marriage, the government's policies exhibit a mixture of conservatism and ambition for change. This was due to the tension between the need for legal security and the principles of justice and fairness, as well as the colonial state's ambition to promote economic development, as has been mentioned already in the previous chapter. Although uneasiness about the implementation of the laws pertaining to irregular marriages continued to fester, legal security prevailed as the argument for the administration's policy. Justice as occasionally demanded by Toba Batak women in court was often sacrificed for that reason. The requests of female claimants to abolish bigamy and allow women the right to divorce were more in tune with Dutch values, resulting in partial but fundamental revisions of the relevant customary rules. In the case of liability for debt, customary law had to give way to new case law, due to high-handed intervention from Batavia. This time the government withdrew a right—or rather a common practice enjoyed by widows, because in the eyes of the state it was an obstacle to economic progress. This initiative took place against the backdrop—and was, in fact, an essential ingredient—of Batavia's policy of decentralization in the late 1930s. Decreasing revenues due to the economic depression compelled the central government to try to boost the financial contribution of each region to cover the expenses of basic services in the fields of education, health, agricultural extension, and so forth.⁹⁶ Without a sound legal foundation for profitable enterprise, the government feared it would not achieve this objective.

The Toba Batak rajas' agency is worthy of deeper inquiry. Although repeatedly coaxed to go along with the revisions of customary laws by the government, they were far from compliant. The fact that a majority eventually gave in is not surprising, dependent as the rajas were on the colonial government for their income and social status. More intriguing is rather why they were not more cooperative. Why, apart from *Demang* Hamonangan and perhaps a few others, were the rajas so conservative? The answer probably lies within the wider context of North Tapanuli's social and political landscape. The chiefs were caught up in a fierce competition for office. The colonial government,

⁹⁶ North and South Tapanuli combined were to become one of the twenty-six regions with their own budget. To achieve this end, the government had in mind to form a Batak council consisting of chiefs from North and South Tapanuli and other prominent leaders, launching the idea in 1938 for public discussion. The project was dropped, mainly because the Muslim Mandailing Batak refused to sit on the council together with the Christian Toba Batak (Castles 1972: 264–75).

desperately hoping to create more administrative unity, had inadvertently contributed to this by a chain of policies on *marga*-based administrative units and an unfortunate experiment with direct elections for the office of *kepala negeri*, introduced during Resident Vorstman's term of office and terminated in 1934 (Castles 1972:38; 202–6; Drijvers 1941:672). These conditions compelled the rajas to seek the support of the members of their own and affiliated lineages in the villages, whom they could trust to elect them. This part of the electorate was the largest and most conservative segment of Batak society. Tampering with the prerogatives of their electorate at the grassroots was therefore not in the rajas' best interest. The demand for change in the name of progress came from another segment: the small group of better educated, mainly Christian, Toba Batak men and women who had seen more of the world beyond the region. But even within this circle, the revision of adat law was not high on the list of priorities, as will be confirmed in the next chapter.

The developments sketched above also demonstrate that the role of the Batak Mission had become negligible. Under Ephorus Warneck and his successors, no more initiatives were taken to influence the development of customary matrimonial law. It was the government, in the person of Vergouwen, who took the initiative to rally the German missionaries behind his plan of revising the laws on divorce and bigamy. Illustrative of the missionaries' aloofness was the fact that none of them attended the court hearings in 1928 on the "dynamite disputes": they left it to Batak church leaders to voice the Christian point of view. Their absence at the next assembly in 1936 reflects their withdrawal as well.

But the Batak Mission did not remain passive. It continued to enforce church discipline as before, and its policies were supported by the Batak leaders of the independent Batak Church after it was established in 1930.⁹⁷ The Batak Mission met with difficulties in doing so in the 1920s. Many young Toba Batak men who had left Tapanuli for work returned to marry; but because they were not confirmed, they were not allowed to marry in church. The Batak Mission decided not to mellow its policy requiring Confirmation, which drove some of these men into the arms of the independent Batak Church, which was more lenient in this respect.⁹⁸ Another problem was the spread of venereal disease in the group of these young men. When this became known, the Batak Mission ayoung man who came from outside the region to marry a Christian girl. Many

⁹⁷ UEM, F/b 1,7, КР 1923:2–3; КР 1924:3.

⁹⁸ UEM, F/b 1,7, KP 1920:5–6; 1923:6; 1924:2; F/b 1,8: KP 1926:2.

Toba Batak parents, who had become aware that venereal disease hampered the fostering of healthy offspring, supported the policy.⁹⁹

12.9 Toba Batak Women Centre Stage

The records on lawsuits put Toba Batak women at the centre of the stage for the first time in this study. Their role in the revision of customary matrimonial law is unmistakable, but was instrumental mainly in sparking the debates in the 1920s. The women who pleaded their case had their immediate personal interests in mind; there is no indication that any of them had some sort of feminist agenda. It is remarkable that it was not Batak judges but some colonial officers who saw the need for and initiated the process for legal change as a response to the women's pleas and claims, meeting support and resistance from Toba Batak officials and rajas.

In the next decade Toba Batak women started to organize themselves. The impetus came probably from the initiative of a missionary sister who organized spiritual gatherings of women throughout the region.¹⁰⁰ Toba Batak women, at least the better educated amongst them, must also have been exposed to information about women's educational and political activities elsewhere.¹⁰¹ Perhaps stimulated by this, Toba Batak women united for the first time to discuss women's problems related to adat law holding a mass meeting

⁹⁹ The physician J. Winkler rang the alarm bell. UEM F/b 1,6 KP 1926:3; Ref. Warneck 1928:9; KP 1931:3; Vergouwen 1933:206. In fact, syphilis had already made an entrance much earlier: Brenner (1894:194) mentioned by the end of the nineteenth century that salt-bearers were infected in the brothels in Medan, Binje, Baros, and Sibolga. The Batak Mission's policy apparently became common: Helbig (1935:23) reported that chauffeurs and Batak men working on plantations had difficulty marrying an honorable Batak girl because of the required medical certificate.

¹⁰⁰ See Chapter 13, Section 13.3 for this movement.

¹⁰¹ The intelligence reports of the government (*Politiek Politionele Verslagen*) made frequent mention of women's meetings held in Sibolga and South Tapanuli in the 1930s, which were organized by the Kaoem Iboe Tapanoeli, Aisijah (the women's section of the modernist Muslim organization Muhammadiyah) and the women's sections of other mass organizations such as Persis, Persatoean Islam, Gerindo, and Taman Siswa. It is likely that the activities of these women's groups and their leaders, often mentioned by name, were monitored to detect signs of nationalist or Muslim so-called extremism (NA, Col., Mail reports 1931 no. 299; 1932 no. 227 and 519; 1934 no. 527 and 959; 1935 no. 95 and 201; 1936 no. 878, no. 1130; 1937 no. 445; 1938 no.122, 356, 390, 499, 723, 963, 1126 and 1153; 1939 no.36, 272, 400, 542, 736, 1028, 1285 and 1520; 1940 no.391). Castles (1972:239–40) only briefly summarizes the discourse on Batak adat and women's legal position in South Tapanuli.

in Tarutung attended by some 4000 women, probably sometime in 1934. Alwine Hamacher, a German sister working at the Tarutung hospital, wrote that the meeting was a protest to the opinion voiced by Toba Batak rajas during a recent meeting that adat law should be upheld in the case of polygamy.¹⁰² Her brief report on this meeting gives an idea of the issues the women raised and the proceeding of the meeting.¹⁰³ The first speaker, an elderly woman, talked about men taking multiple wives before Christianity arrived and the problem that second marriages were often not concluded according to adat, proving, in her view, that bigamy was not a Batak custom. The president of the meeting advocated the abolition of bigamy and demanded sustenance of the first wife and her children if a man took a second wife. She also scorned forced marriage in levirate and proposed that girls without brothers inherit from their father. The third speaker, a young girl, spoke against forced child marriages, pleading that parents should wait until a daughter was old enough to choose her own husband, as this would forestall much misery.

This remarkable meeting also demonstrates that the organizing committee of the meeting intended to avoid any impression of being immoderate. The women's pleas were couched in the language of deference with the intention of soliciting support for their agenda. The woman presiding the meeting underlined this:

We women do not wish to be equal with men; we only want to be respected. Men should not put us down with the demand for the right to take a second wife.

The meeting was duly closed with prayer and the singing of a Christian hymn.

¹⁰² The article by N.N. Pohan entitled 'Marripe doea (polijgamie)', (*Siadji Panoetoeri* 1934:274–6), was probably written in the aftermath of this meeting. Pohan mentioned that the rajas in Silindung were in favour of maintaining bigamy as a Batak custom (which is remarkable, because the population had been influenced by Christianity the longest), whereas those in Toba rejected it. The author scorned them: "Why do the rajas from Silindung want to return to this custom? That is surprising. Do not let the trust of the people in the leadership of their rajas disappear. You, respect our Christianity, which has become a valuable possession for us. [...] You, lead our people in the direction of good progress, so we, who have elevated you as rajas, will look upon you as honourable". In view of the vehemence of the argument, the author may have been a woman.

Hamacher. A. "Batakfrauen halten eine Protestversammlung", *Der Meisters Ruf* 1935:1:
 41–2. She praised the women: they knew what they wanted, did not beat about the bush, and had admirable, typically Batak, public speaking skills.

It is a pity that not more is known about the background of these women, but it is safe to say that they represented the female part of mainstream Batak Christianity. The woman presiding the meeting was a former teacher of a missionary school, whom the German sister Hamacher said she knew well.¹⁰⁴ The presence of officials at the meeting is proof that she and probably the other women speakers as well belonged to families considered respectable by the government, rather than to the Hatopan Kristen Batak, the organization known to be more radical.¹⁰⁵ Remarkable is Hamacher's statement that she was the only European woman present and that she did not make mention of the presence of German missionaries or Toba Batak male representatives of the Batak Church, indicating that the meeting was organized on the initiative of the women alone. She did, on the other hand, report that the people from the press attended the meeting.¹⁰⁶ It is not possible to establish whether this meeting influenced government policies. But the fact that the issue of polygamy was raised again by the government during the large convention of rajas in December the following year, may very well have been stimulated by the women's protest.

At least this is obvious: the women who organized and spoke during the protest meeting clearly had their own vision about how gender relations in Toba Batak society should be. They had evidently internalized Christian norms and values advocated by the Batak Mission for decades—norms and values that also come to the fore in several of the disputes discussed above. They were confident and courageous enough to confront the more conservative segment of the Toba Batak rajas. And they managed to be heard in public for the first time and push the government into action on behalf of women's interests. Women's Christian modernity had found a voice of its own.

¹⁰⁴ Perhaps this woman was Dora Lumbantobing, who had taught at the girls' school in Balige, had fallen out with sister Lore Werner and after that had moved to the girls' school in Pearaja.

¹⁰⁵ One can also conclude that this meeting was considered respectable in the sense of not politically motivated by the government because no mention is made of it in reports of the colonial intelligence service (*Politiek Politionele Verslagen*). Castles (1972:239–40) only briefly summarizes the discourse on Batak adat and women's legal position in South Tapanuli.

¹⁰⁶ Unfortunately I have not found an issue of a regional newspaper that covered the meeting.

CHAPTER 13

Matching Partners (1920–1942)

Legal disputes are the appropriate source for unravelling continuity and change in the formulation and application of customary matrimonial law. But the disputes presented in the previous chapter do not tell us much about the way the Toba Batak reproduced their kinship system through marriage during the colonial period. This chapter covers the way the interests and desires of Toba Batak parents and their children were channelled through marriage and how these mirrored changes in the region during the last decades of colonial rule.

The desire of the Toba Batak to become part of the modern world was expressed in the catchword *hamajuon* (progress), already introduced in the previous chapter. This desire encompassed the right to have a say in the economic future of the region and the affairs of the Church. It also included gaining access to higher education, perceived as the main asset for personal advancement for men, a topic covered in the first section. The questions answered in the following section are why and how the call for higher education for daughters became part of the quest for *hamajuon*, which—as will be shown—had everything to do with marriage. Next comes a discussion of the Batak Mission's response to the demand for more educational opportunities for girls, which takes into consideration the wider context of the colonial state's educational policy on girls' education and private initiatives by Indonesian women elsewhere. This section also explains why by 1930 the perspectives of the Batak Mission and the majority of the Toba Batak elite on the preferred type of girls' education largely converged.

Newspaper articles and archival sources provided most of the material for the first three sections. These sources, however, rarely refer to the role of traditional and new preferences regulating marriage. Interviews with Toba Batak women who had completed or nearly completed a secondary vocational or general education before 1942 throw light on this. The choice of women with this profile was based on the assumption that because they were well-educated, the choice of their marriage partner might reflect two things. First, to what extent traditional preferences for and objections to a particular marital alliance were still preserved; and, second, what new considerations, on the part of their parents and the women themselves, had come to play a role as well.¹ The findings, necessarily tentative because of the relatively small number of interviewees (32) and heterogeneity of the group, are presented in the fourth section.

¹ I derived this idea from Mehta 1970 and Mann 1985.

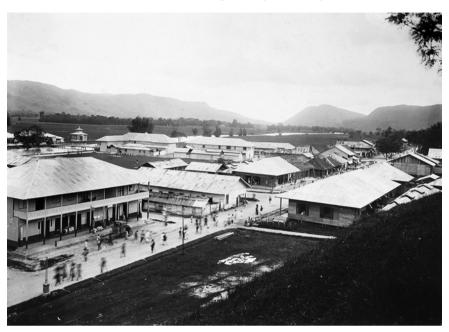
The stories of the interviewees also yielded information on two other matters.² The head of the Batak Mission J. Warneck voiced the opinion in 1928 that fathers gave their daughters a secondary education because they expected a high brideprice as return of the investment. This view reminds us of the idea current in the previous generations of missionaries—that fathers concluded marriages for material gain. That this was not a tenable assumption for the situation during the early colonial period has been explained earlier.³ I contend in the fifth section of this chapter section that it was also beside the point in the new context of the 1920s and 1930s. The last topic discussed harks back to another theme recurrent in this thesis: the pressure on a daughter by her father to comply with his choice of spouse for her. Was this tension between elite fathers and their well-educated daughters still apparent in the late colonial period?

13.1 Modern Times

Whoever would like to get a feel for the face and pace of change experienced by Toba Batak society after 1915 would do well to read the impressions of missionary J. Warneck, the new Ephorus of the Batak Mission, upon his return to North Tapanuli in 1920 after an absence of fourteen years (Warneck 1920). In the interim, insignificant villages had developed into small towns, and modern offices and market places had been built along the main streets of the burgeoning towns of Balige and Tarutung. Transport by car had replaced transport by wagon and horseback, and the formerly common sight of coolies carrying heavy loads on their backs had practically vanished from sight. The Japanese cinema had made an entrance in Tarutung. The most prominent expression of Toba Batak material culture, the traditional Batak house, was disappearing or left dilapidated: people preferred simpler, cheaper and more airy wooden houses. Traditional cloth as clothing had already been modified by Christian influence, but in the 1920s a new desire for fancy Western clothing had captured the younger generation. Young men who could afford it wore trousers, jackets and panama hats; young women, dresses and high heels. A shift in groups that had money was also apparent: whereas in the past only a few rajas had been rich, a new group of aggressive enterprising traders had emerged, some having a turnover of thousands of guilders a year. These Toba Batak entrepreneurs

² For the discussion of a third question—whether well-educated girls could marry into a family of higher social standing because of their education as well-educated men did, see Van Bemmelen 1992.

³ Chapter 3, Section 3.2.



The Modern look of North Tapanuli (1920-1940)

ILLUSTRATION 89 Main road and modern market complex in the town Tarutung (ca. 1925). SOURCE: KITLV, NO. 32020



ILLUSTRATION 90

Residence of the Controller of Pangururan, Samosir (ca. 1920). SOURCE: TM, NO. 60046380



Improved Infrastructure and New Means Transportation

ILLUSTRATION 91 Road alongside Lake Toba. SOURCE: TM, NO. 10018433



ILLUSTRATION 92 Ferries across Lake Toba replaced the traditional solu. SOURCE: TM, NO. 60004163

Old and New Rituals



ILLUSTRATION 93

Dancing women at a bius ritual in Sihotang, Samosir (1938). In Samosir the old faith remained strong until the end of the colonial period, but the wellgroomed appearance of Christians was evident among non-Christians too. Compare this image with no. 43 dating from the early nineteenth century. SOURCE: TM, NO. 60033209



ILLUSTRATION 94

Celebration of the Dutch queen's birthday, missionary station Hamonangan, Samosir (1937). SOURCE: TM, NO. 10000734

had started Batak trade corporations (*kongsi*) that proved capable of overtaking even the Chinese competition, which dominated trade in so many other regions of the archipelago. Of course these changes were observable mainly in the towns. Rural village life, based on rice cultivation, remained much the same. Even in the countryside, however, the population had become aware that new opportunities beckoned, leading to outmigration of poor peasants to the neighbouring regions of Simalungun and Dairi. "Civilization has taken the Bataklands by storm", wrote Warneck, adding with a tinge of worry: "one feels: money is power".⁴

Part of this process of modernization was the branching out of the school system. The fathers of the women I interviewed knew they owed to their education their well-paid and high-status jobs in the service of the colonial government, Batak Mission, or private sector in the residency of the East Coast of Sumatra. They were also aware that competition for the better-paid jobs in the civil service had become stiffer. The seminary did not offer the opportunities for a career it had once done: new requirements were fluency in Malay and Dutch, followed by vocational schooling that could be obtained only outside the region. They wanted higher education for their sons.⁵

In 1914, the Batak Mission opened the doors of the first seven-year primary school with Dutch as the language of instruction and a curriculum similar to that of European primary school, the HIS (*Hollands-inlandsche school*). The location selected for this school was Sipoholon, in the centre of the Silindung valley, the stronghold of Christianity of old. Five years later a second HIS was established in Narumonda, Toba.⁶ The two Christian HISs became very popular in a short time, the number of pupils registering always far exceeding the

⁴ Another source that sketches a similar picture is a paper presented by missionary O. Marcks at the 1919 missionary conference (UEM, F/b 1,7, Ref Marcks 1919). For changes brought about in the economy of North Tapanuli and setbacks, see Janssen 1924:370–1.

⁵ This desire was also fueled by the awareness that, in terms of education, the Toba Batak were disadvantaged compared to the Batak graduates from government schools in South Tapanuli. This was an obstacle to obtaining jobs in Sumatra's East Coast. For this and other related problems in the field of education, see Joustra 1918:286–301.

⁶ The Batak Mission decided to convert the Narumonda seminary into an HIS in 1919, because the government subsidy for an HIS was much higher than for the teacher-training section of the seminary. Another urgent reason for the conversion was that in the previous year only one candidate from Toba had been accepted at the HIS in Tarutung, fuelling discontent, voiced by Manullang's Hatopan Kristen Batak (Aritonang 1994:288, and see below). It would take another ten years before the Batak Mission opened the third HIS, in Medan, followed by five other HISS, all outside the Toba Batak homeland (Pematang Siantar: 1932; Sibolga: 1934; Padang Sidempuan: 1935; Simsim: 1937; and Sipirok:1938).

available places. Another type of school, the five-year standard school, was second best, but also appreciated because the language of instruction was not Batak, but Malay—the *lingua franca* in the archipelago—and Dutch was taught as a subject. The first school of this type opened its doors in 1915 in Tarutung (Silindung), followed by others in Porsea (Toba) and Siborongborong (Toba plateau) in 1918 and 1919.⁷ The standard schools were all governmentoperated, thus marking the loss of the Batak Mission's monopoly on education in the region. The vast majority of the pupils in all these new schools were boys.

Toba Batak men had been leaving the region since the turn of the century, and their exposure to developments outside the region also brought about a change in mentality. One of these men was the vigorous and restless Hezekiel Manullang (1887–1979), who started the first truly independent Batak organisation, the Hatopan Kristen Batak (HKB) with a few like-minded friends in 1917.⁸

The HKB's program was varied. The hottest issue raised in the following years was undoubtedly the regional government's plan to parcel out ancestral land to European agribusiness entrepreneurs under the administration of Resident Volkmann.⁹ This caused fierce resistance of the local population orchestrated by the HKB and to some extent supported by the Batak Mission. The HKB resented the prospect of losing control over land designated by the colonial government as wasteland belonging to the state, which according to the customary law belonged to the local *marga*. The HKB and the Batak Mission also feared that the Toba Batak population would become a subservient and exploited labour force if plantations developed in the region. Both

⁷ Graduates of the standard school could continue their education at various two- to four-year courses (*ambachtsschool*) in teaching, agriculture, petty trade, and carpentry, and for girls in domestic science. In 1928, the government added a two-year teacher-training course in Tarutung.

⁸ Manullang was expelled from the Batak Mission's printing school in Laguboti in 1905. He subsequently went to Padang (West Sumatra) where he started a short-lived newspaper, and then went to Singapore in 1907, where he aligned himself with the Adventists, returning to Tapanuli for a year where he taught English and tried to set up a separate village with himself as chief. Failing, he returned to Singapore, where he fell out with the Adventists and entered the service of the Methodists, who made him housefather of their school in West Java. During his stay in Java, he became acquainted with the nationalist leader of the *Sarikat Islam*, Abdul Muis. In 1917, he returned to North Tapanuli (Castles 1972:143–6). For another version of his life during these years, differing on various points, see Sihombing 2008:57–133.

⁹ Probably because these plans were in the making, the government wished to be informed about the law pertaining to ownership and other titles to land (Gegevens 1915 and Grondenrecht 1915).

were anxious, too, to forestall the influx of Javanese workers, the rise of venereal disease, and the spread of prostitution, all worrying phenomena they witnessed in the neighbouring region of Sumatra's East Coast.¹⁰ Manullang was able to corner regional administrators and rally so much support for the cause that the governor-general in Batavia received him in audience twice. The result of his advocacy was the withdrawal of all requests filed by planters to start plantations in North Tapanuli. The long-term effect was significant, too: the colonial administration never revived the idea of the region's development by way of a plantation-based economy.

Another, hardly less emotional, conflict erupted at approximately the same time between the HKB and the Batak Mission about the control of church assets. The unrest this provoked permeated the rank and file of the Batak Mission's indigenous personnel of pastors and *guru*, who demanded a larger say in decision-making and the running of the congregations. This eventually led to the establishment of the first independent church in Indonesia, the Huria Kristen Batak Protestan (HKBP) in 1930.¹¹

The land and church issues were the most high profile conflicts in the late colonial period in North Tapanuli; but the Toba Batak administrative elite could not afford to side with the Hatopan Kristen Batak on the first issue, and the church elite had to tread carefully on the second. Compared to these two issues, the demand for Western education—that is, education in Dutch—was much less controversial. All Toba Batak elite groups supported it, and both the government and Batak Mission were of the opinion that it was a legitimate desire. Because of continuous pressure, the previously mentioned schools for more advanced primary education were established, followed in 1927 by the first secondary school in the region with Dutch as the language of instruction, the four-year MULO (*Meer Uitgebreid Lager Onderwijs*). The government left its operation to the Batak Mission, supporting the school with a generous subsidy.¹²

¹⁰ Castles (1972: 123–61) made a thorough analysis of this conflict and the role of the different stakeholders. For the role of Manullang in this conflict, see Sihombing 2008: 140–228.

For a detailed description of the process of establishing the independent Batak church, consult Hutauruk 1980:223–71. How awkward the transfer of authority from the missionaries to the Batak church leadership was can be read between the lines of several papers written by missionaries (UEM, F/b 2,2, Ref. Müller 1930 and Ref. [no author], 1933, *Gedanken*).

¹² This was not exceptional: in other regions where the mission had established schools, these also received government subsidy.

13.2 Hamajuon, Education for Girls, and Marriage

Another issue raised by the HKB was the need to lift the status of women in Toba Batak society, reasoning that if women did not take part in the *hamajuon* the entire Toba Batak people would remain backward. At the third HKB congress held in Sipoholon in 1919, its membership accepted a motion to strive for "a better status of women in Batak adat". Perhaps Tiurlan boru Siregar— Manullang's second wife, who came from Sipirok and was a gifted orator—was behind this.¹³ Education for girls was regarded as the most appropriate means to foster women's emancipation, even more so than the revision of customary law. This is evident from the large number of articles on education for girls appearing throughout the 1920s and 1930s in the *Soara Batak* (The Batak Voice) of which Manullang was the chief editor—as well other regional newspapers.¹⁴

It is very likely that the HKB's call for girls' education was inspired by the debate on girls' education elsewhere in the archipelago and the schools for girls initiated by Indonesian women in Java, Minangkabau (West Sumatra), and perhaps Minahasa (North Sulawesi) between 1900 and 1920.¹⁵ Manullang had lived briefly in the Minangkabau, where he established a newspaper

13 Unfortunately, Manullang's biographer Sihombing (2008) says practically nothing about Manullang's wives or their participation and influence in the HKB. He only mentions that Tiurlan married Manullang in 1917, after his first wife, Theresia boru Sihite, whom he had married in 1910, had died in 1915 on Java. Tiurlan was a relative of his old friend Immanuel Siregar, who had been expelled together with Manullang from the printing school in Laguboti in 1905 (Sihombing 2008: 128, 138). That Tiurlan was active in the movement is mentioned by Warneck (1920:27), who wrote that at the 1919 congress of the HKB "Manullang's wife" had addressed the audience in a fierce speech calling upon the women to support the men who fought the governments' granting of land to foreign planters in the name of "the rise of our people". The speech earned her a thunderous applause.

14 See for examples "Congres goeroe-goeroe di Sibolga", Siaji Panoetoeri 1930:74; "Tohonan kewadjiban ni boroeboroe. Lezing ni Mej. Doriomas di Pasar Derma Sipirok 1922", Soara Batak 30-9-1922; "Lezing ni sahalak anakboroe di Taroetoeng 21-5-1923", Soara Batak 26-5-1923; Hariara, J.M., "Anak perempoean haroes bersekolah", Siadji Panoetoeri 1931:364–7, 1932:56–7; Drahreg [Gerhard], "Apa goena sekolah perempoean ditinggikan?", Siadji Panoetoeri 1940:12–3. I have not been able to consult all the issues of these newspapers, as copies were not available for all years in the National Library (Perpustakaan Nasional) in Jakarta.

¹⁵ The most well known amongst these women were the Sundanese Dewi Sartika in West Java, the Minahasan Maria Malanda Maramis in North Sulawesi, and in West Sumatra (Minangkabau) Roehana Koedoes and Rahma El Yunusiya. Other, less known, Indonesian women belonging to the higher strata of society also opened private schools in the first two decades of the twentieth century (Bemmelen: 1982: 54–9; 64–8).

(Castles 1972:144–5) and he had worked in West Java for the Methodist Mission between 1910 and 1916. He must have read about, if not visited, schools started by women in these regions.¹⁶ In view of the articles devoted to this subject published in his newspaper, the *Soara Batak*, his interest in girls' education seems undeniable.

The main idea behind separate girls' schools was that they would receive a gender-specific education preparing them for their future roles as wives, mothers, and housewives. Girls' education was also advocated because of the belief that a man would hold his wife in higher esteem if she was educated. Moreover, educated women could contribute to society in a professional capacity, as teachers, midwives, and nurses. This latter motivation was of secondary importance, however, as marriage was considered the unquestionable destiny of all women. These ideas were by and large the same as the ones voiced by Raden Adjeng Kartini in the publication of her letters (Door Duisternis tot Licht: 191).

But the circulation of these ideas does not fully explain the abrupt change of mentality on girls' education in North Tapanuli around 1920.¹⁷ This change was directly related to the growing number of young Toba Batak men pursuing a higher education outside Tapanuli. Around 1920, these students, in their early twenties, wanted to—or at least their families expected them to—get married in the near future. In 1920 Ephorus Warneck visited Batavia, where he met a group of these young men. They told him frankly that they had difficulties finding a suitable Batak wife, a wife who "could do more than bring manure to the field".¹⁸ Several articles in the Batak press give a more detailed insight into the anxieties and expectations of these young men. One author lamented how sad a modern Batak man felt when he had an "ignorant" wife, because he would find the house in a mess and he would feel embarrassed if she was

¹⁶ Sihombing (2008:201) casts doubt on Castles's statement that the emancipation movement of Minangkabau women had inspired Manullang, arguing that this is impossible to believe, because different kinship systems—matrilineal and patrilineal—determined the status of Minangkabau and Batak women. However, in view of Manullang's stay in Minangkabau and Java and his capacity for sharp observation and evaluation, it is highly plausible that his concern about Toba Batak women's position sprang from comparison with Indonesian women's progress elsewhere.

¹⁷ In 1918 Joustra (1918:306) wrote that the school participation of Toba Batak girls lagged behind significantly compared to other mission fields, adding that "probably the Batak view regarding the significance of women was not foreign (*vreemd*) to this". However, he observed a change of opinion.

¹⁸ UEM, F/b 1,7, KP 1921:4; F/b 2,2, Ref. Warneck 1921: 16. Warneck commented: "[The] complaint of the somewhat educated Batak that the village girls are not satisfactory, is indeed not unfounded". See also UEM, F/b 1/7, Ref. Warneck 1928: 6.

unable to make decent conversation in a group of people. He also mentioned that not only men but women as well should appear clean and proper, implying that Batak women did not pay enough attention to personal hygiene and their looks.¹⁹ Another young man put a contact ad in the *Soara Batak* inviting girls to respond who could speak Dutch and English, and had mastered typing and stenography. His decidedly modern—but by Toba Batak standards unusually unorthodox—initiative is illustrative of the unrealistically high expectations of some young men who were in search of a suitable wife. It earned him the strong rebuke of two female authors, one of them arguing that it was not the fault of Toba Batak girls when they were uneducated, but that of men.²⁰

Because eligible Toba Batak girls were so few, some well-educated young men living outside the region married a non-Batak, but well-educated woman.²¹ This was a highly controversial issue, and not only for the Toba Batak. In 1913 the Indies Association (*Indische Vereniging*) in the Netherlands discussed mixed marriages between Indonesian students and Dutch women, a subject on which opinions of both Dutch and Indonesian members diverged widely (Poeze 1986:105–6). One of the earliest modern Indonesian novels—*Student Hidjo* (The Green Student), written by the Javanese Marco Kartodikromo (pen name, Mas Marco) and published in 1919—was about a young Indonesian student in the Netherlands who had a love affair with a Dutch girl (Teeuw 1979:16).

The controversy about mixed marriage resonated in Tapanuli: a participant in a congress on education in 1930 confessed that he could understand why Batak boys felt attracted to well-educated girls from other ethnic groups.²²

20 "Viooltje", 'Moderne portandangon', Soara Batak, 1930, 11:9; Zoebada, Anna, "Hamadjoeon? Partandangon mode", Soara Batak 1930, 12:2–4.

One the first Toba Batak to take a non-Batak wife was Ferdinand Lumbantobing, son of a teacher raised by a Dutch missionary who sent him to the medical school in Batavia (STOVIA): he married a Minahasan woman, Anna Paulina Elfringhoff Rincap in 1925 (Jalal 1978:17–8). Later he became one of the most famous Toba Batak because of his strong support for the nationalist cause. He became the first Indonesian governor of Sumatra, appointed by the government of Sukarno's Republic during the struggle for independence.

22 "Orang yang keloear dari sekolah jang tinggi2 tentoe mentjari isteri jg. ketjerdasannja berdekatan dengan ketjerdasan silaki. Akan tetapi kalau dalam bangsanja tak ada perempuanjg. tjoekoep pengetahoeannja, tentoe lebih moedah hatinja ditarik perempoean bangsa lain jg. soedah terpelajar". "Congres goeroe-goeroe di Sibolga", Siaji Panoetoeri 1930:74.

¹⁹ H. St.M. Toea, "Boroe2 do bona ni hamadjoeon" (Women at the Basis of Progress), Soara Batak, 27-1-1923. The author even suggested that men and women should wear white clothes, so one could see if the clothes were dirty. They should also wear white shoes. He also recommended that women read books on housekeeping. The government should provide such books in translation.

Fathers of well-educated sons were indeed anxious that this could happen. For example, the father of one of my interviewees allowed her brother Lodewijk Lumbantobing to pursue his education at a higher teacher-training college in the Netherlands only on the condition that he promised not to marry a Dutch wife.²³ Not only Dutch, but also Indonesian women of other ethnic groups were unacceptable in the eyes of Toba Batak parents. Illustrative of this was the reaction of the mother of one of the interviewees when she heard that her son, a graduate of the law school in Batavia, had married a girl from a Muslim family from Banten (West Java). My interviewee recalled her mother saying: "It is like betraying one's own background".²⁴ Parents of course deplored such a marriage because one could not expect the family of a non-Batak daughter-in-law to fulfil the responsibilities of a Batak bridegiver, a *hulahula*.²⁵

A particularly worrying story that must have shocked the Toba Batak community appeared in the Soara Batak in 1923. The author, writing under the pseudonym Aristarcus, sketched the sad fate of a young Toba Batak woman who had "fallen into the abyss". The woman, a graduate from the girls' teachertraining college in Padang Panjang, had been married off to a Toba Batak man living in Batavia. On arrival in the colonial capital, she found out that the Javanese female servant living in the back quarters of the house was her former husband's housekeeper and mistress (nyai). The author advised girls and their families to make inquiries before accepting a marriage proposal from a young man who came from the outbound (rantau).²⁶ My oldest interviewee, Ramianelli Tobing, knew about this case in more detail: she had been betrothed to the man in question. When her cousin Gerhard Lumbantobing (none other than Aristarcus), who studied at the STOVIA (the medical school) in Batavia, informed her and her father about her fiancé having a mistress, her father broke off the engagement.²⁷ Ramianelli recalled that her old school friend had suffered deeply during her marriage, because she had not been able to turn out the Javanese mistress and filing for a divorce had been "out of the question".²⁸

²³ Information of Interviewee 2.

²⁴ Interviewee 19.

²⁵ Difference of faith was another issue, but non-Batak wives of Muslim families probably converted to Christianity when marrying a Christian Batak in the colonial period, as the Minangkabau mother of Interviewee 11 had done. It became a much bigger and very sensitive issue in the generation of the interviewees' children.

²⁶ Aristarcus, "Halak Batak ni Batavia", Soara Batak, 7-4-1923.

I made the connection between Ramianelli's story and the article written by Aristarcus after the interview with her, but I am sure that the two pertain to the same case, because she graduated in 1923 from the teacher-training college in Padang Panjang together with only one other Toba Batak girl. That girl must have been the one who married in that year.

²⁸ She probably meant that the couple could not divorce without risking their good name in the Christian community and without strong opposition of their families.

The high expectations of educated young men, another point made by Gerhard Tobing, elicited a forceful reaction by a concerned Batak parent living in Batavia. He wrote that there were already Batak girls who had been to a teacher-training college and would make good wives for educated men. The only problem was that they were very few in number. He called upon parents in Tapanuli to follow the example of the Batak families in Batavia who sent not only their sons but also their daughters to institutes for higher learning. This would prevent sons from becoming attracted to non-Batak girls or preferring to remain a bachelor. He also addressed young well-educated men, urging them to marry a Batak woman and not be too picky, arguing how shameful it would be for their family if their own sisters remained unmarried.²⁹

Educated Toba Batak women were also concerned about the attitude of parents and their male peers. A female author writing under the name Margaretha, put the blame for women's backwardness squarely on Toba Batak menfolk in a very critical article, "When will progress come for us women?" Unlike other authors who wrote about the need for girls' education in general terms, she referred directly to conditions in Batak society. She accused men of spending their money on palm wine (tuak) in the village café (lapo) and on modern trousers and straw hats, but leaving to their wives the arduous tasks of drawing water from a well far from home and working in the paddy fields. How could women and children possibly be clean without a decent bathing place in the village? How could girls get ahead if they had to help in the household from the age of ten?³⁰ The looks of Batak women were apparently another sensitive issue. Melva Hutabarat, one of the interviewees, who studied in Solo in the early 1930s, recalled that she had once confronted young Batak men, reminding them that Javanese women might be more refined and beautiful, but that Batak girls made more faithful wives.

In the following years, Toba Batak fathers belonging to the modern elite came to heed the advice that giving their daughters a higher education was

²⁹ Djatoeatoea Batak di Batavia (an older Batak in Batavia), "Mandapathon Natoeatoea, Dolidoli Batak", *Soara Batak* 13-1-1923. The author also argued that educating girls would forestall forced marriages.

³⁰ Margaretha, "Andigan pe madjoe hami boroeboroe?!" Soara Batak, 5-5-1923. This article provoked two reactions. The first author scorned girls who wanted to be part of the hamajuon for not heeding their parents choice of spouse ("Naeng majoe (ninna anakboroe)", Soara Batak 19-5-1923. The second came from an author using the curious name Si Pamoeloeng (scavenger), "Aloes ni karangan ni hala Si Margareta", Soara Batak 14-7-1923. Margaretha had criticized a book this man had written, because he had given a list of what women should do to support the progress (hamajuon) of the Batak, but without mentioning how men could help women. His reaction: "Very good, what you have written from a woman's perspective, but you have spoken before I was finished. I will write another book".

prudent. They desired to attract a well-educated son-in-law and understood that this would be more difficult if their daughters had received a rudimentary education only.

13.3 Policies and Anxieties

The Hatopan Kristen Batak gave the impetus to the expansion of girls' education by accusing the Batak Mission of having neglected the schooling of Batak girls. This accusation was hardly justified, because the missionaries had tried in earnest to stimulate their school participation for a very long time and had established girls' schools a decade before private girls' schools opened their doors on Java and elsewhere.³¹ The poor school attendance of girls was mainly due to the unwillingness of Toba Batak parents to send their daughters to school.³² This reluctance had not really changed: missionary Marcks commented in 1919 that many girls in confirmation classes could hardly read and had difficulty in grasping the subject matter taught (Marcks 1919:27). It is therefore not surprising that the Batak Mission thought it still faced an enormous task in getting more girls to complete primary education and was not interested in expanding more advanced education for them. The HKB's criticism, however, found resonance within the limited circle of the Christian Batak elite. In 1920 the conference of the Batak Mission's teachers submitted a formal request to the synod demanding that the Batak Mission establish a girls' HIS with a dormitory for daughters of the higher social stratum of society.³³ Perhaps the example of the girls' HISS established by the Kartini Foundation on Java had inspired this idea.

Ydens, the headmaster of the Sigompulon HIS, supported the request, arguing that the government would probably subsidize the school. Ephorus Warneck, however, was not convinced that the school was such a good idea—but after his visit to Batavia, mentioned above, he gave in, lamenting that "[...] we

³¹ UEM, F/h 6. Report Kraemer 1930:21/95. The only girls' school preceding the ones in Tapanuli was the school for daughters of chiefs in Tomohon, established by a Dutch missionary society in 1881.

³² A Batak author, Aman Sodungdangan, still felt called upon to argue in 1939 that it was not Christianity that was to blame for Toba Batak women's backwardness, but the parents in the villages who urged their daughters to marry as soon as possible after they reached the age of eighteen. Because of this, girls were oriented towards the kitchen and felt ashamed if not yet married at the age of twenty. "Toetoe do hakristenon mangambat anak dohot boeroe Batak oembahen so haroe marhamadjoeon?", *Siaji Panoetoeri* 1939: 166–8.

³³ UEM, KP F/b 1,7, 1920: 12.

cannot do otherwise if we want to retain influence on the people", by which he certainly meant the future educated elite.³⁴ He probably also anticipated and feared the arrival of Catholic girls' schools in Tapanuli.³⁵ He stressed, however, that "the enterprise should cost the Mission not one cent". This did not necessarily reflect his lack of support for the idea. He viewed the future of the entire Batak Mission as very bleak at the time; the Rheinische Missiongesellschaft simply did not have any funds due to the running inflation in Germany following the end of World war I.³⁶

Opening an HIS for girls was thus not an option for the Batak Mission, not only for financial reasons but also because it could not provide female teachers with the required teaching qualification.³⁷ Ydens therefore suggested starting a boarding facility for girls enrolled in the Sigompulon HIS. The next year he found a suitable building and was even so generous as to personally cover the expense for the dispatch of a sister who would run it.³⁸ Frieda Lau, who became the dormitory's housemother, held a German certificate for housekeeping, which was considered a sufficient qualification for the position. The Sigompulon dormitory received its first boarders in 1923, and in the following years most girls enrolled in the Sigompulon HIS boarded here.³⁹ After 1927 it also accommodated a few female students of the secondary school, the MULO, established in Tarutung in that year.⁴⁰ The effect of the dormitory's presence

- 36 UEM, F/b 1,7, Begleitschreiben.
- 37 UEM, F/b 1,7, Letter from Barmen 1921:12/145. It implied that female German teachers had to go to Holland to learn the language and then to obtain the Dutch certificate to teach at an HIS.
- 38 UEM, F/b 1,7, КР 1922:155.

39 'Bericht von Schwester Frieda Lau', Der Meisters Ruf 1924/4:5–8. The dormitory started with thirty girls.

40 UEM, F/d 3,1, Letter Frieda Lau 5-5-1927. The boarding facility went through a difficult period in the early 1930s due to the economic crisis (*Der Meisters Ruf* 1932:103; 1933:116). Frieda Lau wrote in 1933 that one mother who took two daughters out of the boardinghouse justified this by saying frankly, "The sons count more for us anyway, we still have a lot to learn, before the daughters are equal to us". From 1936 the number of boarders rose again, and the facility survived until 1942 (UEM, F/d 3, Frieda Lau, *Bericht über das Mädcheninternat zu Sigompulon* 1933, 1936, 1939).

³⁴ UEM, F/b 1,7 Begleitschreiben zum Konferenz Protokoll 1921:121.

³⁵ He spoke of this in veiled terms: "It will be difficult to keep schools of this type at bay" (UEM, F/b 1,7, Ref. Warneck 1921: 16. The Catholic Mission established a girls' school in Laguboti with no less than five nuns, but that was thirteen years later. This boarding school immediately started competing with the Batak Mission's old boarding school by charging lower school fees ("Kurze Nachrichten aus allerlei Berichten", *Der Kleine Missionsfreund* 1935:76).

on the composition of the school population was significant: at the Narumonda HIS, the number of girls was much lower because there was no boarding house for girls.⁴¹ In 1923 the Batak Mission opened a second dormitory in the Laguboti, attached to the old girls' school there, without a subsidy from the government. In this boarding facility, girls in the age group ten to twelve learned to wash, iron, cook, sew, and embroider, as well as to weave Batak cloth. The Laguboti dormitory competed with the one in Sigompulon, because the fee for boarding was only a third.

The educational policy of the colonial government also explains why an HIS for girls did not materialize. As early as 1917, the colonial government had already decided not to support schools of this type anymore. The few Kartini schools on Java initiated by the Kartini Foundation since 1911 turned out to be very expensive, and qualified female Indonesian teachers had proved very hard to find. The director of the department of education, K.F. Creutzberg, opted for a more modest and less expensive type of girls' school, arguing that this was preferable to a luxury education for the happy few. Indonesian girls had no need for a thorough command of the Dutch language: it was sufficient if they could hold a simple conversation in Dutch. The type of school he had in mind was the girls' continuation school (*meisjesvervolgschool*) for girls who came from the three-year primary school. The girls' continuation school was an adaptation of the regular two-year continuation school with Dutch as a subject, to which was added a third year for tuition in housekeeping skills and basic knowledge on health care (Bemmelen 1982:92–3).

The Batak Mission profited from the new policy. In 1926 the girls' school in Balige, the capital of the Toba sub-district, was the first one converted into a three-year primary girls' school and a three-year girls' continuation school, followed by the girls' schools in Pearaja in 1928 and in Laguboti in 1929.⁴² In 1931 the Batak Mission opened the first girls' continuation school on the Toba Plateau in Butar, absorbing the vast majority of schoolgirls in its vicinity in the next years.⁴³ The teachers for the girls' continuation school were educated at

⁴¹ In 1925, there were only ten girls enrolled in the Narumonda HIS, compared to fifty-five at the Sigompulon school (3% and 17% respectively of the Batak school population of these two schools (Algemeen Verslag:1925 II:122).

⁴² UEM, F/b 1, 8, KP 1926:5; KP 199:6. The girls' school in Pearaja became a girls' continuation school in 1928, with Lydia Schmidt as headmistress. The school had to start with three parallel classes because 136 girls had to be accommodated (UEM, F/d 3, Letter by Lydia Schmidt, 20-4-1929). The Laguboti girls' school followed in 1929, which led to the closure of the 1923 boarding school for domestic science, which had become obsolete ("Jahresbericht der Mädchenschule Lagoeboti", *Der Meisters Ruf* 1929:14–51). The school had nearly 400 pupils in this year. See also MvO 763, A.J. van Zaanen (Controller Toba) 1931: 147–8.

^{43 &}quot;Schwesternarbeid in Butar auf Sumatra", Der Meisters Ruf 1931:80–1; MvO 767, A. Verhoef (Controller Hoogylakte van Toba) 1934:126, 130–3.



Modern Dress Codes for School Girls, Teachers, Nurses and Midwives

ILLUSTRATION 95

Physical exercise at the girls' school in Balige (1931). The school uniform is a short white dress, introduced in the 1920's. Previously a school uniform was not required (see no. 69) SOURCE: KITLV, NO. 1060177



ILLUSTRATION 96

The teachers at the girls' continuation school in Balige (1931). The uniform was a white long sleeved blouse and a batik sarong. SOURCE: KITLV, NO. 19993. COLLECTION P.J. VAN WINTER



ILLUSTRATION 97 Nurses in training with sister Alwine Hamacher (ca. 1935). The girls where a colored blouse (green?), a plain or chequered Malay sarong and a white apron. SOURCE: UEM, NO. 4703–37

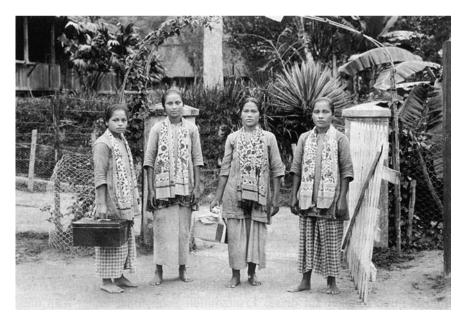


ILLUSTRATION 98

Four Batak midwives. They wear a loose blouse, also a chequered Malay sarong, and a Batik cloth often used for carrying infants around their neck. Two women hold a box with their equipment. SOURCE: WINKLER 2006: 426

five teacher-training colleges for girls (*Meisjesnormaalscholen* / MNS) opened between 1918 and 1919 by the government. Dutch was a subject taught in these schools. One of the first two schools of this type was established in Padang Panjang in the West Coast of Sumatra residency, accepting twenty-five girls a year from all over Sumatra, the quota for North and South Tapanuli combined being four girls.⁴⁴

The relationship between the Batak Mission and the German headmistresses of the girls' schools, on the one hand, and these young female Batak graduates from the government-operated teacher-training school in Padang Panjang, on the other, was awkward from the very beginning. This becomes clear from an article in the Soara Batak, which touched on the sensitive point that the female Batak teachers possessed the certificate to lead the girl's continuation schools, but the Batak Mission did not give them the opportunity.45 The teachers also met with distrust because they had been educated in a very different, religiously neutral, atmosphere. When Lore Werner returned from Germany after sick leave, her relationship with Dora Lumbantobing-the teacher-training college graduate who had taken over her task as headmistress in the meantime—soured.⁴⁶ According to Lore, during her absence Dora's "inner life" had deteriorated. Dora was soon transferred to Pearaja, where she, by then married, taught at the large continuation school there, still under the authority of a German sister, Lydia Schmidt.⁴⁷ Batak graduates of the teachertraining college seem to have inspired dread: Elfriede Harder, headmistress of the Laguboti's girls' school, wrote, "I am so glad that I do not have those modern little ladies of the government in my school yet. I have no idea how to behave towards them".⁴⁸ Fortunately for the sisters, the government granted

46 UEM, F/b 1,8, KP 1928, Letter Warneck 30-6-1928. Because no German sister was available to replace Lore in 1928, the Batak Mission had grudgingly left the school in charge of Dora, daughter of reverend Jorbet Lumbantobing. Warneck reported that Lore had confidence in Dora's capacity to lead the school, but the wife of missionary Eigenbrod had not. He believed the missionary's wife!

⁴⁴ Van Bemmelen 1982:91–3; 108–9. Seven of the interviewees graduated from this school, starting with Interviewee 1.

^{45 [}n.y, n.a.], "Zending dohot boroe Batak", Clipping Soara Batak (KITLV, Adatrechtstichting H 1051, 89). The author wrote about the girls' school in Balige: "Why does the headmistress of the school have to be a European? Is the Batak Mission not yet willing to transfer the responsibility to us?" He reminded the readership that the headmistress of the Balige girls' continuation school, Lore Werner, got the credit (for the schools' success) while actually the two female Batak teachers deserved it, because Lore could not even speak Dutch.

⁴⁷ Lore Werner, Balige 14-2-1930, *Der Meisters Ruf* 1930: 129; A. Müller, Pearadja, February 1930, *Der Meisters Ruf* 1930:109; 129.

⁴⁸ Elfriede Harder, "Jahresbericht der Mädchenschule Lagoeboti", Der Meisters Ruf 1930:153.

them a subsidy to train girls from their own schools to take the examination for teaching at the primary level. Due to quick turnover because of marriage, there was a permanent shortage of teachers who had graduated from the teacher-training college in Padang Panjang.⁴⁹ But Elfriede found fault even with the girls trained by the sisters themselves, because "they think they're somebody" (*Sie fühlen sich*), and money and worldliness (*Weltsinn*) had taken hold of them. Elfriede could not "find the way to their heart" anymore.⁵⁰

After 1936, female Toba Batak teachers gradually took over the leadership of the girls' continuation schools due to government regulations intending to economize on its expenses for education. In that year, the department of education started demanding a diploma of a Dutch teacher-training college for the position of headmistress, a requirement the missionary sisters did not meet. They were also appalled that they would be obliged to teach five classes a day.⁵¹ The German missionaries, outraged, wanted the sisters to leave the schools and henceforth work in the congregation, and although the regulation was mellowed the next year, the salary of the sisters was lowered to that of a Dutch teacher-college graduate.⁵² This was more than the missionaries could swallow and already in 1937, the German headmistresses of the large girls' schools in Pearaja, Butar, and Laguboti were withdrawn and replaced by Batak teachers. German sisters remained in charge only of the girls' continuation school in Balige and a new one in Pematang Siantar, established in 1933.53 The boarding facilities at the girls' schools, however, remained in the hands of German housemothers.

Much less tense, or even close, was the relationship between Christian women in the congregations and the Batak Mission's sisters. In 1927 Christian women started to attend Bible classes given by Elfriede Harder in Laguboti.

^{49 &}quot;Von unsern Schwestern", Der Meisters Ruf 1930:83, 156.

⁵⁰ Elfriede's relationship with the teachers improved after one particular teacher, who allegedly had a communist brother who used her money, had left the school of her own accord; a second had fallen ill, and a spirit had possessed a third. According to the sister, these were signs from God to bring the teachers into line ("Jahresbericht", *Der Meisters Ruf* 1931:155).

⁵¹ UEM, F/b 1,9, КР 1936: 9, Begleitschreiben 4.

⁵² The maximum salary was *f*112.50 a month (UEM, F/b 1,9, KP 1937: 6). How much the sisters earned before, I have not found.

⁵³ Elfriede Harder left the girls' school and devoted her time entirely to the school for Bible women (Sikola Bibelfrau), see below; Lore Werner married; and Lydia Schmitt started working in Sibolga as a community sister. Only the housemother of the Sigompulon boarding facility, Frieda Lau, stayed on. Other places were filled by new faces (UEM, file on missionary personnel).

In the following years, Elfriede, who liked this line of work far more than her job in the girl school, branched out her activities with the assistance of other sisters, holding religious gatherings (*Freizeiten*) all over the Batak region and as far as the region of the East Coast of Sumatra. At first the response was modest; but over time hundreds of women came to these meetings, which sometimes went on as long as a week.⁵⁴ In 1929 Elfriede organized the first one-week training course for so-called Bible women, followed by other courses over the next three years.⁵⁵ Many of these women became active in their own congregations after the course, organizing Bible-reading sessions for women.

In 1934 Elfriede opened a school for Bible women (Batak: *sikola bibelfrau*), with the idea of training adult women to become professional lay leaders in the Christian community.⁵⁶ At first the women attracted to become her students were mainly older unmarried women, divorcees, and widows—women who were more or less outcasts in their families. In later years, a larger cohort of younger unmarried women made their entrance. The 1935 batch, for example, consisted of nine unmarried women, several of them already twenty-three to twenty-five years old. At that age, a young woman was already considered an old maid and a disgrace to her family.⁵⁷

The overwhelming response of village women to Elfriede's activities drew the admiration of the missionaries and the RMG board in Germany. "It is as if

⁵⁴ Freizeiten (literally "Free Time") were not held only in Laguboti where Harder lived. In 1931, a Freizeit was held in Siantar ("Aus Sumatra. Unsere Freizeit", Der Meisters Ruf 1931:110–2). In 1932, two were held, in Samosir and Sibolga, the latter meeting attended by seventy women, among them for the first time a number of unmarried girls ("Samosir", Der Meisters Ruf 1932:24–5; "Von Unsern Schwestern" 1932: 101–2). In 1935, no less than 400 women came to a Freizeit on the Toba Plateau, and again in Nainggolan on Samosir ("Bataksche Gemeindehelferinnen in Vorbereitung und Dienst" and "Portina", Der Meisters Ruf 1935:147–8; 149–51).

⁵⁵ In 1927 Elfriede started to train female helpers ("Schwester Elfriede Harder in Laguboti schreibt", *Der Meisters Ruf* 1927:180–1. Her first course started with twenty-seven women ("Von unsern Schwestern", *Der Meisters Ruf* 1930:154–5); the second, in 1931, counted fifty-eight, some of them coming from as far as Silindung. Participants were of all ages, some Christian, others not (*Der Meisters Ruf* 1931: 44–5).

⁵⁶ Der Meisters Ruf 1934:180–2. The school offered a six-month course and started with eleven students. The curriculum included the following subjects: history of salvation (*Heilsgeschichte*), the life of Jesus, Bible knowledge, church history, method and practice of service in the congregation, singing, and household- and fieldwork. In 1938, the school moved to the premises of the former boarding facility for schoolgirls in Laguboti.

⁵⁷ Two other students were divorcees, and four, widowed women. The women came from various regions ("Die Schülerinnen des zweiten Bibelschuljahrgangs in Narumonda", Der Meisters Ruf 1936:106–7).

the female sex awakens from a long sleep", a missionary commented in a treatise presented at the missionary conference in 1933.⁵⁸ Reference to Elfriede's work started to surface regularly in reports to the board and articles in missionary magazines, probably because this was the only field of missionary activity at the time in which the German presence made a substantial difference appealing to the Christian public. In 1936 the RMG even published a booklet written by Harder entitled "God's Work among Batak women" ([Harder] 1936). How impressed the Toba Batak themselves were by the sudden active involvement of Toba Batak women in the congregations is illustrated by the reference of one of the interviewees to the women's gatherings as "the movement (*pergerakan*)", coining it as "the spiritual awakening" (*pembangunan rohani*) of Batak women.⁵⁹

The women who graduated from the school for Bible women had not only found a niche there, but their emergence also challenged several stereotypes about women. Toba Batak society had always viewed unmarried women as worthless, but the Bible women came to command some measure of respect despite their unmarried status. Moreover, by their presence alone they challenged the exclusive dominance of male religious leadership in the church that had persisted for more than sixty years.⁶⁰ Consequently, not all Batak pastors accepted them with open arms.⁶¹ Within a few years, however, the position of the Bible women became established: the Batak Church issued regulations about their tasks, their relation to the pastor to whom they were assigned, and their salary.⁶²

In sum, the Batak Mission, with the assistance of the government, consistently promoted advanced primary education for Batak girls in the Batak

⁵⁸ UEM, F/b 2,3 Ref. [n.a.] *Gedanken* 1933: 171/2. See also; Ref. Ellinghaus 1935:249–1; F/b 1,8, Letter Barmen 1935:3. The board added that a similar trend was observable in the other RMG mission fields. See also Warneck 1936:20; 1937:325.

⁵⁹ Interviewee 7. She had taken part in meetings with the sisters together with her mother.

⁶⁰ However, it would take the Batak Church (нквр) until 1986 to ordain the first female Toba Batak pastor, a hundred years after the first male pastor. The difficulty of accepting women in positions of church leadership has been attributed to the patriarchal character of the Batak Mission, combined with the same character of Toba Batak society (Siregar 1999:100, Adeney 2003;89–91).

⁶¹ Some Batak pastors felt they had no need for Bible women in their congregation and hampered them in their work. Elfriede also reported that people from "the independence movement" (the HKB) scoffed at the Bible women for being steered by "whites" (*Der Meisters Ruf* 1939:77–8;121).

⁶² UEM, F/b 1,9, KP 1937: 4; KP 1938, 84/6; KP 1939:6.

vernacular and Malay. Ephorus Warneck consistently defended this. In 1928 he wrote:

Our ideal is an upbringing as is available in Laguboti: a modest one, with the needed corresponding measure of knowledge, and for the rest, schooling in that which the housewife of simple means can use for herself and her family.⁶³

According to him, secondary education was undesirable: the profession of teacher as in Europe was unsuitable for Batak girls, because most female teachers married soon after their graduation (Warneck 1928:33). Dutch education for girls was unnecessary too, in his opinion. Observing "a yawning gulf" between the few daughters of elite families wearing knee-high skirts and high heels,



ILLUSTRATION 99 The Bi

The Bible woman Porman (1935). SOURCE: [HARDER] 1936:10

⁶³ UEM F/b Ref. Warneck 1928:6.

and the women in the villages, he anxiously wondered, "What will crawl out of the egg? What will the educated type of Christian Batak woman look like?" He considered the rush of girls into the higher schools too precipitous, fuelled by parents' hope that a daughter with a diploma might fetch a high brideprice. Whether this was a correct assessment is discussed below. A few years later he passed judgment: the higher schools turned out a type of not-very-sympathetic girls, "caricatures of European ladies (*Damen*)". The emancipation, putting women on a par with man, was too hasty; the younger generation's demand for abolition of the brideprice worrying; the desire to remain unmarried unnatural; and the attitude of women towards their husbands too brash.⁶⁴

Warneck did not need to worry too much: most parents who wanted their daughters to receive an education beyond the three-year primary school in the vernacular were quite content with exactly the type of school he favoured: the girls' continuation school. Fathers often had large families to support and had to pay for the education of several children at a time. The girls' schools in Laguboti, Balige, or Pearaja with their boarding facilities were good value for money: the length of education was one to two years shorter than at the HIS, and the education was of practical use. Moreover, the fees for the school and dormitory were much lower than for the Sigompulon HIS plus boarding: three guilders and eighteen measures of rice a month all-in against ten guilders a month.⁶⁵ The girls' continuation school also fulfilled parents' expectation that their daughter could marry well: many of its pupils found a husband who had a job at a government office.⁶⁶ The statistics prove the popularity of the girls' continuation schools. Each was attended by hundreds of girls. In contrast, very few girls went to the HISS in Sigompulon and Narumonda. For girls who graduated from these schools, it was disappointing that their parents rarely let them pursue their education.⁶⁷ The school population of the MULO, also in Sigompulon, reflected this: the number of girls was appallingly low.68

⁶⁴ Warneck 1932a:221–2 and 1932b:86.

⁶⁵ This was the fee in 1923 (*Soara Batak* 13-1-1923). The fee for the Laguboti school in 1935 was not much higher than in 1923: *f*3.50 plus sixteen measures (*solup*) of rice. The parents also had to pay an entrance fee of *f*10, whereas for the Narumonda HIS, it was *f*200.

^{66 &}quot;Congres goroe-goeroe", 1930: 91.

⁶⁷ UEM F/d 3, Frieda Lau, Bericht über das Mädcheninternat Sigompulon, 1936 and 1939.

⁶⁸ In 1934, ninety-eight children were enrolled in the MULO school, of which seventy-seven were admitted to the next grade. Of these seventy-seven students, only five were girls (Helena Lumbantobing, Johanna W. Lumbantobing (Interviewee 22); Louise Damaris Pardede, Tiodora Hutapea, and Sitti Louise Siagian ("M.U.L.O. Taroetoeng", *Siadji Panoetoeri* 1934: 158). In 1936 only one girl, Roos Telaumbanoea, from the Narumonda H1S, was admitted out of thirty-three children ("H.I.S. Narumonda", *Siadji Panoetoeri* 1936:196–7).

The gender gap demonstrates that between 1920 and 1930 the perception of the preferred type of education for girls changed. At a congress of teachers held in Sibolga in 1930, the general opinion was that Dutch education was necessary for only a small proportion of girls belonging to the elite. A general secondary education, such as provided by the MULO, was considered unnecessary; girls would do better to go to a vocational school for domestic science with Dutch as the language of instruction. A school of the latter type opened in Medan in 1930 and immediately became more popular than the MULO.⁶⁹

Apparently, many Toba Batak parents were reluctant to give their daughters a secondary education, probably because they shared Warneck's concern about its possible negative effects. One author wrote that being a modern girl was not about speaking foreign languages, aping Western customs, going alone to the cinema, using shoes in the house, or sitting on chairs.⁷⁰ Another author warned girls taking part in the *hamajuon* that they should "not forget and disturb the adat", expressing the fear that they might choose their own partner without consent of their parents.⁷¹ Halmahera Pospos, the only interviewee who went to senior high school (HBS), in Medan, indeed found that although there were advantages, her high education had negative side effects as well. She told me that because of her education, no Batak man had dared to fall in love with her, and that after her marriage, her mother- and sisters-in-law criticized her for being too outspoken, wearing Western-style dresses, and using lipstick. Another interviewee, Launi Hutagalung, confessed that after she finished the college for kindergarten teachers in Batavia, where she had enrolled without her father's permission, she wanted to prove to him that "she had not run wild like a horse".⁷² These two cases show that well-educated girls felt that they were judged by their appearance and behaviour.

Illustrative of Toba Batak parents' reluctance to give their daughter a higher education is that in the 1930s the four most prestigious institutions for tertiary education in the Netherlands Indies did not count a single Toba Batak woman

⁶⁹ Several of the younger interviewees went to this school (see list of interviewees).

⁷⁰ Manjeleng (pseudonym), "Istri atau poeteri modern", Siadji Panoetoeri 1939:21.

^{71 &}quot;Naeng majoe (ninna anakbaroe)", Soara Batak 12-5-1923, 19-5-1923. Modern dress was not always accepted, as a story by a Bible woman illustrates. Two girls from Samosir, who had laughed at an older man who had reproached them for wearing modern blouses, were found dead the next day (alluding to the murder of the girls). When a Bible woman wore a non-traditional garment on a visit to Samosir, the people were horrified ("Aus der Frauenmissionsarbeit", Kleine Missionsfreund 1939:78).

⁷² She added that she had succeeded: he was proud of her when she taught the little ones at the Christian HIS in Pematang Siantar.

among their female students.⁷³ In view of the long history of formal education in North Tapanuli in comparison to other regions and of the density of the Batak Mission's network of schools, one might have expected otherwise. For Toba Batak parents, the education of their sons remained their first priority. The gender gap in educational levels of the interviewees and their sisters compared to those of their brothers also demonstrates this.⁷⁴

Meanwhile, the percentage of girls in the three-year primary schools run by the Batak Mission remained low.⁷⁵ Consequently, the literacy rate among the female population was also much lower than for men (see table 6). No wonder the interviewees and their schoolmates—who for the most part worked for a few years as teachers, nurses, and midwives before (and in rare cases after) their marriage—stood out as a highly visible group of women.⁷⁶ Whom did these women marry? How did the changes over time influence the choice of their spouse?

- 73 The total number of female students of the medical faculty in Batavia, the vocational medical schools in Batavia and Surabaya (Stovia and NIAS), and the law faculty was twenty-five in 1935 and forty-five in 1939 (3,7% and 6% of the combined school population respectively). The technical faculty in Bandung had no female students (Bemmelen 1982:188).
- 74 Twenty-three interviewees had male and female siblings born before 1926 who could have finished a secondary education before 1942. In seven out of nine families where the besteducated daughter was a graduate of a vocational school in Malay, the girl had a brother who had been to a Dutch school (always valued higher). In eleven out of fourteen families where the best-educated daughter had a secondary education in Dutch (vocational or MULO), at least one brother was more highly educated than she was. These brothers had been to one of the following schools: AMS, HBS, NIAS, Mosvia, the law school in Batavia, and higher teacher-training college/*hoofdacte*.
- 75 In 1930, 26% of the school population of 24,709 pupils of these schools was female. At the end of 1938 it had increased, but was still only 30% of 30,735 pupils. Of course the percentage for Silindung was always highest (1930: 34%; 1938:41%), followed by Toba (1930: 31%; 1938: 33%). On the Toba Plateau and Samosir, the percentages remained below 25% (*Jahresberichte der Rheinische Misison* 1931:73; 1939:81).
- 76 It is noteworthy that interviewees educated as teachers and midwives in the vernacular (Malay) within Tapanuli more often continued working after marriage than Dutcheducated interviewees living outside the region. The majority of the husbands of this latter group forbade their wife to work after they got married, not only because the men earned enough, but also due to the influence of the Dutch gender ideology internalized by both of them, which positioned the wife firmly in the home and the husband as provider. Most women in this latter group started working again at some point after Indonesian independence, either because the husband no longer earned enough, or because he had died and they had to support the children.

Subdistrict	Children(+/- > 5 years)		Adults	
	Boys	Girls	Men	Women
1. Toba	21,3	7,6	28,2	5,6
2. Toba plateau	19,6	2,5	32,4	1,9
Silindung*	24,8	7,4	55	6,9
4. Tarutung	no data	29,7	no data	32,6

 TABLE 6
 Literacy rates of the native population in the district Bataklanden according to sex and age group (1930)

* These figures are for Silindung outside the town of Tarutung. In Taturung much higher figures were found because of the many schools there. The census suggests that perhaps all boys were literate there. The majority of literates had become literate due to formal schooling. SOURCE: VOLKSTELLING 1935: 75–6, 80, 203; 207

13.4 Partner Choice: Traditional and New Preferences and Objections

One thing becomes clear when surveying the information of the interviewees about partner choice: it was often influenced by a combination of factors. Was a suitable cross-cousin available, and was it worth perpetuating or renewing the alliance with his family? Was an unrelated suitor acceptable and an alliance with his unknown family desirable? What was the level of the prospective groom's education and did he have a salaried job with good prospects? Would the daughter agree to a marriage arranged by her parents? If she already desired to marry a man of her own choice, did her parents think he would be an acceptable son-in-law?

Twenty-six interviewees gave information about the way their marriage had come about. Some came from old raja families; others had a father who was a commoner but had been successful in his career or business, in or outside Tapanuli; yet others had a father working as a farmer or in another traditional profession. The women had in common only that they had received an education beyond primary school—but even in this respect, the differences between them were considerable. Several interviewees had been to a two-year teachertraining course organized by the German sisters in the region or a three- to four-year course of study while they worked as an apprentice nurse and midwife at one of the Batak Mission's hospitals in Tarutung or Balige. Others had been to the government teacher-training college in Padang Panjang, West Sumatra (mentioned above), the Christian teacher-training college in Solo in Java, which turned out teachers for the HIS, or the Dutch vocational school for domestic science in Medan. Three girls went to a Dutch junior high school (MULO) and one to the more advanced Dutch five-year high school in Medan, the HBS (*Hogere Burgerschool*), where the vast majority of the pupils were Dutch. The interviewees were thus far from a homogeneous group. Because of this, it is possible to draw only general and in part tentative conclusions from the interviews about changes in preferences and objections regarding the choice of partner of Toba Batak well-educated women.⁷⁷

Unquestionably, the traditional preference for a marriage with a crosscousin (*anak namboru*) was still a prevailing norm in their generation. Nearly all interviewees mentioned one and often several such marriages among their siblings and brothers- or sisters-in-law. No less than seven interviewees had been asked in marriage by a cross-cousin; and in five cases, they married him. Only one interviewee, however—Karolina Siahaan, the daughter of a farmer married a full cross-cousin. She was a graduate of a two-year teacher-training course provided by a missionary sister in Balige and gladly accepted the match, saying she loved him and was happy to marry him, because he had a MULO diploma.⁷⁸

In two other cases, the interviewee married a cross-cousin with less education than she had, because of special circumstances. Tiomina Pasaribu, an HIS graduate and trained midwife, married a distant cousin, Eli Hutabarat, even though he had an HIS diploma only. This difference was overlooked because their fathers had converted to Catholicism and preferred a spouse adhering to the same religion for their children.⁷⁹ Sitti Anggur Tobing, who had dropped out of the MULO and added another year of study at the Dutch school for domestic science in Medan, married a distant cross-cousin from the *marga* Hutapea, who was also an HIS graduate only. Sitti's older sister had been betrothed to him, but because she had refused to marry him, Sitti's parents wanted Sitti to replace her.

⁷⁷ This section and the following are based mainly on the interviews.

⁷⁸ Interviewee 6. Despite this diploma, he did not enter the civil service or take another salaried job, but remained self-employed in his hometown, Balige, throughout his life, running a local printing enterprise and a restaurant. He probably did not earn much, because Karolina worked her entire life.

⁷⁹ Interviewee 4. Like Karolina, Tiomina worked her entire adult life, saying she earned more than her husband, who agreed to her working because her income was needed to support their family.

The marriage of the fourth woman, Noeria Siagian, who was married off in 1931 to a distant cross-cousin, belonged to a different social category. Their fathers were both bureaucrats (*demang*), who apparently considered cementing the old alliance between their families desirable. Noeria's father was very pleased with the marriage also because Noeria's cousin was one of the rare Batak graduates from the six-year Dutch senior high school (AMS) in Bandung and the school for public administration (MOSVIA) at Fort de Kock. In sum, Noeria's marriage was ideal from many points of view, combining traditional and new attributes: reinforcement of a former marital alliance; equivalent high social status; and, although Noeria had not finished her MULO education, the couple's educational levels were considered matching according to contemporary standards.⁸⁰ Loy Anna's marriage with a distant cousin was a less high-profile match, but also fortunate according to the same criteria.⁸¹

Nonetheless, marriage with a cross-cousin became contested in the generation of the interviewees, in particular marriage with a full cross-cousin. Midwife Porman Tobing declined to marry her full cousin because she knew that less-healthy offspring could be the result of a consanguine marriage. Several other interviewees also gave this as a reason for their objection to marrying a cross-cousin.⁸² But other reasons also played a role. Johanna Tobing told her parents that she did not want to marry her cross-cousin because she just did not like him, a reason apparently accepted by her parents. Another interviewee, speaking in general, pointed out that knowing one's cross-cousin since childhood meant there was no "feeling of attraction". An objection also voiced was that a marriage between cross-cousins was undesirable because if the couple did not love each other and often quarrelled, the families on both sides would become involved and estranged if the marriage broke down. It was therefore better if one married someone from "outside".⁸³ In quite a number of cases, parents refrained from marrying off their daughter to any of her

⁸⁰ Interviewee 3. Noeria's husband was very swift to make a career because of his educational background. He became a *demang* before ww II.

⁸¹ Loy Anna, Interviewee 16, was a graduate of the Padang Panjang teacher-training college. Her husband was a MULO graduate from Balige, whose father, like her own, had entered government service. Her own father was the machinist on the government ferry on Lake Toba, her father-in-law a police officer, a graduate from the police academy in Sukabumi (West Java).

⁸² Interviewee 14 (children will be "stupid donkeys"); Interviewee 15 (motivation: a distant cousin married with a full cross-cousin had two albino children); Interviewee 27 (had read the information in a book).

⁸³ Interviewees 13 and 20.

available cross-cousins, simply because the age difference between them was too large.⁸⁴

Not surprising, but nevertheless very significant, is that according to the interviewees a cross-cousin should at least meet certain criteria. One interviewee mentioned that her cross-cousins were not eligible because they had no job.⁸⁵ Another said that none of her cross-cousins had dared to propose because their education was inferior to hers and they were just young men from the village who were not modern (*kampungan*). This latter statement indicates that by the end of the colonial period, cross-cousin marriage had perhaps become a feature of Toba Batak (semi-) rural society within the region, whereas within the circle of the elite and Toba Batak living outside the region, the practice declined because of the physical distance and social discrepancy between the two families formerly aligned.

These findings indicate that cross-cousin marriage in the colonial period declined not only because young people more frequently took the liberty to elope and marry for love, as suggested by Viner (1979:98–9). A more predominant reason for this, at least in elite circles, seems to have been that parents did not put pressure on a well-educated daughter to marry a cross-cousin if she did not feel like marrying him or if he lacked desirable qualities. It seems to have been slightly different in the case of well-educated men who were unwilling to marry a selected cross-cousin because of her insufficient education. They sometimes faced parental opposition, in particular from their mother, who did not consider this reason an acceptable one. But if the son insisted on marrying another woman, parents seem to have usually accepted his choice.⁸⁶ It should be noted, however, that the preference for marriage between distant (classificatory) cross-cousins in particular appears to have remained cherished.⁸⁷

⁸⁴ Interviewees who mentioned this reason were Interviewees 7, 10, 13, 18, 28, and 30. Interviewee 8 said her cross cousin lived too far away (in Medan), whereas she lived in Padang Sidempuan at the time.

⁸⁵ Interviewee 20 said their "fathers were just minor officials at a government office" (her father was head of the post office in Pematang Siantar, a well-paid job). Similar remark from Interviewee 24.

⁸⁶ Hadrianus Sinaga for example, a man from a Samosir raja family, who was educated as a physician at the school for medicine in Surabaya (NIAS), faced the opposition of his mother when he insisted on marrying a woman who was better educated than the daughter of his mother's brother (*boru ni tulang*). He married Interviewee 19, Johanna Wilhelmina Tobing instead (see below). Rondang Simanjuntak, husband of Interviewee 15, had a similar experience.

⁸⁷ Twenty-two interviewees gave their opinion on marriage with a full cross-cousin, fourteen saying that it was definitely undesirable and two that it was acceptable. Only four found

Another type of preferred marriage according to the old custom was the "changing of the mat": a younger sister or other close female relative given as replacement of a deceased daughter.⁸⁸ No less than twelve interviewees could mention such a marriage in their own family or the family of their husband: three in the generation of their grandparents, four in the generation of their parents, and five in their own generation (including Interviewee 31). In this matter, however, education seems yet again to have played a role in the decline of the custom. The sister of one of the interviewees refused to marry the widower of another sister, because she was much better educated than he was. Her father respected her decision and found his son-in-law a distantly related niece who was willing to become his wife.⁸⁹

The traditional pattern of intermarriage among prominent families, of which the above-mentioned marriage of Noeria Siagian is an example, on the other hand, proved fairly resistant to change. This is manifest in two other cases. Intan boru Situmorang from Samosir, a granddaughter of raja Babiatbridegiver (hulahula) of the Singamangaraja XII dynasty of priest-kings-and daughter of a government clerk, married a man from another raja family on Samosir. Her husband, Yannes Barita Laut Sidabutar, was a graduate of the intermediate agricultural school in Bogor (West Java), who initially had wanted to marry an educated girl from the Lumbantobing clan from Silindung. But his parents objected to the match, insisting that he marry a girl from Samosir. The problem was that in the late 1930s there were hardly any girls from Samosir who had a secondary education. When Yannes's father discovered that Intan could be a suitable wife for his son, he orchestrated a meeting between her and his son with the assistance of a friend of Yannes and Intan's mother in the neutral environment of a football match in Sibolga, where Intan's father worked. Yannes became attracted to Intan and vice versa. A year later, Intan was taken out of school to get married.90

88 Chapter 5, Section 5.7.

it highly desirable. On marriage with a classificatory cross-cousin, seventeen gave their opinion: four finding it very undesirable, four acceptable, and nine highly desirable.

⁸⁹ Information Interviewee 28. The interviewees still supported the custom, but said it was not feasible to arrange this kind of marriage anymore. One interviewee and her husband had a daughter who had died, leaving three children behind. When they tried to marry off her younger sister to their widowed son-in-law, she eloped, as did another daughter shortly after that.

⁹⁰ Interviewee 30. Like Noeria, Intan had to leave school to get married at the age of seventeen. Her marriage with Yannes was happy although not without worry, because their seven children were all daughters.

Differently from Yannes, the physician Hadrianus Sinaga, who also came from Samosir, did marry a well-educated girl from Silindung—Johanna Tobing, a MULO graduate. According to Johanna, the difference in place of origin was a bit of problem for both families. Initially her parents had misgivings because Hadrianus's family was far more traditional (that is, less modern) than her own; but this objection was put aside because of Hadrianus's excellent credentials and because his father came from a prominent raja family and was a *kepala negeri*. Johanna's in-laws appreciated the match as well, because Johanna's father, too, was a descendant of a raja family, and, moreover, held the very prestigious position of vice-headmaster of the Narumonda HIS.⁹¹ Johanna, who had met Hadrianus at a MULO reunion, was also content with the match, stating that (referring to herself and her sisters) "we also preferred to marry sons of rajas". She recalled that this had been very important to her parents, who had done their best to restrict contact of their offspring with children of families of lower social rank since they were young.⁹²

Matchmaking also occurred within the Christian elite, a trend already apparent in previous generations.⁹³ Midwife Porman Tobing, the daughter of a pastor, married Lodewijk Gultom from Balige, a health care provider (*mantri verpleger*) and the son of a Batak Mission teacher/preacher (*guru*). Their marriage was arranged not by their parents, but by a missionary from Toba and the physician of the hospital in Tarutung where Porman worked. Although the couple originated from different regions, all parties were pleased with the alliance.⁹⁴ A missionary also arranged the marriage of her older sister with the son of a pastor who was a teacher at a HKBP primary school.

Of all traditional objections, the most important one was the objection against marriage within the *marga* (*marsumbang*), because it violated its exogamous nature. Throughout the colonial period, the Toba Batak scrupulously upheld the prohibition against *marga* endogamy. It became seriously contested

⁹¹ Johanna, Interviewee 19, was a great-granddaughter of Raja Manalaut Lumbantobing, and her husband the eldest son of his lineage. Her father was also a well-known expert on the Batak language, who taught it to Resident W.K.H. Ypes and J.C. Vergouwen.

⁹² She even explicitly mentioned that she and her siblings were not allowed to play with children of the local in-living *marga* Simanjuntak. She emphasized that families of lower social rank felt uncomfortable in the context of adat ceremonies if related to a raja family and therefore "often do not want to know about adat". Interviewee 3, Noeria Siagian, the *demang*'s daughter, also remembered her father's attempt at restricting her choice of partner: whenever she received a letter from a young man he did not approve of, he told her "this one, you cannot marry".

⁹³ See Chapter 9, Section 9.5.

⁹⁴ Interviewee 9.

only in 1928, when two teachers, both of the Lumbantobing clan, wanted to get married. The prospective groom was Lodewijk Lumbantobing, son of the church elder and wealthy trader Salmon Lumbantobing, a graduate of a higher teacher-training college in the Netherlands, and founder as well as headmaster of the first private HIS in the region. His bride was Tiomin Lumbantobing, daughter of Demang Marinus and a graduate of the Christian teacher-training college in Solo. Their families gave their consent, being of the opinion that the couple was well matched because of their comparable high education.⁹⁵ But the elders of not only the lineages directly involved, but also of all other lineages descending from Raja Loemban Tobing (the common ancestor of the Lumbantobing clan seven generations before them), objected strongly to the marriage. They thought the marriage would be a very serious adat offence, because the common ancestor of the lineages of husband and wife had lived only four generations ago, and the ban on intermarriage had not been lifted between even the two first lineages descending from Raja Loemban Tobing. Two meetings were arranged, in February and September 1929, the last attended by over thirty representatives of the clan's lineages, including four kepala negeri. The kepala negeri of Huta Toruan, the area where the father of the bride came from, sent a letter to J.C. Vergouwen-who served as the official for the indigenous legal administration at the time—informing him of the unanimous vote against the intended *sumbang* marriage and requesting his opinion on the matter. He pointed out that the customary punishment was the ostracizing of the culprits and confiscation of all their property. He also referred to a previous case, in the marga Sitompul, that had been adjudicated by a government court which had imposed a prison sentence. The Batak press covered the Lumbantobing case in extenso for months, which demonstrates how high feelings ran.96

The regional administration, however, did nothing to intervene. In view of its commitment to preserve customary law—implying that the families should have been brought to justice—, this calls for an explanation.⁹⁷ A clue can be

⁹⁵ Information from Interviewee 2, who was a close relative of the groom.

⁹⁶ Vergouwen's file on the case (KITLV, Handschriftencollectie, H 1051, 80 II) contains the letter of the *kepala negeri* of Huta Toruan, dated 1-12-1929, addressed to him, the minutes of the two meetings, and a draft letter to the Resident with the request to mete out adat punishment in the case (it is not clear whether this letter was ever sent). The file also contains numerous newspaper clippings about the case.

⁹⁷ Vergouwen ([1933] 1964:160–2) discussed this case a few years later, as well as other cases, mentioning only that "regretfully [...] no particular attention is given (by the government) to the sporadic instances of unlawful transgression of the ban other than to wait and see what happens". He also remarked that the chiefs concerned "thought themselves to be without any of kind of authority if the local and provincial administrator had not given

found in the relationship between the government and the families involved. The father of the bride, Marinus Lumbantobing, was a *demang*, whereas the groom, Lodewijk Lumbantobing, was the salaried headmaster of the HIS in Dolok Sanggul, which he had founded in 1923 but which had been taken over by the government in 1927. The regional government thus faced an awkward dilemma over which side deserved its support: the conservative village rajas, elders and *kepala negeri*, or the men who represented the modern elite upon whom local administrators depended. An additional explanation may very well be that, in the eyes of the Dutch administrators, ignoring the ban on *marga* endogamy was not really a criminal offence.⁹⁸ The couple eventually married, their families trying to appease the opposition by slaughtering a water buffalo, the usual requirement for pacifying offended ancestors.⁹⁹

In fact, the Lumbantobing case had been preceded by another, generally similar case in the Lumbantobing clan, with the following difference. The young people in question, each a child of a Batak pastor, had fallen in love outside Tapanuli; and because the woman got pregnant, they were married in church. After that, the fathers decided that the couple should also marry according to adat as soon as possible, and asked the rajas of the relevant lineages to cooperate for the sake of the child, born in the meantime, who would otherwise be illegitimate in the eyes of the adat community. The rajas, taken by surprise, took part in the adat ceremony, accepting their share of the meat, but afterwards regretted this, because it had implied their consent to the *sumbang* marriage. When the Lodewijk Lumbantobing case presented itself, they were thus determined to demand the strict enforcement of the rule against marga endogamy. The pastors, on the other hand, were probably of the same opinion as the fathers of Lodewijk and his bride: if specific circumstances required it, one could or even should ignore the prohibition against marriage within the marga. Their children, probably because of their Western education,

his approval". It is unclear whether he had supported the request of the *kepala negeri* of Huta Toruan to punish the couple and their families or whether officials at higher levels, the Assistant Resident or Resident, had withheld their support.

⁹⁸ In an undated report (1930s?) written by an unknown official, the opinion was voiced that the government should refrain from issuing a binding rule on when an endogamous marriage could be permitted. It would only create confusion, and it was not advisable to give in to the wishes of young people outside the region, who had lost touch with the adat and did not feel the importance of the prohibition anymore (Huwelijken 1941).

⁹⁹ Information Interviewee 2. In 1925, the Siborongborong court (Toba Plateau) convicted two men and their fathers-in-law (*parboru*) because the men had married women of their own *marga* (Nababan). Each man and his father-in-law had to slaughter two water buffaloes and pay a fine of *f*200 to the *marga* elders (letter from Resident of Tapanuli to Governor General, 25-8-1926, KITLV, Adatrechtstichting H 1051, 87).

apparently had become estranged from the custom and did not feel an obligation to uphold it anymore.¹⁰⁰

The fact that a few interviewees remembered the Lodewijk-Tiomin Lumbantobing case almost sixty years later shows how controversial it had been. Several women also recalled endogamous marriages in other *marga*. Their disapproval resonated in their remarks on the misfortune that had befallen these couples after marriage, perceived as punishment by supernatural forces. They also pointed out that harsh social sanctions were imposed on such couples and their families.¹⁰¹

None of the interviewees contracted a marriage such as this. But one interviewee, Theodora Hutabarat, married "against the flow" with a relative of her stepmother's *marga*, which entailed the unlawful reversal of her family's status as bridetaker to that of bridegiver. Knowing that their union would not be acceptable for this reason, the couple eloped and married in church.¹⁰² Later on, their families agreed to confirm their union with some sort of adat ceremony, demonstrating their wish to legitimize the marriage. To what extent this was sufficient remains debatable, because the adat ceremony took place without the customary exchange of marriage payments.

Another objection voiced by interviewees was not of a customary, but a social nature. Men who were descendants of formerly enslaved families were not eligible partners, even if they were well educated and had a good position. Melva Hutabarat's father told her that it was out the question that she marry the young man she fancied, who was a schoolmate of hers at the Christian teachertraining college in Solo. His father was deemed a former peon, who had been

- This also comes to the fore in an article published in 1937 (Gaudenz Tertius, "Exogamie", *Siadji Panoetoeri* 1937: 170–2). The author, a young man from the *marga* Sitorus, advocated the lifting of the ban against marriage within the *marga*, regretting that the clan elders had forbidden him to marry the girl whom he once loved because she came from the same *marga*, although distantly related. Indignant, he added that no one objected to a consanguine marriage between full cross-cousins, who were much more closely related.
- 101 One interviewee said that the Lumbantobing couple had children who were "simpletons", projecting the risk of consanguine marriage to the case, although the couple was not so closely related. Interviewee 14 also remembered a *sumbang* marriage within her own *marga* (Hutabarat). Sanction: nobody took notice of the wife after she was widowed. Interviewee 29 mentioned the occurrence of a *sumbang* marriage in the Tampubolon *marga*. Sanction: no one came to ask for the couple's daughters in marriage. The expectation of punishment was also expressed by *Kepala Negeri* Hermanus, who took part in the deliberations of the Lumbantobing *marsumbang* case: he advised leaving the matter alone, saying that those involved would come to regret their step in the future.
- 102 Interviewee 28. Her husband belonged to the lineage of her father's deceased first wife. Moreover, he was genealogically an uncle; therefore, their marriage was a (minor) adat transgression.



ILLUSTRATION 100 Students at the Christian teacher-training college in Solo (1930s). SOURCE: TM, NO. 10000801

The Prestigious Christian Teacher Training College in Surakarta

100. This group of students looks very different from any of the other groups of schoolchildren in previous images. These students represented the *crème de la crème* of Christian youth in the archipelago. Apparently, more students were female than male. Interviewees 14, 24, and 27 graduated from this school, as did several of the interviewees' husbands.

employed as a houseboy (*tukang sapu*) by a missionary, who had paid for the education of his son. Melva bowed to her parents' decision, not wanting to consider marriage by elopement.¹⁰³ Porman Tobing also declined the proposal of healthcare provider (*mantra verpleger*), whom she met when working on the island of Samosir as a midwife, knowing that his father had been a bonded slave (*pesuruh*) because of gambling debts.¹⁰⁴ One can conclude from these stories, that men of slave descent (*hatoban*) who made a career in the Batak Mission did not have the same chance of marrying into raja families as they had in the first generation of converts.¹⁰⁵

It is noteworthy that nearly all interviewees were still very much against a marriage with someone of slave descent in 1985.¹⁰⁶ They stressed that parents of their generation still investigated the background of a suitor, and that if a man was of slave descent this would easily be found out. "You always know it", said one interviewee, while another referred to role of the grapevine serving as a source of information, where someone of slave-descent was referred to as "HB", short for *hatoban*. Several interviewees, feeling torn between traditional values and Christian norms, found it awkward to talk about the subject.

104 Interviewee 9. Because she did not want to hurt the man's feelings, she told him that she was not yet ready for marriage instead of stating the real reason for her rejection.

105 See Chapter 9, Section 9.5. A very remarkable exception was the marriage of Reverend Tyrannus of slave background, a veritable celebrity because of his outstanding preaching talent and therefore an icon of the Batak Mission. He married a daughter of an Angkola raja family in 1933. This caused uproar in the Christian congregations, because he had participated in the adat festivities on his wedding day, including traditional dance and had accepted a chalk sign on the forehead, both customs strictly forbidden by the Batak Mission. Considered "fallen" (unable to maintain his Christian sincerity of faith), he was dismissed (UEM, F/b 2,3 Ref. Tiemeyer 1934). In this respect, his case is similar to that of Kenan Hutabarat, described in Chapter 11, Section 2.

106 Out of twenty interviewees asked to rank such a marriage as desirable (1), acceptable (2), rather not/not desirable (3), or unacceptable/ strong objection (4), ten answered with unacceptable; three undesirable, two between undesirable but acceptable (2/3). Only three women considered the match acceptable. Two other women refused to answer the question. Two interviewees stated that families of slave descent had migrated from the region where they had lived in the past (Interviewees 6 and 30). Interviewee 27 mentioned that in the region of the East Coast there was a *marga* of runaway slaves, which used the *marga* name Simargalang (probably derived from the Malay word *gelang* = bracelet or arm chain, which refers to the bonded status of the ancestors of this *marga*).

¹⁰³ Melva, Interviewee 14, told him she could not marry him but that they could remain friends. Embittered, he retorted that he would look for a Javanese girl, as no Batak girl would want to marry him. This correlates with the remark of Nuria Pardede, Interviewee 21, that descendants of slaves (*hatoban*), even if successful, did not dare to propose to a Batak girl's family and tended to marry a woman from "somewhere else".

Interviewee Loy Anna expressed this as follows: "actually, all human beings are the same, but for us Batak there still is a 'sentiment'".¹⁰⁷

As mentioned above, parents also objected to marriages of their sons with non-Batak women. Not surprisingly they thus also rejected inter-ethnic marriage of a daughter. An example of this is the case of Halmahera Pospos, who was romantically involved with and actually wanted to marry a Javanese man; her parents vetoed the marriage. She did not press the matter.¹⁰⁸ Overall, however, parents seem to have had little reason to worry. The few young women who pursued a higher education outside the region usually stayed with relatives who kept an eye on them; and after they completed their studies, they returned to Tapanuli and started working in a place not far away from their parents. Parents had much less control over their sons, because they often remained longer in school and sometimes started their career far from their parental home. Of all the siblings of interviewees who married before 1942, four brothers of different families-all four graduates of a school for higher education in Java-married a non-Batak woman without prior consent of their parents,¹⁰⁹ whereas none of the interviewees or their sisters did. Whether there were Toba Batak girls marrying non-Batak men before World War II, is doubtful.¹¹⁰ None of the interviewees mentioned it as a problem, and the Batak press did not cover the subject.

Parents could also have misgivings about their daughter marrying someone from a different area of North Tapanuli. In-laws living far away could not be expected to attend all adat ceremonies held by the family.¹¹¹ For parents from Toba, the marriage of a son with a girl from Silindung was less desirable, because she might not be given a bridegift (*pauseang*), as was the custom in Toba.¹¹² For the parents of interviewees who married someone from another region, however, such objections were not sufficient to oppose the marriage.

^{107 &#}x27;Sebenarnya manusia sama, tetapi sama orang Batak masih ada perasaan' (Interviewee 16).

¹⁰⁸ Interviewee 25. She was eventually married off at the late age of twenty-nine with her consent.

¹⁰⁹ In one case, the young man gave notice to his parents of his marriage at the civil registry only by letter, which caused uproar in his family.

Only one interviewee (10), Marianna Nainggolan, married a non-Batak (an Indo-European) after ww 11 with the consent of her family, at the advanced age of thirty-two. Her mother and brothers (her father had already died) must have felt relieved that she finally got married. She had worked as a teacher before marriage to help her widowed mother pay for the education of her younger siblings. Moreover, inter-ethnic marriage was not new in her family: her mother came from West Sumatra.

¹¹¹ Information Interviewees 9, 13 and 15.

¹¹² Information Interviewee 7.

The main conclusions drawn from the above are two. The desirable traits of a prospective groom or bride shifted during the late colonial period, often reflecting a combination of traditional and altered interests of families and the desire of their children. The customary prohibition of marriage within the *marga* and the objection to marriage with a person of slave descent, on the other hand, proved less susceptible to change.

13.5 Were Daughters Educated to Fetch a High Brideprice?

Today, a girl who counts for something and brings several hundred guilders more in brideprice, must have a diploma from one of the higher schools, again a sign that the pursuit of advancement lacks all measure.¹¹³

The head of the Batak Mission, Ephorus Warneck, thought that parents gave their daughters a higher education because they expected that this would pay off later in the form of a high brideprice once she married. This idea, however, hinges on two assumptions: first, that the father took the initiative and made the decision to give his daughter a secondary education; and second, that the level of a daughter's education determined the amount of the brideprice. The information imparted by the women I interviewed shows that both these assumptions are, at least in part, not valid.

First, in the case of several interviewees it had not been their father who had taken the initiative, but a representative of the Batak Mission. Because the number of its girls' schools grew and medical services expanded, the Batak Mission was constantly in need of more female teachers, nurses, and midwives. The task of selecting suitable girls for training in these professions was entrusted to the German headmistresses of the girls' schools. This also included the selection of the candidates for the four-year teacher-training college in Padang Panjang, even though it was a government-operated school.¹¹⁴ It seems that besides a girl's intellectual capacity and her character, the German sisters also took the family background of girls in consideration, in particular to make

¹¹³ UEM, F/b 1,8, Letter Warneck 30-6-1928.

¹¹⁴ Six Interviewees (1, 6, 7, 9, 12, and 13) mentioned that the headmistress of the girls' school or another European employed by the Batak Mission had urged them to continue their education. It is noteworthy that none of the women mentioned their mother as the person who had stimulated them to continue their education. Interviewee 8 was even beaten by her mother because she wanted to go to school.

sure that their family could pay the school fees.¹¹⁵ Probably for this reason, many girls who went to the teacher-training course in Padang Panjang were daughters of civil servants with a raja family background and daughters of missionary personnel.¹¹⁶ In two remarkable cases, the interviewee forced her parents to let her continue her education. Knowing that her parents were poor and landless—her father was a tailor—skinny Elsyeria Simorangkir wanted desperately to become a teacher to earn a living and help her parents pay for the education of her younger siblings. Tiarasi Lumbantobing's father did not want her to go to the school for Bible women because of its doubtful reputation, as divorced women and widows attended the school. But he gave in after she had pointed out that she had sacrificed her dream of becoming a nurse in order to take care of her many younger siblings after their mother had died. She was twenty-four at the time.¹¹⁷

In contrast, fathers of interviewees who went to a Dutch vocational school or junior high school (MULO) had certainly made the choice for the school of their daughters consciously. But, in the matter of the second assumption mentioned above, it is not possible to establish whether they expected their daughters to fetch a comparatively high brideprice because of this investment.¹¹⁸ The interviewees did not refer to this motive of their father, only stating in general terms that "in the past" it sometimes had occurred that a marriage was called off because the father had asked too much, but that this had become rare because the couple might resort to elopement.¹¹⁹ About half of the interviewees said

¹¹⁵ In the first years after this school opened in 1918, no school fee was charged (information Interviewee 1, who became a student in the second year 1919). Later a fee of five guilders per month was charged (information Interviewee 13, student in 1931).

¹¹⁶ Karolina Siahaan (Interviewee 6) made this statement, which seems to have held some truth. Of the six interviewed graduates from this school, three came from raja families (descendant of a younger brother of Raja Pontas Lumbantobing; another the granddaughter of the *raja paidua* of Pangaloan; the third a daughter of a *kepala negeri* (Interviewees 1, 11, and 12). The fathers of two other interviewees (15 and 16) were civil servants. Only one interviewee (13) was the daughter of a (rich) farmer. Karolina told me that she had felt discriminated against because of her background (her father was a farmer and had a restaurant). The headmistress admitted her only to the two-year teacher-training course (*premieopleiding*).

¹¹⁷ She followed one of Elfriede Harder's Bible courses (*Freizeit*) after two midwives visited her who seemed to be in peace and had an air of merriness about them, qualities she found missing in herself. She remained unmarried.

¹¹⁸The only way to verify whether well-educated girls fetched a higher brideprice would be to
compare the brideprices paid for girls of the same family but with different levels of educa-
tion. However, interviewees very rarely knew how much the brideprice for sisters had been.

¹¹⁹ This confirms the growing incidence of this way of getting married, mentioned in Chapter 11.

that they did not know how much the brideprice given for them had been.¹²⁰ One may conclude from this that the brideprice had not been a matter of (serious) disagreement in the case of their marriages. The fact that most interviewees were well informed about other parental reasons for approval or objection to their marriage points in that direction, too. Several of them also stated that their families mainly looked at the education and job of a suitor, implying that that was considered more important than the ability of his family to pay a high brideprice.

The information given by interviewees who knew how much had been given, however, suggests that a high brideprice continued to be reserved only for daughters of raja families. Of the six interviewees who mentioned that the family of their husband had paid a brideprice of a thousand guilders or an equivalent value (cash plus cattle and gold), five belonged to prominent families: their grandfathers had been powerful rajas and their fathers held a position in the colonial bureaucracy.¹²¹ A high brideprice was paid for the above-mentioned Noeria Siagian and Intan Situmorang, although neither girl had finished her secondary education. A high brideprice was also given when Ramianelli and Tiambun Lumbantobing married, each coming from a prominent raja family, as well. Both were graduates of the teacher-training college in Padang Panjang. In contrast, the father of Frieda Hutapea, a graduate of the same school and first Batak headmistress of the Pearaja girls' school, received a considerably lower brideprice, four hundred guilders. The family of Melva Hutabarat, daughter of a well-known Methodist pastor in Batavia, who had a more advanced education than any of the four girls mentioned (Dutch teachertraining college in Solo) received a mere f250. In sum, educating a daughter definitely held the promise of obtaining a well-educated son-in-law,122 but

122 The following data about the level of education of 26 interviewees and their husbands illustrates this. Of the 13 interviewees who had a vocational education in the vernacular

¹²⁰ Whether they really did not know or were embarrassed talking about the subject, I have not been able to establish. Quite a few went to some length to explain why the custom was good: the payment of brideprice was not a sum to purchase a woman, but a token of appreciation for the bride and her family. It was also justified as a way to forestall easy divorce (Interviewees 6, 9, 12, 13, 14, 16, 19, 24, 31). These arguments are consistent with those of earlier sources (Chapter 7, Section 7.6).

¹²¹ Interviewees 1, 12, 17, 19, and 30. Ramianelli boru Tobing was of the descent line of Raja Pontas, Tiambun boru Tobing was the daughter of a *kepala negeri*. Lisma Hutagaol was the granddaughter of a raja *jaihutan*; her father worked at the government's tax office. Johanna Lumbantobing was the granddaughter of Raja Manalaut and daughter of the vice-director of the Narumonda HIS; and Intan Situmorang the granddaughter of Raja Babiat, bridegiver of Singamangara XII and daughter of his eldest son, who worked at the office of the Resident in Sibolga. She mentioned a high brideprice being given for her, but it is not clear whether the amount was comparable to that of the five other women.

there was no significant correlation between her level of education and the amount of the brideprice. The traditional status of her family and the financial capacity of the groom and his family were more decisive.

The declining circulation of money after the Wall Street crash in 1929 influenced the amount of brideprice as well. In the second half of the 1930s, this situation improved slightly, but from 1940 onwards it went downhill again. Five interviewees mentioned explicitly that the brideprice paid for them was not high, because cash was hard to come by in the period they got married, which was in the early 1940s or later, due to the outbreak of World War II, followed by the Japanese occupation and the struggle for independence. Their families could therefore not expect the families of their husband to pay much. Four of these interviewees, however, did not come from raja families.¹²³ The Japanese occupation also induced parents to arrange marriage as quickly as possible in order to forestall rape of their daughter by Japanese soldiers.¹²⁴ In these unfavourable circumstances, it is not surprising that parents were inclined to be content with whatever the groom's side could give. As one interviewee pointed out, it had not been so important how much her husband's family could pay, as long as the exchange of marriage payments had taken place, which made her marriage legal according to custom.¹²⁵

13.6 Fathers' and Daughters' Converging Interests

A prominent theme in early modern Indonesian literature emerging in the 1920s is the revolt of the young educated generation against arranged marriage

⁽teacher, nurse/midwife), ten married a man with a Dutch education, which was always valued higher even if the husband had only graduated from the HIS and had been fewer years in school than the interviewee (two cases, one of which was a marriage between cross-cousins). Of the other thirteen interviewees who had been to a Dutch vocational school (teacher, midwife) or to a general secondary school (MULO, HBS), all had married a man with a Dutch education. In ten cases, he had a significantly higher education than the interviewee had.

¹²³ Interviewees who mentioned this (apart from Frieda Hutapea, who married in 1942) were Interviewee 21 (Nuria Pardede, midwife, married in 1942, father farmer, inn keeper, brideprice: *f*₁₅0); Interviewee 22 (Intan Pasaribu, graduate teacher-training course two years, married in 1942, father headmaster primary school Mission, brideprice: *f*₅₀); Interviewee 26 (Sitti Anggur Tobing, MULO drop out, married in 1941, father civil servant public works, brideprice: *f*₂₀₀); Interviewee 27 (Tiamsah Siahaan, graduate Dutch teacher-training college, married in 1950, father overseer plantation Sumatra's East Coast, brideprice: no information).

¹²⁴ Interviewee 21 was married off for this reason.

¹²⁵ Interviewee 16.

and the longing for marriage based on romantic love.¹²⁶ This raises the following questions: was there indeed a discrepancy apparent between parents and the interviewees in their perceptions about the choice of spouse, and did it lead to agonizing negotiation between them?

The most salient outcome of the interviews on partner choice is how easily parents and daughters appear to have come to an agreement about the choice of a husband. As mentioned above, in only two cases did parents forbid their daughters outright to consider marrying the man of their own choice. In none of the other cases did the interviewees mention disagreement with their parents about their choice of partner. I suggest the following reasons for this.

First, some of the interviewees expected that their parents would arrange a marriage for them. Sitti Panggabean for example explicitly stated, "in the past there was no question of having a boyfriend. Parents made the choice".¹²⁷ Intan Situmorang knew she would be married off and she had accepted this unconditionally: she was already content that she had been able to persuade her father to continue her education. Moreover, she was pleased with the man chosen for her, as were a few other women. "Why should I have objected? He had a good education (and) was of a wealthy family. What more does one want?" said Lisma Hutagaol. In other cases, the interviewee was not particularly pleased with the choice her parents had made, but was resigned to it. Elsyeria Simorangkir, who conceded that she had been afraid to marry, submitted to the wish of her parents, who regarded the man who wanted to marry her as a decent and sympathetic person. Halmahera Pospos, who had been forbidden to marry the man she loved, years later just went along with her mother's advice when the latter asked her "please take this Tobing, will you?" Consensus was also reached relatively easily because parents sought the approval of their daughter prior to acceptance of a marriage proposal. In several cases, the daughter was given another year or longer to continue working before marriage, which they perhaps thought might help her to get used to the idea of marrying the preferred spouse.

Only three women married the man of their own choice. Two of them got married after a long period of long-distance courtship. Nuria Hutapea met

In 1921, the Balai Pustaka, the publishing house operated by the colonial government, published the first modern novel written by an Indonesian author. It is noteworthy that this novel, entitled *Azab dan sengsara* (Torment and misery), was written by a Batak from South Tapanuli, Merari Siregar. Teeuw (1979:54) wrote about this novel, "its theme is typical of a large part of pre-war Indonesian literature: the marriage partner forced upon young people by tradition, the conflict between generations, the struggle between adat (tradition) and the personal wishes and desires of young individuals".

^{127 &#}x27;Dulu mana ada pacar. Pilihan orang tua' (Interviewee 11).

her future husband at the wedding of her sister and corresponded with him for five years while he pursued his education at the academy for civil servants (MOSVIA) in Magelang. Sitti Simorangkir also corresponded with her future husband, Rondang Simanjuntak, whom she knew from the Sigompulon HIS, during the years she studied at the teacher-training college in Padang Panjang, while he attended the Dutch teacher-training college (HIK) in Solo. When their boyfriends proposed, the parents of the two women were pleased because of the prospective groom's educational credentials and job. Sitti's father, who was a stationmaster at the Deli railway company and earned a good salary, was even prepared to overlook that Rondang came from a humble family, his father being a farmer and tailor in an isolated village in Humbang.¹²⁸ The third interviewee, Tiambun Lumbantobing, like Sitti a graduate of the Padang Panjang teacher-training college, had met her husband at the school where both of them taught. When he proposed, her parents were even willing to cancel her engagement with the son of a business associate of her father. They considered her suitor, like the first two women's husbands a graduate of the HIK Solo, a better match for her. To appease her discarded fiancé and his family, they resorted to the typical Batak solution for a problem such as this, offering Tiambun's younger sister as her replacement. This proposal was accepted with good grace.¹²⁹ In sum, the choice of these three women did not lead to tension with their parents, who probably knew of the relationship between their daughter and her future husband before the latter proposed, and had already decided that he was an acceptable candidate.

It is possible that during their conversation with me the interviewees downplayed the occurrence of conflict and tension between them and their fathers about the choice of their spouse. There are several plausible reasons, however, why strong pressure to accept an arranged marriage did not surface as an issue.¹³⁰ Elite fathers no longer had any pressing reason to forge political alliances that could strengthen their own position versus enemy rajas, as their forebears had been forced to do. Gaining access to land or labour by way of marital alliance had become an obsolete goal as well, in particular for men who had

¹²⁸ Rondang's family was apparently also pleased with the match, because they cancelled their son's betrothal to his cross-cousin. His father had spent all his money on the education of Rondang, his eldest son, and perhaps for this reason, too, did not want to antagonize him.

¹²⁹ Interviewees 7, 12, and 12. Anna Loy Gultom, Interviewee 16, also corresponded for years with her future husband, but they were already considered compatible, being distant cross-cousins.

¹³⁰ Only one interviewee mentioned a case—that of her own mother, a raja daughter from Sipahutar—who had often run away from home, even after she had born several children. After she was rebuked for this by missionary O. Marcks, she stopped doing this.

moved away from their home village, found salaried employment, and raised their family elsewhere. This also contributed to the decline in the importance attached to marriage between direct cross-cousins, which had been tied up with these interests.¹³¹ Indebtedness as reason to marry off a daughter seems to have virtually disappeared.¹³² Opportunities for work in Sumatra's East Coast residency served as an alternative safety valve in times of economic hardship. There was probably also less need to receive a brideprice for a daughter in order to be able acquire a bride for a son, in particular for men who earned a salary.¹³³ In sum, these traditional considerations for arranging marriages came to play a less prominent role than in the past, implying that fathers also had less reason for forcing an arranged marriage upon a daughter. What was left was a desire to maintain old alliances, if this served the purpose of strengthening the high status of both families and if the daughter approved of the match.

In the late colonial period, fathers and daughters also had less reason to fall out because their goals came to converge. Fathers desired a son-in-law who possessed the attributes that held the best promise for the future of an advantageous alliance, as well as a secure life for their daughter: a good education and preferably a position in the service of the colonial state. Well-educated daughters also wished to marry a man who met these criteria. In contrast, marriage with a man who was not well educated and had no job was not a viable option for either daughter or father. If the selected candidate came from a wealthy or

- 131 It was also tied up with the interests of daughters in rural society, as they would be given a bridegift (*pauseang*). No less than half of the interviewees (13 out of 26), had received a *pauseang*, but this was probably because they came from better-off/raja families. None had worked the field herself; some still received part of the yield in kind or money in 1985; others left the usufruct to poor relatives in the village. One interviewee had sold the plot, because she received nothing from the yield. These findings indicate that the gift was not a very important source of livelihood for the interviewees and their families. Those who had not received a *pauseang* gave one of the following reasons: their parents were too poor; if they had possessed land it had gone to their brothers as part of their inheritance; or it was not the custom in Silindung. Interestingly, one interviewee said that her education was her *pauseang*.
- 132 Gambling debts, one of the causes for giving a daughter in marriage or giving her to her creditor as a "girl with a debt on her head" were not acknowledged as claimable by the government since the first Controllers were placed in the region (Letter Controleur van Silindoeng 3-11-1922; Controleur Hoogvlakte van Toba, 6-11-1922; Letter Gezaghebber Samosir 23-11-1922; Controleur Toba 17-2-1923; Letter Demang Silindoeng 16-11-1923, KITLV, Handschriftencollectie H 1051, 87).
- 133 For example, a *demang* earned *f*250 in the mid-1920s, whereas upon the marriage of his daughter he received a brideprice between two to four times that amount. This was still a substantial, but not a vitally important sum. The proportion between income and brideprice was probably not much different for other income groups.

raja family, who moreover belonged to an old bridetaking family, so much the better; but these considerations became of secondary importance. What made it easier also for fathers and daughter to come to an agreement was that they had ample choice of eligible men, as well-educated Toba Batak bachelors were in abundance. The common ground fathers and well-educated daughters had found also opened space for the latter to present their family with a man of their own choice who possessed the desirable qualities cited above. As long as he was a Toba Batak, not of slave descent, and traditional prohibitions were observed, he would be an acceptable match in the eyes of her parents.

There are two additional explanations for the minimal tension between fathers and their well-educated daughters. Most interviewees were already eighteen or older when they left school. This may have induced their parents to listen to their daughters when the question of their marriage arose.¹³⁴ Secondly, the fact that most interviewees, in contrast to their well-educated brothers, were not allowed much freedom to engage in a close relationship with someone of the opposite sex forestalled a strong mutual attachment. This also prevented tension with their parents, in particular their father, when the time came to decide who would be a suitable husband for her.¹³⁵ The few interviewees who worked and supported their younger siblings, and therefore remained single for a long time, seem to have enjoyed greater freedom.¹³⁶

Evidence of consensus is that all interviewees (except one, who eloped) married according to the most desirable procedure: negotiation on the marriage payments had been completed prior to marriage in church, which was followed by the adat ceremony. As mentioned above, this procedure was not followed in the case of some of their well-educated brothers. This finding also indicates that the trend towards marriage by elopement in the 1930s, discussed in Chapter 11, bypassed the elite, which was apparently still sufficiently wealthy to cover the expense of marriage payments.

Returning to the question of marriage for love, few well-educated women appear to have even dared hope for it. The majority of the interviewees knew and accepted that the choice of partner would depend on the approval of their father.

¹³⁴ Most of the interviewees married between age twenty and twenty-four (19); six were older than twenty-five (two even above thirty); and five married between seventeen and nineteen years of age.

¹³⁵ Only after Independence did having a boyfriend (*pacar*) became normal for Toba Batak girls. See the next chapter for the effect of this on the relationships within the family.

¹³⁶ Interviewees 10 and 29. Tinur Tampubolon, for example, who worked as a housemother of a school dormitory and married at the age of thirty-four, had no desire to get married, but eventually took pity on the man who had courted her for a long time.

CHAPTER 14

Conclusion: Toba Batak after All

Whatever else the Toba Batak may have had in mind as they imagined the future of their society in the colonial period, one thing is clear: they wanted to remain Batak. Maintaining their own society based on patrilineal kinship and exogamous marriage meant resisting the onslaught of the Batak Mission and colonial state on fundamental customs. But they also wanted to become part of the modern world. Their changing worldviews *vis à vis* those of these colonizing powers are situated in the context of the debates and discourse on Toba Batak marriage in the first section of this chapter.

They did not, however, remain the Batak they used to be. Conversion increased and being Christian became part of modern Toba Batak identity. This implied agreeing to abstain from traditional customs and to revise their customary laws, incorporating new practices, and—perhaps the most difficult internalizing new moral values and acting accordingly. They also had to adapt to colonial rule and everything that came with it. The transformation of traditional chiefdoms into a modern bureaucracy and increased access to economic resources within and outside the region created new opportunities, but also brought tension and conflict. These processes led to changes in the way Toba Batak reproduced their kinship system, and this affected women and men differently. The second section of this chapter looks at which traditional options for coping with life's vicissitudes and promoting their interests through and within marriage remained intact and which new options they began to use. Contestation of traditional Toba Batak customs continued after colonial rule ended.

The last section describes the most striking continuities and changes, and offers recommendations and questions for further research.

14.1 Evolving Multiple Modernities

During the colonial period (1861–1942), three parties shaped the discourse on kinship and marriage: the Toba Batak, the Batak Mission, and the colonial government. None of these three main players was monolithic. The dominant Toba Batak voices were, in chronological order: chiefs of clans—the rajas; then from 1900, representatives of the Christian elite—pastors and *guru* (teacher/ preachers); around 1920 Toba Batak bureaucrats, district chiefs, and Toba Batak ethnic-nationalists joined the debate, followed by Toba Batak women. For the Batak Mission, German missionaries were the dominant players, with, from the 1890s, a modest role reserved for German missionary sisters. The main colonial actors were always the officials of the regional administration, the Residents, Assistant Residents, and Controllers. Over time, higher officials in Batavia and the Netherlands were to play a more decisive role, joined by a distinct and increasingly influential voice from Dutch academia, particularly the Leiden-based adat-law school. Each segment of the three groups made a specific contribution to the debates on kinship and marriage, reflecting its own version of imagined modernity. Below, the evolution and interaction of these modernities are presented within the context of relevant contemporaneous developments.

In 1852, several Toba Batak rajas from the Silindung valley asked Dutch officials to mediate in internal conflicts. In so doing, they abandoned the policy of keeping foreigners at bay that had prevailed after the traumatic experience with the 1830 invasions of the Minangkabau Padri armies. These rajas may have been primarily motivated by a desire to strengthen their own position against enemies or senior rajas, but perhaps also by a wish to end the fighting and consequent suffering in their villages: future research could tell us more about this. It is clear, however, that they envisioned their society entering a new era, but only by seeking colonial mediation, not colonial rule. They were also definitely uninterested in following the example of their southern neighbours, the Mandailing and Angkola Batak, some of whom had abandoned their Batak beliefs and embraced Islam after 1830 while under Dutch rule.

Dutch Controllers on the fringe of the region did try to mediate, but to no avail. Further intervention was avoided as colonial policy in the 1850s favoured abstention, not imperial expansion. Reasons for intervention elsewhere were absent anyway: the Toba Batak region did not jeopardize colonial state's interests nor did it promise economic advantages. For the time being, the Toba Batak rajas in Silindung were left to sort out their differences on their own.

A decade later, these rajas reluctantly accepted Rheinische Missionsgesellschaft (RMG) missionaries in their midst, who made their first converts within two years. Whether the rajas anticipated this is difficult to say, but they soon learned that conversion shattered the hitherto unchallenged Batak worldview. They and their lineages dismissed the converts as no longer Batak but Dutch (*Wolanda*), ostracized them, forced them to leave their homes and villages, and confiscated their property. This reaction was not exceptional: it is common in societies where a religiously homogenous population is suddenly confronted with individual apostasy. Other reactions, however, were characteristic for Toba Batak, and related to its rule of *marga* exogamy. The converts' affines, bridegivers and bridetakers, imposed the only sanction they could: they broke off the marital alliances, demanding a refund in cash of all outstanding debts related to past and recent exchanges of marriage payments. The Batak Mission added to the converts' predicament by forbidding them to pay the brideprice, deepening the wedge between them and their affined pagan kin. This policy was soon withdrawn, however, because the Batak Mission did not want to alienate the Toba Batak clan chiefs, whose cooperation was instrumental in the process of conversion. They found a powerful ally in the person of Raja Pontas Lumbantobing, who became the visionary chief leading the Toba Batak on the path towards a new, Christian, future.

The Batak Mission's version of Christian modernity required the acceptance of routines that were introduced by nineteenth-century missionary societies everywhere. These included learning the Creed, baptism, Confirmation, attending the Sunday service, Christian marriage blessed by a missionary, and so forth. Inevitably, this clashed with the existing religion and spiritual leaders. In the Batak homeland, the Mission forbade the veneration of ancestors and managed to marginalize the *parbaringin* who officiated at rituals for the ancestors, the spirit mediums (sibaso) who communicated with the latter, and also traditional healers (datu). Moreover, the Batak Mission demanded not only that the individual convert break away from his/her religion, but also that they abstain from customs it considered incompatible with Christian values. The missionaries singled out the payment of brideprice as the most pernicious traditional custom, for ideological and practical reasons: in their view, it made women lesser human beings and led to many legal disputes, costing too much of the missionaries' time and energy in mediation. Between 1884 and 1886, they launched a frontal attack on the brideprice custom, demanding at several annual conferences that Christian rajas consent to its abolition.

From the Toba Batak chiefs' point of view, however, it was not just the abolition of the brideprice that was at stake, but all their crucial interests channelled through the exchange of marriage payments: the exchange was their most important mechanism in forging political alliances with other chiefs and allowed them, and the common man, to obtain access to vital economic resources and services. They therefore opposed the Batak Mission's proposal, at first by evasion, and then in 1886 by outright rejection. The rajas clearly felt that to leave the Batak faith by embracing Christianity was an option worth considering—but the customary way of concluding marriage was most definitely not. The Christian rajas in Silindung, however, were willing to make concessions to the Batak Mission's desire to adapt customary law to Christian values, accepting marriage by consent, the requirement of virginity at marriage, the criminalization of abduction of a bride, and so forth. On the other hand, the rajas involved in the drafting of what became known as the Christian Bylaws used their power to set the terms in the negotiation, which is reflected in the preservation of marriage with exchange of payments and many other customs and Batak legal concepts. The acceptance of the Christian By-laws by all Christian rajas in Silindung in 1886 took place at a very opportune moment: after the Dutch had defeated the armies of the Toba Batak priest-king, Singamangaraja XII, twice, in 1876 and 1883. They probably considered this good timing, thinking that regional Dutch officials would look favourably on their acceptance of these By-laws and select them, rather than pagan chiefs, for the newly created offices of *jaihutan* and *raja paidua*.

Acceptance was one thing, implementation another. The majority of rajas proved unwilling to uphold the Christian By-laws, which the colonial government endorsed in 1892. The Batak Mission's and colonial government's concept of the separation of church and state authority gave them this opportunity. The rajas in the sub-districts Toba Plateau and Toba in particular, who had kept their own faith, had no love for the Batak Mission, because it had assisted the colonial government in the campaigns against Singamangaraja XII, whom they had supported. They realized that in the new political constellation it was not in their interest to withhold cooperation from regional officials, but also that they could still oppose the Mission, because the colonial administration had left them—as representatives of the state's secular power—the authority to administer justice. They thus thwarted the implementation of the Christian By-laws. In their view, it was impossible to avoid becoming part of the colonial state; but this did not necessarily imply their support for the Christian cause or the Christian By-laws.

Meanwhile, the Dutch colonial regional government's priorities turned out to differ from those of the Batak Mission. The regional government wanted to pacify the region with minimal cost and promote law and order by settling the many disputes that had festered for decades. The government was not hostile to the Batak Mission, but Dutch officials on the spot were not prepared to go as far as to impose implementation of the Christian By-laws on unwilling chiefs. In fact, they could not, as the central colonial principle of religious neutrality did not permit them to do so. The government's priorities thus coincided nicely with the interests of the rajas, who wanted to hold on to their power as arbiters and judges, roles that had been the main pillar of their status in precolonial society. With its hold on the rajas lost, the Batak Mission had to adjust its dream of shaping a modern Christian society ruled by secular (Christian) rajas. They shifted gear, putting their faith for the future in the new Christian elite of their own making, the pastors and *guru*. This shift was encouraged by the accelerated pace of conversion after the conquest of Toba in the early 1880s, because the missionaries were too few to manage the growing number of congregations on their own. By 1900 the Christian elite had increased sufficiently in number to become visible as a distinct, well-organized, and influential group.

The Christian leaders who constituted that elite, however, were not necessarily inspired by the same vision as the Batak Mission. Those of common origin hoped to marry into traditional raja families, so availing themselves of the high status these bridegivers could bestow on them. The ambitious amongst them dreamed of shifting allegiance to the colonial government, which badly needed educated men to fill posts in the continuously expanding civil administration. As employees of the government, they received a significantly higher salary than the Batak Mission could afford, enjoyed a higher status, and wielded more power than a Batak pastor or *guru* did. This elite, with an often double foothold in the Christian community and traditional elite, also provided the first group of Toba Batak men who ventured outside the region in search of better prospects in the residency of the East Coast of Sumatra, where a modern plantation economy had emerged. For them, the Toba Batak homeland had become too small a world.

This first sense of being part of a larger whole coincided with the intensification of colonial rule after annexation of the last independent regions in the archipelago around 1900, the Dutch version of modern imperialism. The Ethical Policy made headway, aiming at the creation of a modern-oriented, Dutch-educated indigenous elite and a rise in the standards of living of the Indonesian masses within a Dutch-led modern economy. In the newly formed Residency of Tapanuli in 1906, the Toba Batak population found themselves promoted to subjects of the colonial state, obliged to pay taxes and deliver forced labour for the construction of the region's infrastructure. The jaihutan and raja paidua of traditional raja families were also thrown into the turmoil of this new government's administrative élan, which crystallized in the reorganization of the indigenous administration in 1912. Not a few rajas had to swallow the bitter pill of being passed over by the government for the newly created offices of salaried and transferable bureaucrats-the demang and assistant demang-favouring younger and better-educated Christian men. Some failed to achieve even the unsalaried office of sub-district head, kepala negeri, who were given, among other tasks, the still much-respected function of judge in the local colonial court.

In the course of the next decades, a split took place in the elite's mindset and strategies to preserve and enhance status. The more traditionally-minded rajas, mainly consisting of *kepala negeri*, bet on the preservation of their traditional status within the region. This expressed itself in a relentless scramble for this office until the end of colonial rule and a tendency to make the most of their function as judges, which included insistence on the application of traditional customary law.

By chance, the conservative stance of these rajas coincided with the strengthened control of the government over the legal system and the latter's stance on the future of customary law. After the idea of a unified system of law for Indonesians had been rejected in 1904, the government remained faithful until the end of the colonial period to the principle that legal security was served best by the preservation of customary law applied by indigenous judges (at least, but not exclusively, for regions last brought under colonial rule). In 1915, a new description of Toba Batak customary law by a high colonial official and Dutch legal expert (J.C. Kielstra) was introduced. This heralded the end of the Batak Mission's old project of conferring a Christianized customary law on the Toba Batak. Fifteen years later, another Dutch official, this time a graduate of the Leiden University's training in customary law (J.C. Vergouwen), recommended the preservation of the indigenous legal system consisting of higher and lower courts at the district and sub-districts levels and even revitalization of a village-based judicial council. He also recommended the retaining of Toba Batak customary law, albeit with some exceptions. His recommendations were accepted, leaving the Toba Batak judges comfortably assured of their position as judges. The fate of indigenous law in the Netherlands Indies might have easily taken a different turn if financial resources for the introduction of a uniform system of justice could have been made available in 1925-for indeed the vision within higher Dutch circles on its merits still diverged widely at the time. That eventually the Leiden adat-law school's lobby for its preservation prevailed is well known, but less so that it was the Toba Batak zest for litigation that triggered it.

Preservation of adat law and the Toba Batak indigenous legal system—which was in fact reformed in many ways—did not rule out change. Women, defined under customary law as legal minors, made their appearance as complainants and defendants—in other words, as legal subjects in their own right. Moreover, several disputes brought to court by women led to revisions of particular customary laws in their favour, thereby creating new case law, an outcome they had not intended as they had been defending their personal interests only and were not motivated by a feminist agenda. Well-educated Christian women, on the other hand, had such an agenda. In 1933, they sent a petition to the government advocating legal change in favour of women concerning polygamy and inheritance. They clearly had a different vision of what a just Toba Batak society should look like than the conservative *kepala negeri*.

In contrast to these traditionally-minded rajas, the progressive segment of the elite found inspiration for a new Toba Batak society in the world beyond Tapanuli. Its spokesman was the flamboyant Hezekiel Manullang, who founded the first independent Toba Batak movement, the Hatopan Kristen Batak (HKB), in 1918. He and his like-minded friends imagined a society in which the Toba Batak would have a greater say in its economic future and the affairs of the Church, and Toba women would be better equipped to contribute to the progress of Toba Batak people as a whole. To attain its first goal, the HKB successfully protested against the government's plans to copy the model of a capitalist plantation economy as existed in the adjacent region, the East Coast of Sumatra. Taking Christian identity of the Toba Batak for granted, but wary of the patronizing attitude of the German missionaries, the HKB demanded greater control over church assets and acknowledgment of aspects of Batak culture denounced by the Batak Mission. To empower women, more advanced education for girls was also part of their agenda.

Under pressure from the Toba Batak religious leadership, and worn down by lack of funding from Germany during and after World War I, the Batak Mission was forced to adjust its previously cherished vision of a closed pastoral Christian society under its firm control. Anxiously and grudgingly, but convinced of its necessity, the Mission transferred part of its authority to the Toba Batak pastors and teachers, leading to the establishment in 1930 of the first independent church in the archipelago, the Huria Kristen Batak Protestan (HKBP). Because Toba Batak Christian communities continued to grow outside Tapanuli, the HKBP started to build congregations there. Responding to the demand of the Toba Batak Christian leadership influenced by the HKB, it also expanded opportunities for girls' education in the 1920s, and after 1930 supported—in a miserly way—the spiritual movement of village women emerging from the grassroots in the 1930s and led by missionary sisters.

Although the Toba Batak rejected the incorporation of their region into a modern capitalist economy, men belonging to the new elite were aware of material progress, which they saw embodied in the administrative and educational sectors of the colonial state. They therefore sent their sons to schools in and outside the region that opened opportunities for white-collar employment. They also took advantage of the government's recent expansion of secondary and tertiary education. Nonetheless, they still sought to forge advantageous marital alliances, albeit by the new means of educating their daughters in order to attract well-educated Toba Batak young men as sons-in-law. On the other hand, they were not prepared to accept sons marrying non-Batak women. Their concept of Toba Batak modernity was thus a blend of modern economic

and traditional customary considerations—not surprisingly, modern when it involved their public role, while traditional when it touched upon family relations.

This summary of the interplay between Toba Batak evolving imagined modernities, on the one hand, and those of the Batak Mission and colonial state on the other, reveals that the Toba Batak were highly selective in their adaptation to changing circumstances. Their choices derived from, and were consistent with, their own vision of a desirable future, whatever that vision was at a given time. That vision could differ from those pursued by outside agents, but their direct interests were not necessarily in conflict with the concrete policies of the latter. Moreover, if the Toba Batak elite was of the opinion that these policies contravened its interests, its resistance was often successful.

This overview demonstrates clearly that the Toba Batak fiercely defended many of their customs and customary laws. The rajas turned down the proposal for abolition of the brideprice in the 1880s; they obstructed implementation of the Christian By-laws in the next decades; and the conservative-minded *kepala negeri* used the opportunity in 1915 to reverse those stipulations of the Christian By-laws that they did not like. They also resisted the government's proposals for the revision of particular customary laws in favour of women in the second half of the 1920s and in the 1930s—but since the rajas had become entirely dependent on the government for their positions, they consented to these revisions in the end. Whether they indeed implemented the new case law is another matter, impossible to establish for lack of a sufficient number of records on disputes. Meanwhile families continued to conclude marriage in the traditional way by exchange of marriage payments. The main difference with the past was that elite families came to value the personal assets of a prospective son-in-law over his family background.

Continuity thus seems to be the most consistent theme, as was first stated in the Introduction. But if we shift our perspective from the way the Toba Batak reproduced their kinship system to the effects of the Batak Mission and colonial government's policies on the options and entitlements of men and women, a different picture emerges.

14.2 Altered Gendered Options and Entitlements and the Fate of the Toba Batak Patrilineal System under Colonial Rule

In the Introduction, I posited that colonial regimes probably accommodate some kinship systems more easily than others and that in particular patrilineal and matrilineal societies may have been the target of outspoken civilizing missions intended to make them more congenial to the bilateral kinship system prevailing in colonizing states. In relation to Toba Batak society, that civilizing mission expressed itself most prominently in efforts to 'improve' the status of women and promote them, albeit only partially, as legal subjects in their own right. This study shows that the Batak Mission took the initiative and its policies proved more consistent than the ones of the colonial government, which prioritized another objective, legal security, over its civilizing mission. The outcome of their interaction with the Toba Batak was that laws, values, and practices related to patrilineal descent proved more tenacious than those pertaining to marital alliance. The resulting changes in options open to Toba Batak men and women, detailed below, demonstrate that these changes affected them in beneficial as well as detrimental ways. They also irreversibly altered the reproduction of the patrilineal kinship system.

For an understanding of change I summarize the main principles of the Toba Batak patrilineal kinship system first. Male offspring is required in order to maintain the relationship of humans with their ancestors over generations. Patrilineal descent also determines the prerogative of men to inherit and the premise that children belong to the *marga* of their father. The main principle regulating the Toba Batak's formation of marital alliances is marga exogamy: upon marriage, daughters leave the marga of their father and become a member of the lineage of their husband; marriage is generally patrilocal. The desire to strengthen or revive old alliances by new marriages was channelled through a preference for marriage between matrilateral close and distant cross-cousins. Severance of the tie between affined families was to be avoided: it was supported by the customs of the levirate and sororate, implying remarriage of widows and widowers with a close relative of the deceased spouse. To ensure the smooth formation of marital alliance and prevent its breakdown, women were constituted as legal minors: they were married off and denied the right to divorce.

The Toba Batak preserved the two main principles of their kinship system: patrilineal descent and its corollary, *marga* exogamy. They experienced no serious difficulties on these points. Despite the fact that in Germany and Holland a bilateral kinship system prevailed and a structural rule of exogamy was unknown, neither Batak Mission nor Dutch colonial administration ever directly challenged either principle. This does not mean that nothing changed. Outmigration, stimulated by a growing shortage of land and the attractions of the East Coast's plantation economy after 1900, did weaken ties between those *marga* members who continued living in the Toba Batak homeland and their patrikin who had settled elsewhere. But physical distance did not change men's sense of being irrevocably a member of their father's lineage throughout their

life. As for *marga* exogamy, the Batak Mission's and colonial administration's indifferent attitude led to some extent to its erosion. Violation of the exogamy rule had been a severe criminal offence in pre-colonial times, punishable by expulsion of the guilty couple and the imposition of fines on the heads of their families. The government did not intervene, however, when a few high-profile cases occurred in the late colonial period and the Batak Mission granted the couples a Christian wedding. Violation of the exogamy rule was thus *de facto* removed from the sphere of customary law, becoming subject only to social sanctions imposed by the Toba Batak adat community.

Whereas the main principles of the Toba Batak kinship system generally remained in force, many of the above-mentioned values, rules, and customs changed. The desire for male offspring—an offshoot of the patrilineal system created the most problematic issue for Toba Batak men and their wives in pre-Christian society: how to deal with the lack of male offspring. The Toba Batak belief that the soul cannot enter the abode of the lineage's ancestors without a son was responsible for this. The traditional solutions for couples who had no children or no son were bigamy of the husband or divorce by mutual consent. The Batak Mission ruled out these options. Bigamy was prohibited; and barrenness, as well as lack of male offspring, was rejected as grounds for divorce, policies the independent Batak Church (HKBP) reinforced after 1930. Some unfortunate Christian couples found consolation in the Christian belief that salvation is granted regardless of progeny. But others could not, partly because of the pressure on them by their families.¹ Christian men continued to resort to bigamy if there was no son. Church sanctions on them-and on their first wives if they had cooperated with their husband in finding a second wife were severe.

Because of the Batak Mission's uncompromising policies, the relationship between husband and wife in Christian marriages became fraught with anxiety and tension beyond that experienced by non-Christian couples. The lawsuits discussed in Chapter 12 demonstrate this. The colonial government promoted new jurisprudence protecting older first wives who had no son against repudiation and granting first Christian wives the right to divorce in the instance of the husband's bigamy. It is doubtful, however, that many first wives took advantage of these revisions of customary law. Most first wives, although probably unhappy with their husband's second marriage, refrained from bringing their troubles to court, trying their best to preserve their marriage at the cost of personal discomfort. Moreover, without support from their own kin and

¹ That not all Toba Batak Christians internalized the Christian perception on salvation has already been made clear in Julia Sarumpaet-Hutabarat's story narrated in the Introduction.

given the generally conservative attitude of the judges, divorce was hardly a viable—and always an unattractive—alternative for women and their family of origin. The influence of Christianity was thus very unsettling. On the positive side, modern healthcare provided by the Batak Mission after 1900 resulted in a decline in child mortality. Thus couples who had many children probably had a greater chance to see them reach adulthood than in the past, including one or more sons.²

The Toba Batak patrilineal system also rested on the premise that children belonged to the lineage of their father. Consequently a woman had no right of custody of her children in the event of divorce, even if she had not been guilty of causing the breakdown of the marriage. Neither the Batak Mission nor the colonial government ever questioned this state of affairs. Women thus continued to do their utmost to forestall repudiation if they had children, not wanting to be separated from them.³ In only two instances did the right to a child become an issue: when a married but deserted wife, or a widow not yet separated from her husband's patrikin, delivered a child born out of wedlock. According to Toba Batak customary law, the child belonged to the woman's husband or his patrikin, not to the biological father. Modern-minded Toba Batak and women who had given birth to an illegitimate child saw this customary law as a relic of the past best put aside, but the government reinforced the old customary law. This worked out to the disadvantage of these women, their new partners, and the child they had together.

The exclusive male right to inherit, on the other hand, was contested by the Batak Mission, but unsuccessfully. The missionaries regarded women's lack of inheritance rights as the deprivation of a daughter of her birthright and, in a more general sense, another reason for the subordinated position of women

² The 1930 census (Volkstelling 1935: 47–9) reports that 50.8% of the male and 46.1% of the female population were counted as children. The lower percentage for women was attributed to the fact that girls were considered adult at a younger age than boys were. Contributing to this was also that girls who married at a young age were registered as adult. These percentages indicate a very high natality, even compared to Java, which was confirmed by the government physician J.H. Maasland (consistent with the findings by Schreiber in 1911, see Chapter 3: Section 3.1.). Most interviewed women came from (very) large families. However, child mortality was still high: several mentioned that one or more of their siblings had died in childhood.

³ This is the most plausible reason for the very low percentage (0.55%) of divorcées in the district Bataklanden (Volkstelling 1935: 55. 61). Of all districts in Sumatra, that percentage was lower only on the island of Nias (0.38%), another patrilineal society. The highest percentage was found in matrilineal Minangkabau (8.98%), where in the case of divorce, a woman did not lose much: she would continue to stay in her ancestral home and the children would stay with their mother.

besides the payment of brideprice. They pushed for change in the mid-1880s. The only exception the rajas were willing to make, however—girls who had no brother were to receive a part of the inheritance of their father—never became a generally accepted norm. Lawsuits show that Batak judges allocated a bridegift to daughters only when they sued their father's heir if the father had left them nothing. The male prerogative to inherit was thus left intact.

Nonetheless, as argued in the third chapter of this study, one should look beyond inheritance rights. According to Toba Batak customary law, transfer of property was gender-specific. Sons were given land after their marriage and shared the inheritance, whereas daughters received a bridegift in the form of a gift of land at the time or after marriage: "the cloth that does not wear out". This gift was probably never bestowed universally on daughters in pre- and colonial times, but was reserved for those who came from families owning sufficient land. Moreover, an increasing shortage of land led to a decline in the custom, first in Silindung, and later in other parts of the Toba Batak homeland. This decline in the access of women to land belonging to their father's lineage was not balanced by an increase in their access to his inheritance.

Most pernicious, however, was the effect of the preservation of inheritance law on the welfare of widows. In pre-colonial times, widows were married off to a relative of their late husband, who would provide for them and their children using the deceased's inheritance for this purpose. The Batak Mission's prohibition on bigamy implicitly ruled out this possibility in the majority of cases, as married Christian men were forbidden to take the widow of a relative in levirate. The result was a significant increase in the number of widows who remained unmarried.⁴ Widows with grown-up sons came to enjoy a great measure of freedom, because sons often left them the usufruct and management of their father's inheritance. Widows who had no children or only daughters, on the other hand, were the victims, because a greedy heir might keep the entire inheritance to himself. The Batak Mission in cooperation with the Christian rajas tried to prevent this by incorporating the right of a widow and her daughters to sustenance in the Christian By-laws, but its later revisions did not include this provision. The social problem of destitute widows and their daughters, created by the Batak Mission's position on polygamy, was never

⁴ The census of 1930 reflected an exceptionally high percentage of widows in the Bataklanden: 16.19 % of the adult female population (this percentage was higher in only three districts on Sumatra, all in Aceh). The reporters assumed that because of the levirate the percentage should have been lower, clearly failing to recognize the impact of the prohibition on polygamy for Christians. Widowers made up only 3.78% of the adult male population (Volkstelling 1935, Deel IV: 54, 62).

solved, as is demonstrated by lawsuits and occasional articles appearing in Batak newspapers in the 1920s and 1930s.

Marital alliance formation—which in pre-colonial times had been firmly controlled by fathers and senior elders and supported by customary laws stipulating heavy fines on the breaking of a betrothal, abduction, and other ways of forcing a marriage upon parents—changed because of the Batak Mission's introduction of the Christian wedding and a combination of other policies. Over time, other reasons came into play as well. The Batak Mission introduced the Christian wedding as early as the second half of the 1860s. It never intended to replace customary marriage with Christian marriage, regarding the first as the equivalent of a civil, secular marriage in the West. Initially, the policy was to give a couple a blessing in church after the adat ceremony had taken place. The Batak Mission preferred this sequence because it could forestall the Christian ceremony's being defiled, as it unavoidably would be if the bridegiving and bridetaking parties disagreed about the marriage payments at the adat ceremony held afterwards.

By the end of the nineteenth century, cherishing the principle of marriage based on love, the Batak Mission amended its policy, allowing couples the option of elopement followed by the Christian blessing in those cases where the father of the bride or groom persisted in obstructing the marriage. The blessing was granted only if the girl had preserved her virginity, another principle dear to the Batak Mission. The new practice, known by the term mangalua, undermined the authority of the girl's father (parboru) to set his conditions regarding the brideprice. Parents therefore abhorred this new option open to young people, but they could not do much about it—and it gradually became a common, although not predominant, way of contracting marriage. For a young couple, the blessing of a church dignitary had the advantage of lending their union an aura of legitimacy and respectability that older customs of forcing marriage on parents lacked. The only setback was that if a Christian girl got pregnant-traditionally a condition she could make use of to coax her own and her lover's father into agreeing to their marriage-she could not hope for a wedding in church: she and her partner faced disciplinary sanctions imposed on them by the Christian congregation. The government, too, disapproved of mangalua, because these marriages were illegal according to customary law and could give rise to legal dispute. But it was powerless to counter the practice. It is important to note that the Batak Mission's support for marriage by elopement did not make customary marriage superfluous, but it did relegate it to second place. This would have been unthinkable in the past. The trend was aggravated by the 1929 economic crash and subsequent depression. Poor families began to put off holding customary weddings because they did not have the money needed for the brideprice and the fees they had to pay to the rajas serving in the colonial administration. In these cases, the couple eloped with parental consent.

The Christian wedding ceremony also fostered greater control by young people over their marriage, because of the obligatory exchange of marriage vows. If a girl objected to the marriage, she could say so at this moment. This probably served—as was no doubt intended by the Batak Mission—as a deterrent for parents to marry off a daughter against her will. The Mission's policy against child betrothal by stipulating the minimum age of marriage for girls and boys (sixteen and eighteen years, respectively) had the same purpose of allowing girls in particular the opportunity to make up their own mind. The Batak Mission also countered forced marriage by a regulation against the abduction of a girl, a policy followed by the colonial government, which criminalized the act in 1892. In the late colonial period, the courts occasionally meted out a prison sentence if the family of the girl decided to sue the abductor of their daughter. A girl could also turn to the court if she was put under pressure to marry the husband of her deceased sister.

Apart from this, the power of young men to influence their choice of wife probably remained largely unchanged. Sons had always enjoyed greater freedom in choosing their spouse than daughters. If parents pushed a son too hard to accept an arranged marriage, he could evade the marriage by leaving home. In the late colonial period, this became a more attractive option, because in the region of Sumatra's East Coast opportunities for work were abundant. The desire of men to marry a woman of their own choice was not really contested, except in the case of a few highly-educated young men who married a non-Batak woman, a decision deeply deplored by their parents and a hot issue in the Batak press in the 1920s.

The young generation's increasing control over partner choice was matched by the older generation's declining need for arranged marriages and a growing convergence of opinion between parents and children about what constituted a desirable match. The colonial government brought an end to internal warfare in the last quarter of the nineteenth century. Consequently chiefs of clans no longer had a need for forging political alliances for the purpose of strengthening their position versus their enemies. Instead, they started to seek affiliation with the new Christian elite of salaried *guru* (teacher/preachers) and pastors. From the 1910s, they preferred to attract Dutch-educated men who worked for the colonial government as sons-in-law. If the young man belonged to a raja family so much the better, but he need not be a member of a former bridetaking lineage—and even if he came from a commoner family he was acceptable because of his personal attributes. Parents also took care to seek the consent of their well-educated daughter before marrying her off, or agreed to her own choice if they considered the man she preferred a suitable match. Parents drew the line, however, when the candidate was known to be of slave descent.

The less prosperous among the village population also made use of changed conditions under colonial rule to adapt their marriage strategies. In the past, indebted men could avoid debt-bondage and slavery only by betrothing a daughter to their creditor, often a rich raja. An official investigation into slavery, conducted in Toba 1904, had still found many girls 'with a debt on their head' serving in the household of a creditor as *pro forma* daughter-in-law. This phenomenon no longer appears in later sources, very likely because poor men preferred to move out of the village and find salaried work outside North Tapanuli or migrate to Simalungun where they could find land to farm. Daughters of poor families were thus relieved of strong pressure to accept a marriage which put her in a position of a debt bonded slave and with someone to whom she did not feel in the least attracted.

The gradually diminishing economic importance of the marriage payments was another factor facilitating the greater say of young people about their marriage. Pastors and teachers in the service of the Batak Mission, and bureaucrats and civil servants working for the colonial government, earned a salary, whereas the unsalaried district heads received a variety of fees in cash and kind. Trade became a source of income for a growing group. Even peasants gained access to cash in the late colonial period, because they could increasingly market rice and other agricultural and handicraft products.⁵ The exchange of marriage payments thus lost most of its former function of providing access to vital economic resources. That it was nevertheless maintained is due to the value the Toba Batak continued to attach to its two traditional symbolic functions: legitimating a marriage according to adat, and sealing the alliance between the bridegiving and bridetaking clans.

Due to all these changes, many Toba Batak families became less interested than before in continuing old marital alliances. Marriage between crosscousins, the 'ideal' marriage from a traditional perspective, became less frequent. This has been attributed to the higher frequency of elopement and the growing distance between affined families when one side had moved out of the village. But the preference of parents and well-educated sons and daughters for a spouse better matched in terms of education also contributed to its decline. For peasant families who lived off the land, renewal of old marital

⁵ A study of the history of economic developments in colonial North Tapanuli might tell us more on this. But the improved infrastructure surely led to more opportunities for marketing these products.

alliances probably remained a preferred choice, because it ensured continued access to land they had cultivated in previous generations.

This summary of the effects of colonial rule and conversion to Christianity shows the main principles of the Toba Batak kinship system were preserved. At the same time, men and women found their options and entitlements at once enlarged and restricted. Ironically, the Batak Mission, although committed to its objective of creating a Christian Toba Batak society which treated women better, achieved the opposite on significant points, mainly as the consequence of its uncompromising policy on bigamy and its failure to alter customary inheritance law. The unintentional result was that the category of women who were already the most unfortunate—widows and married women who did not have a son—suffered most. The few efforts of the colonial government to ameliorate this by new legal provisions were probably not very effective, because they were not supported by the Toba Batak judiciary and the majority of the Toba Batak population still cherished traditional values.

I hope that I have demonstrated convincingly how a focus on customary law and the evolving balance of power between the indigenous elite and colonizing agents, combined with a gender perspective, can be useful for the study of colonial influence on patrilineal societies and their members. In my opinion, this approach can be particularly fruitful in bringing to the surface the different impact of colonization on men and women within the context of the prevailing kinship system. Of course the process and outcome differ in every colonized society. The Toba Batak case is probably exceptional, because during the first stage of colonization it was a missionary society that initiated the process of change, not other Western agents such as a trading company or colonial state. This was an advantage for the Toba Batak elite of rajas, because the Batak Mission lacked coercive power and so was forced to make concessions that left many customary rules underpinning the patrilineal system more or less intact. By the time the colonial government entered the region and started restructuring the traditional legal system, written Christian By-laws were already in place. Although the 1915 colonial government's set of regulations deviated from these By-laws, in at least several of its articles underlying Christian values were maintained. One crucial change the Batak Mission and Dutch administration stimulated was the elevation of women as legal subjects in their own right, in line with women's legal status in Germany and Holland. This same process may have taken place in other colonized patrilineal societies, where women were traditionally constituted as legal minors and many customs were similar to those of the Toba Batak.

The Toba Batak were probably also relatively fortunate in that they were never subjected to a harsh economic regime. That they were spared this lot in the nineteenth century can be attributed to their homeland's location in the Sumatran interior. As it was far removed from major ports and lacked roads providing easy access, the colonial government had little interest in integrating the region into its capitalist economy. In the twentieth century, this policy changed; but the Toba Batak successfully resisted. If they had not, the Toba Batak might not have been able to preserve so much of their social organization based on their patrilineal kinship system.

14.3 The Long Shadow of the Colonial Past

The literature on post-independence Toba Batak society is too vast to make a well-founded analysis of convergence and divergence between the colonial past and the following era regarding the themes covered in this study. This calls for new research. However, several tentative remarks can be made. The most striking continuities concern the relationship between adat and Christian marriage, the exchange of marriage gifts, control of the young generation over partner choice, and women's access to inheritance. The most obvious differences lay in the new contexts of these debates: the multi-ethnic composition of Indonesian urban society; the strengthening of Toba Batak identity rooted in adat; the legal and economic policies of the Indonesian government regarding marriage and use of land; and feminism.

The combination of adat and Christian marriage is still considered to be the most perfect by the Toba Batak community. Nevertheless, adat marriage has been pushed further into the background. This trend, already emerging in the 1930s, appears to have become more widespread during the turbulent 1940s, when irregular marital unions (*marbagas roharoha*) became more common. Young men in wartime disregarded their parents' wishes concerning their marriage. The instability of new currencies—the yen and later the rupiah—probably also played a role, making it difficult to amass the brideprice. The Batak Church (the HKBP), under Batak leadership since 1942, seems to have been unable to do much to maintain discipline.⁶ In the following decades, however, the HKBP reasserted its hold on the Christian community. This was expressed

⁶ A. Müller-Krüger, *Bericht über HKBP 1950*, UEM, F/h. The author mentioned as a high-profile case of bigamy the second marriage of the respected physician and nationalist leader Gerhard Lumbantobing who had married the sister of his wife with consent of the latter, probably because his first marriage had remained barren. In this case, the HKBP took a firm stand, refusing to send a representative to attend his state funeral in Tarutung, after he was shot in 1947.

inter alia in the reversal of the sequence of Christian marriage and adat marriage. The blessing in church came to take place prior to the adat ceremony, a development already visible by 1960 and attributed to the high costs of an adat marriage, particularly for urban Toba Batak.⁷ For this reason, the adat ceremony is sometimes postponed until long after the marriage is blessed by the church and registered at the civil registry.⁸ The increased frequency of elopement may have something to do with postponement of the adat marriage as well.⁹ Lately, the debate on adat marriage within the circle of the HKBP has taken a new turn. Not only is simplification of the ritual advocated, but also a Christianized ritual vocabulary, implying an attack on adat elders who emphasize the blessing of the ancestors at the adat ceremony (Pasaribu 2002).

The exchange of marriage payments also evolved in a direction already discernible during the colonial period. The emphasis on its symbolic function is most evident in the contribution from the bridegiving side, the *hulahula*. During the negotiation on marriage gifts, the number of woven cloths is discussed, a matter that was never an issue in the colonial period because the number of *ulos* to be given to the married couple and senior members of the bridetaking party was fixed.¹⁰ The large amounts of *ulos* given today probably symbolize the radius of the bridegiver's kin—and social network. The bridegift (*pauseang*) does not seem to figure anymore in the negotiations between urban-based

⁷ Hutauruk (1960: 24) described this as the normal procedure at the time. See also Adat dan Upacara 1977/8:73. Bovill (1986:145) confirms this for weddings among middle class Toba Batak in the early 1980s. I witnessed a wedding in Tarutung in 1985 that also followed this pattern.

⁸ The implementation of this new regulation implied that village chiefs (*kepala desa* and raja adat) are bypassed, while they know better than the sub-district head (*camat*) and pastor whether a young people from their village meets the requirements for marriage or whether there were impediments (Simangunsong and Mochtar 1987:25–6). This article also gives details about the various ways to conclude an adat marriage at the time.

⁹ Sherman (1987:871), comparing modes of effecting marriage for village men by age range in the 1980s, found that fewer marriages were arranged in the younger cohorts of men, who had more often resorted to elopement than the men of older cohorts.

¹⁰ A number of the interviewees mentioned this trend. Several among them were highly critical of this, regarding excessive amounts of *ulos* given, sometimes over a hundred, a waste, as most cloths were never worn and only sat in a cupboard. They favored the Chinese custom of giving an envelop with money. However, giving money is not in conformity with the type of goods a bridegiver can give according to custom: money has to flow from the bridetaker to the bridegiver, not the other way round. Whether this consideration has been used to reject the acceptance of money from the bridegiver's party, I cannot say.

families. Perhaps it still does in rural areas?¹¹ During these negotiations, the ritual term for the brideprice (*sinamot, tuhor ni boru*) is still maintained, *de facto* covering the contribution of the bridetaking side to the wedding party.

It is noteworthy that young Toba Batak women have become critical of the use of the term 'brideprice' (sinamot, tuhor ni boru), feeling uncomfortable with the idea of "being bought" (Manurung 2010), which reminds us of the similar view of nineteenth century missionaries. Whether the attitude of the young urban generation who feel alienated from Toba Batak adat will lead to a decline in the frequency of adat marriage in the future remains to be seen. It is very well possible that the young generation will continue the custom as they realize that only their adat marriage promotes them to full members of the adat community, giving them the right to speak in the family council, marry off their children in the customary way, and host other adat rituals. Moreover, as urban Toba Batak they may want to preserve adat marriage because it seems to be the most important occasion for emphasizing their Toba Batak identity versus other ethnic groups. The other major adat ritual, the exhumation and reburial of the remains of ancestors (mangongkal holiholi) in a tomb-the modern version of the sarcophagus, but no less impressive-may be less suitable for this purpose, because it usually takes place in the village of the marga's origin in Tapanuli.12

An area in which little change seems to have occurred is women's rights, despite post-independence debate on the subject. Sensitive issues emerging during the colonial period resurfaced immediately after independence in the debate on the new marriage law and the question of whether customary law should be codified.¹³ Women took an active part in this debate: in 1953, for example, the Tapanuli branch of the Christian women's organization Persatuan

13 This triggered the HKBP to make a compilation of Christian Toba Batak customary law in 1952, included as Appendix 1 in Hutauruk 1960. Hutauruk's very informative study

Two PhD theses from some time ago referring to the frequency of the *pauseang* gift in rural Tapanuli indicate that it varied locally (Lando 1979: 309; Rodenburg 1993:109–11, 209). Rodenburg suggests that fathers allocated whatever land they had to their sons, disregarding allocation to daughters when they married. According to Simangunsong and Mochtar (1987: 23–5), the gift depends on the type of marriage concluded: when a wedding is held according to the proper procedure, *pauseang* is given; in the case of elopement, not (as in the past).

¹² The revival of this ritual and the large monuments for lineage ancestors pose a problem for the Batak Church, discussed by Schreiner (1972, translation in Indonesian 1994) and in Toba Batak society (Sitompul, Simanjuntak and Lumbantobing 1973:21–2). Schreiner's book inspired Pasaribu (2002:8) to look critically into the relationship between adat and Christian marriage.

Wanita Kristen Indonesia (PWKI), chaired by Julia Sarumpaet-Hutabarat and affiliated with the Christian party Parkindo, sent a request to revise Toba Batak inheritance law to President Soekarno and high officials on the national and regional levels.¹⁴ Regional newspapers and other contemporary sources probably contain more information on this and other initiatives. After Suharto came to power officially, in 1967, the influence of women's organizations declined, including that of the PWKI,¹⁵ due to a crackdown on independent and partyaffiliated organizations. The apolitical so-called wives' organizations of the Suharto era shunned any politically sensitive gender issues.

This does not mean that there were no problems. Toba Batak women's usufruct of *marga* land in North Tapanuli has become the source of particularly acute conflicts between women on the one hand and agribusiness entrepreneurs, lineage chiefs, and bureaucrats on the other, recalling the Hatopan Kristen Batak's focus on land issues in the colonial period.¹⁶ In the domestic sphere, women appear not to have gained a greater say, as once predicted by Vergouwen in 1933. Rodenburg (1986:140) found that migrant husbands and fathers still played a predominant role in formal transactions about pawning land and borrowing money from a bank. On the other hand, enterprising women have found a new economic niche as interregional traders.¹⁷ Only in the 1990s, due to the influence of academic feminist studies elsewhere, did the interest in Toba Batak women's inheritance rights make a vigorous comeback.¹⁸

The Indonesian marriage law, finally accepted in 1974, has granted more extensive rights to women in the fields of inheritance and divorce than customary

followed up on this, focusing on the differences between the articles of the Dutch Civil Code (*Burgerlijk Wetboek*) and Toba Batak customary matrimonial law.

¹⁴ For the text of this request, see also Hutauruk (1960:80–3). The arguments for revision of inheritance law were as follows: (1) the status of Batak women in society was very low, of which lack of inheritance rights were an intolerable expression; (2) according to Christian belief women and men were equal; (3) the necessity to forestall a discrepancy between the imminent codification of customary law and the marriage law in the making.

¹⁵ Interviewee Melva Hutabarat mentioned in 1985 that the PWKI lost its hold on women due to the emergence of the wives' organizations. She criticized the lack of respect the younger generation of women paid to senior Toba Batak women who had fought for women's rights, such as Julia Sarumpaet-Hutabarat.

¹⁶ Rodenburg 1986: 133; Simbolon 1998. For a recent protest see "Ratusan inang-inang demo Kantor Pemerintahan Humbang Hasundutan", http://bersamatoba.com/tobasa/berita/ ratusan-inang-inang-demo-kantor-pemerintahan-humbang-hasundutan.html (website BersamaToba.com).

¹⁷ Sitompul, Simanjuntak and Lumbantobing (1973:21, 24); Panjaitan 1977.

¹⁸ Ihromi 1994; Sibarani and Simanjuntak 1996; Sahala 1996; Irianto 2003.

law. Relevant studies suggest, however, that generally women have refrained from making use of these rights, either because they are not informed about the law's contents or because they do not wish to jeopardize relationships with their male siblings and wider kin group. Moreover, the dominant public opinion of the Toba Batak community strongly disapproves of women exercising these rights (Bovill 1986: 151–6; Rodenburg 1993: 111). Customary law as applied in colonial courts has become a phenomenon of the past, but apparently the legal culture that supported it is very resilient. Moreover, the Indonesian state does not enforce the implementation of the marriage law. In the event of dispute, judges of the state courts are obliged to honour local customary law. The legacy of legal pluralism inherited by the Indonesian state thus continues to support gender-differentiated rights in Indonesian patrilineal societies to the detriment of women.

The traditional desire to raise a large family has remained characteristic of the Toba Batak community. It has thwarted efforts to curb population growth through the family planning program vigorously promoted since the 1970s by the Suharto administration.¹⁹ Available research also demonstrates that barrenness of a marriage or lack of male offspring is still experienced as a great problem.²⁰

The most striking new developments concern inter-ethnic marriage in urban areas. Although inter-ethnic marriage occurred very rarely until the end of the colonial period, it was a very controversial issue. This has changed significantly. Inter-ethnic marriage between Toba Batak men and women from other ethnic groups has become far more common, and it is no longer as

¹⁹ Tan and Soeradji 1986:92, 136. They found that the Batak had the largest number of children and desired the greatest number of children out of five ethnic groups (the other four were the Javanese, Sundanese, Minangkabau and Chinese). The researchers considered this in line with the importance placed by the Batak on family continuity as part of the patrilineal kinship. The author of *Adat dan Upacara* (1977/8:72) confirmed the desire for large offspring, adding that in the context of the family planning program, the principle of monogamy held by Christian Batak was a supporting factor.

²⁰ Tan and Soeradji (1985:109) found that the Batak were the only ethnic group out of four studied mentioning "not having children" as reason for divorce as important as other reasons. Adoption of a male child, closely related to and of the same *marga* as the husband, is suggested as the only way to continue the descent line in case of lack of male offspring (Siregar 1982; Sunarni 2004, Prilmon 2010). However, no information is available on the percentage of Toba Batak couples having no son who desired and have been able to realize such an adoption. If a girl is adopted, she usually does not belong to her adoptive father's *marga*.

controversial as in the colonial period.²¹ The Toba Batak community has found an ingenious mechanism to accommodate these formerly unpalatable marriages: ritual adoption of the non-Toba Batak bride by a bridegiving lineage of the groom.²² The legal provision of the state that husband and wife must adhere to the same faith also helps.²³ It correlates neatly with the Toba Batak precept that a woman follows her husband's religion upon marriage. The mutually reinforcing norms of the state and Toba Batak community probably encourage women from non-Christian families of other ethnic groups marrying a Toba Batak to convert to Christianity. Despite the social pressure, however, there are Toba Batak men and their non-Batak wives who choose to stay permanently outside the Toba Batak adat community.²⁴ How often this happens and for which reasons may throw new light on the vulnerability of the Toba Batak kinship system.

On the other hand, inter-ethnic marriage between Toba Batak women and non-Batak men appears to occur less frequently, because these marriages are not commensurate with the Toba Batak patrilineal system, as suggested by Bovill (1986:312–6).²⁵ She found that the preference of middle-class parents in Medan in the early 1980s for a daughter to marry a partner with valued personal attributes—highly-educated, Batak and Christian—on the whole similar to the expectations of elite parents in the late colonial period. But if the

24 Manurung (2010:74–5) presents a relevant case of a Toba Batak man and not-rituallyadopted Javanese wife. Because of this, her parents were denied the role of bridegiver (*parboru*) and treated as guests by the bridetaking party at the adat marriage ceremony.

25 Men are conceived of as belonging to a patrilineage throughout their life and Toba Batak families probably apply this rule to non-Batak men as well. A man leaving his family of origin and entering another is therefore almost inconceivable, which may explain why non-Batak men are rarely *diadatkan* when marrying a Toba Batak woman.

²¹ Bovill (1986:226) found that in the Toba Batak community in the city of Medan in the early 1980s, approximately 40% of the marriages of Toba Batak were with non-Toba Batak partners, by far the largest part between Toba Batak men and non-Toba Batak women.

²² Ritual adoption is called *diadatkan*. It can take place prior to or after the marriage has been concluded in church and before the civil registry. Bovill does not mention when it was first introduced and by whom.

²³ The 1974 marriage law does not prohibit inter-religious marriage explicitly, but its stipulation that marriage is religious in character has led to the interpretation that couples practicing different religions cannot conclude a civil marriage. Of influence has been in particular the ruling of the Indonesian Council of Muslim religious leaders (*Majelis Ulama Indonesia* / MUI) against inter-faith marriage in 1980 (Leng, Jones and Mohamad 2009:7–9). Today, couples who want to get married but prefer to practice their different individual religions, sometimes go abroad to marry, if they can afford this.

candidate preferred by the daughter was not a Batak and not a Christian, parents fiercely opposed the marriage, leading to mortifying conflict with their daughter.²⁶ Ritual adoption of the non-Batak boyfriend, apparently not an available solution, left the daughter with the choice of accepting the spouse chosen by her parents or elopement. Most daughters chose the first option; the few who chose the second were cut off from their family.²⁷ New research on this subject can inform us whether or not significant change has occurred on this point in the last three decades.

Toba Batak daughters have tried since 'time immemorial' to avoid an arranged marriage, as shown in the story of Si Boru Sorbajati and her sister Si Boru Deak Parujar, the rebellious daughters of the deity Batara Guru in the Toba Batak myth of origin. But they were still incorporated into the story of the creation of the Batak world and its people. Toba Batak girls during the colonial period who left their father's house to marry the man of their own choice could eventually return home after the parties had come to an agreement about the marriage payments. But whether today a Toba Batak daughter can be incorporated as a member of the Toba Batak adat community after she has married a non-Batak or a non-Christian man is a question for further research.²⁸

In the Introduction, I stated that Indonesians' lives are still influenced by traditional customs, customary law, and related norms and values in both happy and unhappy ways. I have demonstrated that the Toba Batak have adjusted their customs creatively and rationally in response to new circumstances since at least the mid-nineteenth century. On the other hand, it appears that their desire to preserve their kinship system dictates that certain boundaries are hardly negotiable. In view of the tenacity with which the older generation has resisted structural change over the past hundred and fifty years, it seems doubtful that room for negotiation will widen significantly. If so, it points to two tentative and saddening conclusions. First, preservation of the Toba Batak social organization based on patrilineal descent and exogamous marriage is possible

²⁶ Bovill (1980:238). This corroborates the views of my interviewees in 1985, who unanimously considered marriage with a Muslim partner the most deplorable choice, more so than with a Christian partner of another ethnicity.

²⁷ Blood being thicker than water, this could be a temporary affair; but if her relationship with her parents was restored, it was on a personal level and did not include incorporation in the adat community.

²⁸ That it happens occasionally is clear. For example, Interviewee 32 mentioned the case of her sister's second marriage with a Javanese man who was adopted by a bridetaking lineage of her family. His high-status position (he was a university professor) may have helped to make him eligible for adoption. However, this case does not prove that such adoption has become accepted as a general rule.

only when options, rights, and entitlements of men and women continue to be gender-differentiated. Second, daughters marrying a non-Batak probably have to face permanent exclusion from the adat community. For them this means a loss of social and psychological security as well as their Toba Batak ethnic identity. For the Toba Batak adat community it implies the loss of increasingly more female members, given that inter-ethnic and inter-faith marriages will probably continue to rise in the future. These assumptions await confirmation.

These insights are relevant for the study of other patrilineal societies, regardless of whether the patrilineal unit is an exogamous clan or endogamous caste.²⁹ Have other societies also shielded the basic principles of patrilineal descent in the colonial period against intervention by outside agents? Have their populations continued to do so after independence?³⁰ That members of these societies have preserved their kinship system and rituals by creative adaptation to a changing environment has been amply established by research over the past decades. But more attention could be paid to gender differentiation in rights and entitlements, and in mechanisms of inclusion and exclusion, when patrilineal communities interact with others not sharing the same kinship system, marriage customs, and values.

In Indonesia, the number of patrilineal societies is not large and these are mainly located in the eastern part of Indonesia, starting with Bali. In Africa on the other hand, many more patrilineal societies can be found with comparable kinship-related customs as the Toba Batak. These seem to have led to similar problems for men and women under the influence of Christianity and colonial and post-colonial regimes (see for a few relevant examples on legal issues Steinbrich 1991; Molokomme 1991; Baerends 1991; Höckner 2000; Phoofolo 2005, 2007a and b). Patrilineal caste-based societies are found predominantly in South Asia. Recently, interest in gender issues in patrilineal societies appears to have come to the fore, focusing on identity issues. See for example http://www.nomadit.co.uk/ easa/easa2010/panels.php5?PanelID=657.

³⁰ This is, for example, the case in patrilineal Bali. In 2010, the Council for Traditional Villages (*Majelis Desa Pakraman*) accepted revisions of customary law on conclusion of marriage, divorce, and inheritance, but these revisions leave men's prerogatives virtually intact and exclude members if they marry outside the Bali Hindu community, the majority *de facto* being women.

Appendix List of Interviewed Women

Data include surname and *marga* (clan) name, year of birth, date and place of interview (all in 1985, except interviewee 19), type of secondary school attended and the language of instruction at that school (in brackets the language taught as a subject).

	Name	Year of birth	Date Int.	Place Interview	Secondary education	Language of instruction
1	Ramianelli Lumbantobing	1905	9-4 10-4 22-4 2-5	Pansur na Pitu	Teacher-training college for girls, Padang-Panjang (4 years)	Malay (Dutch)
2	Phoebe Lumbantobing	1910	23-3	Medan	Training nurse and midwife, Medan (4 years)	Dutch
3	Nuriah Siagian	1911	25-3	Jakarta	Junior high school (MULO) Medan (3 years, dropped out after second grade)	Dutch
4	Tiomina M. Pasaribu	1912	9-5 19-5 13-5	Medan	Training nurse and midwife training, hospital, Balige (3 years)	Batak & Malay
5	Tiarasi Lumbantobing	1913	3-4	Tarutung	Bible school for women, Laguboti (6 months)	Batak
6	Karolina Siahaan	1913	4-4 13-4	Balige	Teacher-training course Balige, (2 years)	Batak & Malay
7	Nuria Hutapea	1915	2-4 6-3 25-3	Medan	School for domes- tic science, Medan (3 years, dropped out after second grade)	Dutch
8	Elsyeria Simorangkir	1916	11-4 3-5	Tarutung	Teacher-training course, Padang Sidempuan(2years)	Malay

	Name	Year of birth	Date Int.	Place Interview	Secondary education	Language of instruction
9	Porman Lumbantobing	1916	3-5 30-5	Tarutung	Training nurse and midwife training, hospital Tarutung	Batak & Malay
10	Marianian Nainggolan	1916	6-3 19-3 29-3 30-3	Medan	Teacher-training college for girls, Padang-Panjang	Malay (Dutch)
11	Sitti Omas Panggabean	1917	8-5	Medan	Teacher-training course Pearaja, (2 years)	Malay (Dutch)
12	Tiambun Lubantobing	1917	26-5 29-3 27-5	Medan	Teacher-training college for girls, Padang-Panjang	Malay (Dutch)
13	Frieda Hutapea	1917	7-3 15-3 22-3	Medan	Teacher-training college for girls, Padang-Panjang	Malay (Dutch)
14	Melva Hutabarat	1917	27-2 28-2 12-6	Medan	Christian teacher- training college (HIK), Solo (4 years)	Dutch
15	Siti Zubaida Simorangkir	1918	11-3 18-3 19-3	Medan	Teacher-training college for girls, Yogyakarta, Java (4 years)	Malay (Dutch)
16	Loy Anna Gultom	1918	15-4 24-4 6-5	Balige	Teacher-training college for girls, Padang-Panjang	Malay (Dutch)
17	Launi Hutagalung	1919	4-1	Jakarta	College for kinder- garten teachers, Batavia (4 years)	Dutch
18	Lisma Hutagaol	1920	30-5	Medan	Junior high school (MULO), Siantar (3 years, dropped out after second year)	Dutch

	Name	Year of birth	Date Int.	Place Interview	Secondary education	Language of instruction
19	Johanna W. Lumbantobing	1920	1984: 5-12 1985: 5-2 18-2	Jakarta	Junior high school (MULO), Tarutung (3 years)	Dutch
20	Frieda T. Simatupang	1921	5-3 12-3 27-3	Medan	College for kinder- garten teachers, Batavia	Dutch
21	Nuria Pardede	1921	23-4 24-4 5-6	Balige	Training nurse and midwife training, hospital, Balige (3 years)	Batak & Malay
22	Intan Pasaribu	1921	3-6	Tarutung	Teacher-training course, Laguboti (2 years)	Malay (Dutch)
23	Herlina Sinaga	1922	7-3 9-3 26-3	Medan	Teacher training course, Tarutung (2 years),	Malay (Dutch)
24	Erika Tambunan	1923	14-3 28-3	Medan	Christian-teacher training college (HIK), Solo (4 years)	Dutch
25	Halmahera Pospos	1923	23-5 27-5	Medan	High school (HBS), 5 years, dropped out after third year	Dutch
26	Sitti Anggur Lumbantobing	1923	25-4 27-4 31-5	Hutapea	Junior high school (MULO), Padang Sidempuan (dropped out after second year, added one year at school for domestic	Dutch
27	Tiamsah Siahaan	1924	17-5 18-5	Medan	science), Medan Christian teacher training college (нік), Solo	Dutch

	Name	Year of birth	Date Int.	Place Interview	Secondary education	Language of instruction
28	Teodora Hutabarat	1924	6-5 7-5 14-5	Medan	School for domes- tic science (<i>nij-</i> <i>verheidsschool</i>), Malang, 3 years	Dutch
29	Tinur Tampubolon	1924	12-5 22-5	Medan	School for female crafts incl. tailor- ing (<i>vakschool</i>), Medan (3 years)	Dutch
30	Intan Situmorang	1924	15-5 20-5	Medan	School for domes- tic science, Medan	Dutch
31	Perpetua Hutabarat	1924	1-4 4-4 15-4	Medan	School for domestic science, Medan	c Dutch
32	Anna Sanggul Gultom	1933	15-4 Ms. Gultom was not an interviewee according to the criteria used, because she did not finish her second- ary education prior to WW II. However, because she was so kind to have me as a guest at her house for six weeks, we often talked about my findings and she gave me additional background information on some of the other interviewed women which I have used. She came from a raja-family herself: her father had been a <i>demang</i> and her brother had been a protégé of Resident W.K.H. Ypes. He and other older brothers and sisters of Ms. Gultom were highly educated. One of them was Noeria Gultom, a well- known lay sister.			

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