

## CHAPTER NINE

### BECOMING A FAMILIAR OUTSIDER

#### Multi-sited and Multi-temporal Research in Plural Legal Contexts

*Keebet von Benda-Beckmann*

At the beginning of our research in West Sumatra in the mid-1970s, we visited a former member of the district council who had suffered severe brain damage from an accident. His wife introduced us: “Here are Franz and Keebet. They are from Switzerland and want to study *adat* (customary law). Franz is German and Keebet is Dutch.” “Dutch?,” he exclaimed, his face contorted, “I am afraid of the Dutch!” We had triggered his memory of the Indonesian War of Independence when he was active in the resistance. Never during my fieldwork would I feel so utterly out of place. I wanted to leave immediately, but his wife reassured me and said this was something of the past. This encounter made me realize that under the surface, the colonial past was still very much present no matter how many people would tell us that it was history and hardly played a role in their lives.

Feeling out of place as a Dutch researcher would keep me on edge and made me keenly aware of the inequalities that were a heritage of the Dutch colonial legal system. But my sense of being out of place was more complex than this. It meant in the first place working in a scientific field (anthropology of law) for which my Dutch legal education had not prepared me; second, having to operate in foreign languages (Swiss German, Indonesian, Minangkabau, Moluccan Malay); third, studying societies (West Sumatra, Ambon, Dutch Moluccans in the Netherlands) as an outsider – one with a particular Dutch colonial background (with a grandfather who had been an administrator in a Dutch sugar plantation, a mother who spent the first four years of her life there, and a father who had served in the Dutch army during the

Indonesian War, whose parents had helped to build up the medical faculty in Surabaya between 1946 and 1950). Yet at times I found myself unexpectedly in place. This occurred when my previous research on care and social security at one side of the transnational Moluccan community, on Ambon, provided the necessary trust at the other end of the same transnational community, in the Netherlands, to probe into the sensitive issue of old-age care among Dutch Moluccans.

## INTRODUCTION

This chapter offers a reflection on forty-five years of research that included work in Indonesia – West Sumatra and the East Indonesian Island of Ambon – which I shared with my late husband, Franz von Benda-Beckmann, and in the Netherlands among Moluccan migrants that I carried out with two Dutch-Moluccan researchers. Beginning as a total stranger – and with a Dutch colonial background – I slowly turned into a familiar outsider.<sup>1</sup> The central question of this chapter will be how this affected my study of the social working of law under conditions of legal pluralism. This involves two related sets of issues. One is that being “out of place” in my case means more than the general anthropological principle that as an outside observer one generates unique understanding in co-creation between the fieldworker and persons in the field.<sup>2</sup> The disciplinary move from law to anthropology at a time in which there was not a clear understanding of how to do this, contributed to my being out of place.<sup>3</sup> It also meant coming to terms with a colonial background, which put me on edge but also gave me a heightened sensitivity towards legal inequalities. With my Moluccan research in particular, I discovered that one can be at the same time out of place in one sense and in place in another sense. A first section discusses my multiple ways of being out of place – and in place.

A second, related set of issues concerns how over time our work evolved towards multi-sited and multi-temporal research. In West

<sup>1</sup> I am grateful for the thoughtful comments of Leisy Abrego, Mark Fathi Massoud, and Lynette J. Chua.

<sup>2</sup> See Bornemann and Hammoudi (2009); Dresch and James (2000, 2); Allen (2000).

<sup>3</sup> See the interviews in Halliday and Schmidt (2009) about the challenges and struggles in finding the appropriate research methods, and the changes in approach developed over the years of empirical studies on law. See Massoud (2016) and Nouwen (2014) for current research on law in fragile states.

Sumatra, the home of the Minangkabau, I began in 1974 with a study of village justice and state courts, a mildly multi-sited research. From 1984–5 we studied social security under conditions of legal pluralism in Hila, an Islamic community on the East Indonesian island of Ambon. This study became part of multi-sited and multi-temporal research, when it turned out to be crucial for research among Moluccan migrants in the Netherlands in the early 1990s. From 1999 onwards, our study in West Sumatra was both multi-sited and multi-temporal.<sup>4</sup> All encounters, serendipity, and the unexpected that I experienced over the years generated various ways and degrees of being an outsider. Becoming more familiar outsiders over time facilitated understanding of some of the epistemological conundrums of plural legal constellations.

Several points stand out. Over time I came to understand the profound difference between the binary mode of argumentation employed by judges in West Sumatra, and villagers' ways of thinking in terms of degree. Multi-sited and multi-temporal research in West Sumatra and among Moluccans also revealed the dynamic and capricious relationships between co-existing types of law.<sup>5</sup> Third, the search for appropriate terms to discuss social security on Ambon facilitated understanding of the graded Moluccan norms of obligation, and of notions of personhood. My research on the Moluccas later helped me appreciate intimate feelings of obligation and neglect that elderly Moluccans in the Netherlands shared with me, issues my Dutch-Moluccan co-researchers shied away from discussing with them. It also helped me understand the different interpretations of relationships within the transnational Moluccan communities.

## MULTIPLE WAYS OF BEING OUT OF PLACE

When Franz was asked to apply for a position as assistant professor in legal anthropology in Zürich, we discussed intensively what this would mean for the two of us and decided it would be a great adventure.

<sup>4</sup> Turner (2009, 38) argues that long-time or multi-temporal research opens the possibility of multi-sited research. See Howell and Talle (2012) for the effects on long-term field research among marginalized, peripheral communities that over time became fully entrenched in the modern world.

<sup>5</sup> A similar point was made by Howell and Talle (2012, 5). Forced to change from classical field research to multi-sited research, they could trace the capricious and fragmented dynamics of change and continuity by which some core values disappeared, others showed remarkable resilience, and yet others obtained new meaning.

We were thrilled when he got the job. Professor Lorenz Lüffler was developing a regional focus on Southeast Asia at the newly established institute for social anthropology at the University of Zürich. As Franz already had started to learn Dutch, Indonesia seemed ideal for fieldwork. Research in Malawi had acquainted him with societies with a matrilineal social organization and the Minangkabau of West Sumatra drew his special attention. They formed the world's largest ethnic group with a matrilineal social organization, were devout Muslims, had high levels of education, and were deeply entrenched in the Indonesian state and the world market. They seemed perfect to study the social working of law in a setting where people could draw on state law, customary law (called *adat* or *adat law*), and religious law.

This propelled me out of place right from the beginning of our life-long personal and academic collaboration that ended with Franz' premature death in 2013. I had just finished my law degree and had planned to go into social lawyering. For me, moving to Switzerland, also meant having to operate in two foreign languages, German and Swiss-German (*Züridütsch*). My Dutch law degree proved of little use, but I was hired as an assistant to the newly appointed professor in the Sociology of Law, Manfred Rehbinder, and began to think of doing PhD research myself. It took many discussions and as many bottles of wine to overcome my uncertainty as to whether I, as a trained lawyer, could carry out anthropological work on law.

I also felt out of place due to my colonial background. My mother was born in Semarang as a daughter of an administrator of a sugar plantation that could not cope with the colonial racism and inequalities and returned with the family to the Netherlands when she was four. Besides, my father had been recruited to serve in the Dutch army during the Indonesian War of Independence from 1947 to 1949. During that same time his parents helped build up the medical faculty at Surabaya. During my childhood I had heard so many negative stories about the Dutch Indies that Indonesia held little attraction for me; going there even felt inappropriate. In long discussions we explored how we could deal with my reluctance and eventually the advantages of going to Indonesia prevailed. I began to read anthropological studies of law, including the work of the Dutch Adat Law school of Cornelis van Vollenhoven and his students. Thus, within a relatively short period of time I mutated from a lawyer into a researcher studying the social working of law from an anthropological perspective.

My legal background helped me understand the Indonesian state legal system, which was still largely based on Dutch law. While lawyers accepted me as a legitimate participant in discussions, for many anthropologists I would remain a lawyer. At that time, most anthropologists considered law, understood exclusively as the law of the state, as something for lawyers to study.

Sitting between the two chairs of law and social sciences was sometimes uncomfortable, but far more often liberating, interesting, and exciting. In a way being out of place also felt like being in exactly the right place. I never regretted becoming a legal anthropologist, but a sense of being out of place has never left me completely.

#### MULTI-SITED RESEARCH IN WEST SUMATRA: DISPUTE MANAGEMENT AND PROPERTY RELATIONS

Our first field research was conducted in West Sumatra in 1974–5. It combined classical fieldwork within one village with research in three local courts, making it mildly multi-sited research. This section shows that the combination of observing court procedures, studying court files, and attending cases of dispute management in a village proved highly productive. It revealed that the meaning of *adat* rules in village settings differed from interpretations in court. Thus, parallel versions of *adat* law were in use: Those used by courts and other state institutions, and those developed within each of the village communities. Crucial for these differences were the distinctive modes of argumentation and evaluating evidence, that is, binary in court, and in terms of degree in villages. The village study also confirmed that staying sufficiently out of place enabled guaranteeing confidentiality. This was necessary to obtain the required trust to build up layers of insight in the complex plural legal constellation.

When preparing our research, we had been warned that fieldwork, especially on law, might be problematic in Indonesia. The political situation in Indonesia had become tense and in 1973, the Department of Inner Affairs put serious constraints on anthropological fieldwork. Before these rules had been issued, the governor of West Sumatra had invited the Dutch anthropologist Patrick de Josselin de Jong, an authority on Minangkabau kinship, to carry out research in West Sumatra. De Josselin de Jong refused to work under such constraints and aborted his research. The governor felt deeply embarrassed towards his guest. When we began our research almost a year later, the political

situation had relaxed. *Adat* law was an acceptable theme for obtaining a research permit and the only condition was a general monthly report. Officials were extremely cooperative and frequently mentioned how embarrassed they had been about the constraints, and how glad they were that new researchers were coming in. The local police officer visited us a couple of times. After a friendly chat about our research, he quickly turned to the more important fact that he, Franz, and the famous boxer Muhammad Ali were of the same age. No official required details or disclosing names or interfered with our research and this remained so throughout the decades of research we carried out in Indonesia.

We began fieldwork with three months in a small town, Bukittinggi, situated in the central highlands of West Sumatra that formed the core of Minangkabau territory. We took lessons in the local Minangkabau language, improved our skills in Indonesian (*Bahasa Indonesia*), and started research at the local court. Letters of recommendation from the Supreme Court (*Mahkamah Agung*) and the High Court in Padang opened all doors to local courts. The court registers gave us an idea of the kind of issues courts were dealing with. On that basis we selected the village Candung Kota Lawas (CKL), from where several major disputes had been submitted to the court. This allowed us to compare the ways that courts and village institutions dealt with disputes. A district functionary who lived in CKL, where he also was the head of its village *adat* council, found us a house where we stayed for eleven months. From there I frequented the local court in Bukittinggi, and made frequent trips to two other local courts in the core Minangkabau region. Franz focused on property and the socio-political organization of CKL.<sup>6</sup>

The house assigned to us stood on inherited property of a matrilineage. It was one of a cluster of houses in which sisters and cousins (Mo-Si-Daughters) lived with their nuclear family. This opened quite literally a window on the matrilineal and uxorilocal principles of Minangkabau social structure. In the 1970s, women with their husband and children lived as conjugal families, sometimes in a three-generation arrangement, in individual houses that were usually built on family

<sup>6</sup> Academic requirements for the acquirement of a PhD and a “*Habilitation*,” the prerequisite for becoming a full professor under the Swiss and German system, forced us to select different subjects: dispute management and property and social continuity. This allowed us to use our mutual data for our own work. The two books that came out of the study should be seen in conjunction (F. von Benda-Beckmann 1979; K. von Benda-Beckmann 1984).

property. As a result, sisters and female cousins frequently lived closely together, as was the case with our closest neighbors. As they would fetch water from the well next to our house, we spoke to them every day and could observe from close by the collaboration, avoidance, and tensions that come with living closely together.

The other result was that I, as a woman, became loosely associated with that sub-lineage, in the sense that I joined my neighbors for preparations of rituals such as weddings and funerals, thus learning the rules and obligations, and much more, connected with these events. We became more familiar outsiders but discovered that our neighbors treated us more as insiders than we had expected. In one of the last weeks of our stay I brought the conventional plate of rice that a guest brings to a wedding. This evoked a surprised reprimand. Because it was a wedding of a family member, I should not have brought rice. Thus, my association with this family in various ways gave me insights that I would not have obtained otherwise. However, it was not too close to impair relations with other villagers, the more so since Franz' affiliation as an in-married husband remained unclear.

Being outsiders had certain advantages. After it had become known that we were not potato experts as rumors had it, villagers accepted us as young scholars interested in Minangkabau *adat*. Many families had children pursuing an academic degree and had some idea of what anthropologists did. People wanted to make sure we would not write nonsense, for the books we would write would contribute to the knowledge of their children. A couple of *adat* officials took it upon themselves to instruct us. This happened during long, intensive evenings, for "a black cock flies at night," meaning that lineage heads, who traditionally wear black clothes, may discuss *adat* only at night.

Being outsiders also meant not belonging to one particular camp in the extremely contentious disputes about landed property. This worked well when it became known that we never disclosed names of interlocutors or shared confidential information with other people. Quite often people came to us explicitly to explain details of a certain dispute because they had noticed that their opponents had visited us, and they wanted to make sure we got the whole picture. To dig deeper, it was important to demonstrate how much we already knew, without disclosing its source. For this we benefitted from our work in court. From the court files we built up considerable knowledge of some of the most challenging and long-standing disputes. If someone was satisfied with the extent of our knowledge, he or she would share details that he initially had kept from us. Most people were appreciative of our

confidentiality. Only once, in the last weeks of our stay in CKL, did this end on a negative note. The head from a distinguished lineage wanted us to share tape recorded information. He argued that he was the only one for whom confidentiality did not apply because he actually was the *adat* head of the village. When we refused to comply, he ended the discussion, and we never talked to him again.

On the basis of the work in courts, attending sessions of the village *adat* council and the village council, discussions with the village mayor and sub-district head who also dealt with disputes, and through the numerous informal talks and observations, including those Franz had when mapping a section of the village land, we slowly began to understand the frames of thought, the semantics of *adat* concepts, the intimate connection between property relations and socio-political organization, and the intertwinement of *adat* and Islamic law and state law. Village procedures differed substantially from state court procedures based on Dutch colonial procedural law. The interpretation of *adat* as it was applied by the *adat* council often differed from the court's interpretation. However, I remained mystified by the differences in the way judges and villagers evaluated the evidence of witnesses and *adat* experts, for instance, concerning the most important question of who did and who did not belong to kin groups. With my legal background I could easily understand the courts' ways, but following the villagers' ways of arguing was a different matter. It was not until I was writing up my material back home, that I finally comprehended that courts employed a binary mode of arguing, while villagers argued in terms of degree. The discrepancy of the court's binary mode and the more graded mode of *adat* officials turned out to be at the root of what had been a most puzzling issue throughout my fieldwork.

Thus, in the process we moved from being a total stranger to becoming a familiar outsider with whom more and more intimate knowledge was shared on the assumption that we would not take sides and keep information confidential. This allowed us to develop, from different perspectives, layer after layer of insight into *adat*, its property regime, land conflicts, and modes of dispute management.

#### CLASSICAL FIELDWORK ON AMBON WITH A NON-CLASSICAL THEME

Much as we valued our research among the Minangkabau, we felt a strong urge to diversify our research on legal pluralism, lest our Minangkabau experience would become a template for all complex



legal orders (see, for example, Parkin 2009: 92). Thus, in 1984 we started fieldwork in the village of Hila on the East Indonesian island of Ambon (F. and K. von Benda-Beckmann 2007). This section discusses how our position of well-established academics, and as a family with small children affected our research, making it more into a classical village study than envisaged.

The theme of our research – local forms of social security – proved highly productive for studying legal pluralism, but it also posed several challenges. One was to develop it as an analytical tool for a universal issue rather than for the western welfare state only. Being there as a family clearly was beneficial for discussing care. However, finding the semantically adequate terms to discuss care and need was a challenge that made us feel out of place. Besides, state institutions used notions of deserving need that differed from *adat* and from local Islamic law, which made it even more complicated. Once we found the right approach of addressing these issues, we began to understand the graded notions of obligation in the provision of social security. At a much later stage, this also helped me to understand the Moluccans' relational conceptions of personhood.

Plans to go to the Moluccas began when Mohamad Ohorella, a law professor from Ujung Panjang (Makassar), invited Franz to join him to Tulehu, where he was a traditional village head. Franz found Ambon a great place to study a long history of the relationship between the state, religion, and *adat* under very different conditions from West Sumatra. Once again, my unease with Dutch colonial history made me hesitate. Ambon has a special position in Dutch colonial history. Situated in the middle of the spice islands, it had been incorporated into the Dutch colonial empire in the early seventeenth century when it became a hub in the international spice trade. Islam and Christianity had both arrived in the sixteenth century and half of the population had become Christian, the other half Muslim. The Dutch colonial army recruited a large proportion of its soldiers from Ambon and the surrounding islands. When the Netherlands finally turned over sovereignty to Indonesia in 1949, the Dutch government ordered the colonial army with their families to the Netherlands to protect them from lynching. It had hoped for an independent Moluccan state within an Indonesian Federation, but Indonesia chose to become a unified state. The soldiers and their families remained in the Netherlands, under difficult conditions.

Though reluctant to go to the Moluccas, I was eager to pursue an interest in care and social security that I had developed during my work at the Law Faculty of Erasmus University Rotterdam. It took some

arguing to convince Franz that this was also a promising theme for studying legal pluralism. At that time, social security was an unfamiliar theme for anthropologists, who regarded it exclusively characteristic of western welfare states. In our conception, the underlying issue of the arrangements that a society develops to care for those that cannot take care of themselves, addresses a universal problem. The concept that social security served as a suitable analytical tool for a complex legal plural constellation that includes the provision of care and support, but also involved long-term relations, expectations, rights, and obligations. In contrast to the more common concept of care, social security put more emphasis on the temporal and diachronic dimensions. Not only did many feel we had chosen the wrong topic, we were also warned that we would never get research permission for social security, because security was a highly sensitive issue in Indonesia. As it happened, we got our permission in due time.

Our starting position in Hila differed substantially from our first research in West Sumatra. Reasonably fluent in Indonesian, we could easily communicate with people who, except for some very old widows, were well-versed in Indonesian. We quickly picked up the local Malay dialect, *Malayu Ambon*. However, we did not properly learn the original Austronesian language, called *Bahasa Tanah*. Adults mostly spoke *Bahasa Tanah* among themselves, which was understood but not spoken by the children that used *Malayu Ambon*.

Another difference was that we came as a family and had to divide our time between research and the children. We taught them at home with materials from their Montessori school, but they also needed special attention because they missed their friends. "Why can we not live in two places, so that we can see our friends here and back home?" asked my eight-year-old son when he missed his friends in the Netherlands but understood that he soon would miss his friends in Ambon. They enjoyed the friendships they made but were also frequently frustrated because they could not understand others and could not express themselves properly. They felt most comfortable close to our house and disliked traveling to new places, where people would crowd around us and strangers would touch them. Therefore, we decided early on to stay as much in the village as possible, which made our research a classical village study.

Being in the field with children also was an unexpected asset. They brought us into contact with youngsters to whom we alone at our age and status would not have had easy access. On several occasions our children commented on things happening to their friends that were of

immediate relevance for our research. However stressful the combination of fieldwork and childcare was, living in a comfortable house owned by a Dutch-Moluccan ex-military man in the Netherlands, and lovingly taken care of by his brother and family, meant enormous support which made our life in the village also very enjoyable. We developed close relationships with the family, observed practices of care in our immediate surroundings, and had numerous talks during the evenings, when we gathered on the cool verandah.

A further implication of doing fieldwork as well-established scholars was that it generated some suspicion. Why would persons in such a position live in a village without running water or electricity? A handful of men, among them the village secretary, avoided us. But most people, in particular women, were more than willing to talk to us about care. In contrast to our research in West Sumatra, as a woman I often was the first person to be addressed in conversations. As in West Sumatra, our knowledge was often put to the test. For example, the head of a leading clan tested our language competence by asking us to translate an old Dutch document into Indonesian, without mentioning that he already had a translation. Satisfied that ours was correct he trusted us and shared many more highly interesting Dutch eighteenth-century documents that his family had kept in a large chest. By attending weddings, funerals, and other rituals, spending time in the state supported widows' shop, and talking to many different people, and observing how decisions were made to distribute *zakat fithra* at the end of the fasting month, we began to understand that the state entertained very different notions of deserving need than embodied in local Islamic norms and practices, or in Moluccan *adat*. We also came to understand the diversification developed to secure care and support. One day a young man explained jokingly that one needed five children: one in trade (to earn much money), one in the army or police (to protect against harassment), one in civil service (to offer access to state services), one in education (to secure access to education), and one to stay home for the care labor needed at old age.

Among the most intriguing problems was finding the appropriate terms for what we call care. Caring obligations proved to be graded: the further distanced kin relations are, the more care is subject to negotiation and reciprocity. Poverty is largely constituted by a lack of close relatives. But it took us much time to understand that for the closest relatives the term care, and its Indonesian equivalents *tolong* or *bantu* were semantically inadequate. People would respond with a blank look when we would ask if they would care for their husband, children, or

parents. Care in the sense of *tolong* or *bantu* was not something one did for one's closest relatives; it was something one did for others. Caring for one's closest relatives was something you did as-for-yourself. It took me years to realize that this was based on an extended or relational notion of personhood that includes the closest relatives.

## MULTI-SITED RESEARCH IN A TRANSNATIONAL MOLUCCAN COMMUNITY

An invitation from a research institute in Leiden to participate in a study of the emancipation of Dutch Moluccan women in 1990 drew me into research in the Netherlands. Intimately related to rights and obligations of care and support, the theme fitted well into my work on social security and legal pluralism. The research was conducted by a Moluccan sociologist, a Moluccan researcher with a background in Islamic studies, and me. This study put me in a paradoxical situation: I had a stronger sense of being out of place than my research in Indonesia. Yet my experience on the Moluccas made me in some respects more in place than my Moluccan co-researchers. This enabled me to reveal some contradictions in caring relations. Unexpectedly, together with my previous research this study turned into a multi-sited and multi-temporal study of the dynamics of changing notions of care in a transnational community (Glick-Schiller 2005).

Suspicion towards a Dutch researcher in a study paid for by the very government that had let them down so badly, put me out of place right at the beginning. A Moluccan organization probed my motives and attitude before accepting me, and made it very clear that I was an outsider and had to earn legitimacy in a way that had not been necessary in Indonesia. But there was another consequence of being an outsider that I had not anticipated. My co-researchers started out from different understandings than I had. Their background was in Dutch Moluccan society without first-hand experience in the Moluccas; mine was in Dutch dominant society, with considerable knowledge of Moluccan society in Indonesia, but not of Dutch Moluccan society. Initially this caused some tension. They wanted me to abide by what they considered taboo questions. Probing in problems of caring relations of the elderly was inappropriate and would hurt their feelings. As a compromise I promised to be very careful in approaching the issue and stop immediately if I sensed that a person did not want to talk about it.

In practice, most elderly people were rather eager to talk about it with me. But caring for the aged turned out to be an iconic element of

Dutch Moluccan identity. Having lived away from the Moluccas, first in the colonial army and subsequently in the Netherlands, and for a long time prohibited from traveling “back home,” they had created an ideal image of the Moluccas according to which “the whole community takes care of the needy.” This guided their care for their elderly in the Netherlands, which distinguished them from the Dutch majority that in their eyes all put their elderly into homes.

However, demographic change and the possibility to travel to the Moluccas challenged this ideal. During the early years in the Netherlands, there were few aging persons in need of care. By the 1990s, their number had increased, while at the same time ideas about child rearing had changed and more time was devoted to their education. Women in their forties and fifties who wanted to comply with obligations to parents and children alike came under considerable pressure, while some aging persons felt they did not get the support and care they felt entitled to. Besides, when from the 1980s on Dutch Moluccans began to travel to the Moluccas, they discovered that their relatives did not always receive the loving care they had expected. Care was often subject to contentious negotiations. It was a painful experience, difficult to accept in light of the ideals they had grown up with.

Since I knew the situation on Ambon firsthand, my experience made it easier to address these worries. Some clearly stuck to the idea that care for the needy elderly should be extended unconditionally. Generally, such care was indeed extended, and it was not unusual that a woman gave up her job to care for her elderly parents. Some suffered in silence when care did not live up to standard. Others confided to me that they would not mind living in a home, but that their children would feel ashamed if they did. One elderly lady expressed her relief to be able to discuss these matters with me; it was the first time she could share her feelings of discomfort and confusion. Younger Moluccans felt less stress. For them, adjustments to Dutch society and its more individualistic normative conceptions of care and support generated a sense of freedom the middle aged did not have. They managed to combine adherence to Moluccan norms for support with Dutch modes of deciding how and when this would be extended.

#### MULTI-SITED AND MULTI-TEMPORAL RESEARCH IN WEST SUMATRA: CONSTITUTIONAL REFORMS

The 1980s and 1990s kept us busy with our Moluccan research and a research project in Nepal, and we visited West Sumatra only on and

off. However, we felt an urge to do more substantial research and planned comparative research on social security. But when we visited West Sumatra in 1999, shortly after the demise of the Suharto regime, a unique opportunity presented itself to study at the level of village government the unfolding dynamics of the constitutional reforms that were to turn the highly centralized Indonesian state into a decentralized state. This coincided with our move to the newly established Max Planck Institute for Social Anthropology in Halle/Saale, Germany, that offered facilities for long-term research impossible for universities. This section shows how at that stage in our academic career multi-sited and multi-temporal research took shape.

The period of our first fieldwork happened to become a crucial point of reference for many Minangkabau in discussions about the renewed role *adat* and Islam were to play in local government. This unexpectedly made our research into a multi-temporal study that allowed us to observe and discuss epistemological shifts in the term *adat* that had occurred over the past decades. Moreover, our knowledge of the history of the region had deepened since our first fieldwork. Together, this generated insight into the capricious ways in which the relationship between normative orders of the state, *adat*, and Islam unfolded over a period of two centuries. Covering the whole province also revealed the surprisingly wide range of experimentation with decentralization policies (F. and K. von Benda-Beckmann 2013).

Between 1999 and 2009, we visited the region once or twice a year for up to a month. In collaboration with colleagues from Andalas University, we repeatedly interviewed village officials and members of village councils throughout West Sumatra. We also collected material from newspapers and the new communication media, and numerous draft regulations. Having been engaged with West Sumatra for decades had other advantages. Our counterpart from the 1970s, Dr. Narullah, was now one of the leading *adat* law scholars, heavily involved in *adat* politics, and introduced us to whomever we wanted to meet. We were always warmly welcomed when visiting our old neighbors/family in CKL and discussed the recent developments with leading persons in CKL whom we had known as youngsters in the 1970s.

During the end of the Suharto regime, public debate was dominated by the role of Islam in the mobilization of opposition against the regime. To the surprise of many, *adat* became a prime issue. Many had declared *adat* to belong to a distant past, no longer of relevance. That *adat* became such a driving force had two reasons. Village autonomy implied having to raise revenues from village-internal resources.

Villagers now dared to reclaim dispossessed land and *adat* law promised the best avenue for claiming back village land that had been expropriated – often illegally – in colonial times and under the Suharto regime. Decentralization also assigned decision-making power to village governments and the question arose what role *adat* was to play in it. Young urban elites generally considered *adat* backward, feudal, and undemocratic and rejected a role for *adat* and its leaders. Among the proponents, some envisaged a role for *adat* of precolonial and colonial times, but a remarkable number of people wanted to go back to the system of the 1970s, “when people still abided to *adat*.” However, their recollections differed from what our research of that period told us, namely that *adat* at that time was important, but *adat* leaders had little authority.

What is important for the purpose of this chapter is that our perspective on the 1970s had not gone through the filter of the 1980s and 1990s in the way it had for most Minangkabau people. We had visited the region occasionally during this period and knew from the literature about the changes in village government of the 1980s that had reduced the influence of *adat* on village government. This having been “out of place and time” allowed us to pitch our findings against the image of *adat* that especially young and educated Minangkabau held of a time before they were even born. We were struck by the resilience of *adat*, not as a preset and unchangeable set of customary law, but as a set of normative conceptions and regulations adapting to new political and social contexts. Core features had remained and could be mobilized again when the political context allowed this, but the form and embedding in government structures had changed.

The new interest in *adat* also happened at a time when more intensified interpretations of Islam had become dominant. These debates made us realize that the term *adat* for the young generation had undergone an epistemological shift, because it no longer included property relations. Thus, in their understanding *adat* had become obsolete because it no longer played a role in village government. With decentralization it regained its more inclusive meaning. That *adat* applied to landed property relations was undisputed. The most emotional discussions turned about the question whether village government should adopt *adat* or “western” notions of democracy, and old status differences embodied in *adat*.

Our multi-sited research revealed the surprising degrees of experimenting with modes of government and the striking variety in which *adat* and religion were incorporated into village government. The feelings of liberation and enthusiasm within which far more persons

than those directly engaged in village government participated, in the debates about local democracy and the possibilities that opened up for a freer life, were deeply impressive. This enthusiasm has largely disappeared, due to subsequent standardization and lacking fulfillment of promises made by the central government. One might cynically comment that nothing really has changed, but this obscures how much did change, albeit for a relatively short period.

## REFLECTIONS ON MY DUTCH COLONIAL BACKGROUND

One of the biggest surprises during our first stretch of fieldwork in West Sumatra was that nobody seemed to have a problem with me being Dutch. My unease seemed so much out of place that I wondered whether there was resentment at all about the colonial past. Of course, there was, but colonial violence was one of many violent episodes that included the Japanese occupation during World War II, the War of Independence of 1945–9, the civil war of 1956–7 in which Sumatra was threatened with secession, and the transition from Sukarno to Suharto in 1965 with the violent persecution of (assumed) communists.<sup>7</sup> In the mid-1970s the wounds of 1965 were still raw, and public discussion about these episodes was strictly prohibited; they could only be discussed in private. We never initiated such discussions but once we got more acquainted, it became clear that many still held reservations against the Dutch. Assuming we were Swiss or German, some might occasionally make a denigrating remark or a joke with a bitter undercurrent about colonial times. The event described at the beginning of this chapter was one of the very few occasions in which we saw how the memory of colonial violence caused distress.<sup>8</sup>

In my Moluccan research, my colonial background played a different role. The Netherlands was much more present than in West Sumatra, because of the large Moluccan community in the Netherlands with a colonial army background. In Hila, quite a few had close relatives in the Netherlands and visits by Dutch Moluccan relatives were frequent. This may have fed some of the suspicion in Hila that I mentioned previously. But overall, I encountered little resentment, and I felt less

<sup>7</sup> See, for Indonesia in general, van Reybrouck (2020).

<sup>8</sup> That there still was much resentment was confirmed in 1992, when President Suharto severed all development cooperation with the Netherlands because of the human rights conditionalities. Many young Indonesians were surprised at the widespread support from elderly Indonesians (Baehr 1997).



out of place here than in West Sumatra. Having research experience in Indonesia, being there with a family, and reasonably well-versed in Indonesian may have helped. As for my Moluccan research in the Netherlands, I had to earn legitimacy as a Dutch researcher, more than because of my personal colonial background. My research background in Hila accorded me some legitimacy and put me therefore more in place to study social security than my Moluccan co-researchers.

During our research on decentralization, we were accepted as senior academics with considerable knowledge of Minangkabau and its history. Besides, Indonesian historians and social scientists were now free to study the atrocities committed between the 1940s until the 1960s. Colonial injustices became important when illegally expropriated land was reclaimed and we engaged in these issues, without encountering much resentment.

## CONCLUSIONS

Over a period of forty years of research in Indonesia and the Netherlands my status changed from being a young total stranger to becoming an elderly familiar outsider. Time, language, career, family, and citizenship all had an impact on our research. I had feared that my colonial background might inhibit my research and a sense of unease never left me completely. However, it did not seem to form a constraint. One reason might have been that during our first bout of fieldwork, my husband was German and that we operated from Switzerland. More important, the violent colonial experience often seemed eclipsed by more recent violent episodes and only on very rare occasions did we get a sense of the personal scars it had left. Being Dutch was conducive to understanding the state legal system and offered easy access to historical documents.

Overall, people seemed to see us as slightly odd, but obviously interested and trustworthy persons, a sense that deepened with every return. The more we showed the extent of our knowledge, the more people were prepared to share further layers of knowledge. This deepened our understanding of the epistemological and normative complexity under which people lived. During the different times in our lifecycle, we were assigned different positions. In the early years in West Sumatra, we were treated, and positioned ourselves, as students. Later on, conducting fieldwork with a high university status evoked some suspicion, but being there with a young family, it seemed natural to us and to our Moluccan interlocutors, to discuss issues of care and

support. In our research on decentralization policies in West Sumatra we were seen as experienced and knowledgeable in certain ways, although not in many others. But we now could rely on old friends and colleagues that over time had risen to high positions in academia and government. Our long-time counterpart in particular, who had developed from a young university teacher into a prominent Minangkabau *adat* law expert, helped us with information, understanding, and contacts through his enormous network.

Serendipity played a role in several respects, though it was serendipity within specific enabling contexts. We knew De Josselin de Jong from Dutch academia. But it was pure serendipity that we began our research shortly after he had aborted his research, and that this facilitated our research in the 1970s. Serendipity was again favorable at the turn of the century when we were transitioning to the Max Planck Institute for Social Anthropology in Halle, Germany, that allowed us to do long-term research, when the Indonesian constitutional changes started. Besides, nobody could have predicted that the 1970s would be so vital for the construction of village government under decentralization.

Though unplanned, my research became multi-sited and multi-temporal. This facilitated the co-production of knowledge that a classical field study might not have generated. Having been literally out of place from West Sumatra during most of the 1980s and 1990s had an unexpected effect. We discussed our findings of the plural legal context of the 1970s and the role of *adat* leaders at that time, relatively unfiltered by the changes in village structure that followed soon after we left the field, by which local people perceived the 1970s. Of course, our image was filtered by our own memories and the academic work of analyzing and writing our findings (Howell and Talle 2012, 18). This confrontation proved productive when discussing the role *adat* and Islam might play in the new democratic village government. It also deepened our understanding of *adat*'s resilience and adaptability. *Adat* embodies, as Turner (2009, 43) formulated for remarkably similar changes among the Kayapo in Brazil, "a dynamically co-varying set of relations [and, I should add, norms] that assumes different forms at discrete moments in a diachronic process." Despite epistemological shifts in the notion of *adat*, the entailed ontology shows a remarkable continuity (cf. Howell 2012, 156).

The research in Ambon and in the Netherlands together amounted to multi-sited research that offered insights I would not have acquired with a study in one locality only. It is common knowledge that migrant communities over time adjust to the dominant normative order, and

that they usually form transnational communities (Glick-Schiller 2005). Less discussed are the implications of members operating under very different normative conditions concerning care and support on either end of the transnational relationships. Ambonese and Dutch Moluccans were not only subject to different state legal systems; they also entertained different conceptions of both *adat* and Islamic rules about care and support (F. von Benda-Beckmann 1988; K. von Benda-Beckmann 2015). Depending on their position within the transnational community, they operate from presumed common, yet in fact different, understandings of *adat*.

The study in the Netherlands also showed how productive research can be with researchers from different backgrounds, each in place and out of place in very different ways. My co-researchers were, to different degrees, insiders to the Moluccan community and were acutely aware of the sensitive issue of elderly care, a sensitivity I as an outsider lacked. But in relation to the Moluccas, they were more out of place than I was. Lacking detailed knowledge of the Moluccas, they did not fully understand how little the ideals about Moluccan culture matched the reality of Indonesian Moluccan society, and the extent to which this had affected the contentious claims and obligations for care and support among Moluccans in the Netherlands.

Finally, our research experiences fully demonstrated the vital importance of “being there” (Borneman and Hamoudi 2009, 19), not only to ask the right questions, but to capture the semantics of norms and the emotions that normative change engenders. This was particularly the case for sensitive issues such as disputes, decentralization, and care and support that have been the subjects of my research. The more familiar we became, the better we understood that people used normative conceptions of care and property in many ways, now referring to ideals, then to institutions, rules and regulations, or to socio-legal relationships, or even to socio-legal practices. It stimulated us to us develop a layered analytical approach to law that allows capturing legal complexity to its full extent (F. and K. von Benda-Beckmann 1994a). Becoming a familiar outsider also made us realize that intensive fieldwork at the beginning was highly conducive for providing the epistemological and normative understanding necessary to conduct fruitful interviews and evaluate other sources that were more appropriate research methods at a later stage. This was certainly one of the reasons for feeling less out of place with advancing time and age.

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