

SIL MUSEUM OF ANTHROPOLOGY

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William R. Merrifield
Museum Director

George L. Huttar
Academic Publications Coordinator

NOTES FROM INDOCHINA

**on ethnic
minority cultures**

edited by

Marilyn Gregerson

and

Dorothy Thomas

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NOTES ON RENGAO LAW

Marilyn Gregerson

Perhaps the supreme value in Rengao¹ culture is to be on good terms with one's fellow man. Whenever a law is broken, the most important part of solving the case is to reinstate friendly relations between the plaintiff and the defendant. When 'society' is offended, one must restore friendly relations with 'all of society', which usually means one's entire village. It is not so much some abstract sense of justice which must be placated, but rather the more immediate ruptures in personal ties that must be mended. This extends in a natural way to the need for restoring proper relationships with supernatural beings who might also have been offended.

1. LEGAL MACHINERY

Pokra. The Rengao have a formal institution which serves as a mechanism for reinstating friendly relations--it is called *pokra* 'to repair or make amends'. To make amends, the offender provides rice wine and an animal (water buffalo, cow, goat, pig or chicken) which he kills, prepares, and takes to the home of the offended party. There the two parties drink and eat together. The *pokra* ceremony symbolizes the fact that they are again on friendly terms and that animosity no longer exists between them.

Fines. Every offense must be satisfied by *pokra*, but the offense may also require that a fine be paid (*bōhruq*) to the offended party. If a person is required to pay a fine and does not have the wherewithal to do so, his bilateral relatives usually come to his aid.

Village Elders. Whenever an offense is committed, the parties usually make an attempt to work out a settlement, and then formally effect that settlement by the *pokra* ceremony. If, however, they cannot come to terms, they refer the case to the village elders. But if this course of action is taken, the defendant can expect to have to pay for his offense more heavily than if he had settled it 'out of court'

with the plaintiff. For one thing, he will not only have to pòkra the plaintiff but the village elders as well.

In a single village there are typically anywhere from three to seven men who serve as village elders; the villages with which we were most familiar had four in each village. A translation of the Rengao term for 'village elder' literally means 'old one'. They are only required, however, to be 'old' in the amount of wisdom they demonstrate. In actual years of age, an elder may be as young as 30 years old. Ideally, he is well-to-do; but Rengao say that since everyone is poor nowadays, this is no longer a requirement. Two other requirements are that an elder exhibit proper behavior and that he be easy to get along with. Should an elder become senile, he relinquishes his position, since capacity for sound judgment is the first requirement of the post. When a vacancy arises in the council of elders, the remaining elders choose a replacement.

Rengao law, like law everywhere, is constantly changing as culture changes. One informant said in discussing the functions of the village elders:

These elders know what the laws were from the olden days, so that now they can follow that precedent. If the laws are no longer right, however, they will discard them, or reform them so that they are in keeping with modern times. In every period of time, men of law have ruled somewhat differently. Of course, they never change the laws drastically; they must be in line with what previous elders have done.

The traditional power of the elders is unquestioned; informants say they have never heard of a case where the elders' verdict was not carried out. In case of a fine, the elders presumably keep in mind the total capabilities of the defendant with the aid of his bilateral relatives to pay that fine.

In only the most serious cases, such as those where traditional law requires capital punishment, do Rengao elders turn the culprit over to the Vietnamese government authorities.

Though the largest unit in the Rengao political system is the village, in legal cases between parties from two villages, the elders in the plaintiff's village are allowed to hand down the judgment against the defendant.

Trial by Ordeal. In the event that there is doubt about the identity of the culprit, several suspects may be asked to submit to a trial by ordeal. They are asked to go to the river and put their heads under the water. The one who brings his head up first is considered the culprit, for it is believed that a river spirit will bite the nose of the culprit if he keeps his head under water. Thus, anyone with a guilty conscience apparently feels rather nervous about staying in the water.

The Use of Songs in Social Control. In wrongdoing of any kind, the guilty party may be subjected to public ridicule through someone's singing about his bad behavior at a social gathering. The singer never names the offender, but sings of the wrongdoing in an indirect, stylized manner within his hearing. This kind of musical teasing is so humiliating that one person told me, "It makes you never again want to do anything bad enough to have someone sing about you."

2. LEGAL OFFENSES

Homicide. Informants say that in former times, if someone were murdered, his relatives would take the murderer and bury him alive beneath the body of the victim. And for this there would be no revenge carried out by the murderer's relatives, since they also acknowledged that justice had been done.

In more recent years, however, a murderer might more likely be handed over to French or Vietnamese authorities to be sent to prison.

Case 1: About 25 years ago, a rich man named Yón stole corn from the field of a poor widow named Hówet. Yón had not planted any corn himself. The deed was discovered by Hówet who said to him, "Why did you take my corn? Why didn't you ask me for it?" This made Yón so angry that when Hówet was working out in the field, he went out and killed

her with his machete. The village elders told the French government officials about it, and they arrested him and sent him to prison island. Yon was never heard from again.

In the following case a teen-ager killed one of his own relatives. Probably due to his age, he was not put to death or sent to prison, but was required to pokra his whole village.

Case 2: One day a young unmarried man named Khech, about 17 years old, saw his older sister's son, Yech, who was about 8 years old, up in a fruit tree picking the fruit and throwing it down. Though the tree was communal property, it made the older boy angry to see his nephew wasting the fruit, so he shot the boy. The village elders required Khech's family to provide a buffalo, a cow and a pig as well as rice wine for the whole village to eat and drink together to make things right again.

In another, quite involved, case, a Rengao killed an outsider:

Case 3: One day while the writer was teaching a literacy class of adult men in the school building of a Rengao resettlement village, the class was interrupted by the sound of weaponfire in the open area in front of the school. Gyong had just shot and killed a Vietnamese soldier who had caught and raped Gyong's wife while she was out working in her field. The Vietnamese soldier had been tied up by his superior but was in the act of escaping when Gyong shot him. No punishment was leveled against Gyong either by his own village or by the Vietnamese authorities.

Accidental Homicide. If a Rengao kills another person by accident, he must pay a fine as well as whatever is specified for the pokra ceremony.

Case 4: Yõi and Plun were two young men who lived in the same house. Plun was the husband of Yõi's cousin. One day while they were out hunting together, they separated at one point, going off in different directions. Yõi thought he heard a deer move in the bushes, so he shot into the thicket. His shot struck Plun in the head and killed him. Yõi, afraid to admit what he had done, ran back to the village and said that the Viet Cong had killed Plun. Plun's parents lived in another village, but when they arrived, they pointed out that there were no Viet Cong in the area. Finally, Yõi broke down and confessed that he had accidentally shot Plun. His family had to pōkra four cows for a feast for both villages as well as provide the coffin, equivalent cash of nearly \$1,000 US, and a large cow for the family of the victim. Yõi's older brother was well-to-do, and he was able to help Yõi put together the wealth needed to pay the fine and pōkra.

Theft. Rengao say that when a person steals, he must return four times as much as he stole. Great distinction is made between a person who steals a single time and an habitual thief.

A single theft offense can be taken care of by returning the equivalent of the item stolen, plus three more of the same item, plus whatever is needed for the pōkra ceremony.

Case 5: In September, 1969, four young men from Plei Rōwāk shot a cow belonging to Hyuq of Plei Jōdrōp. After shooting the animal, they took it home and ate it. Then the four village elders from Plei Jōdrōp, along with 30 other men from that village, marched over to Plei Rōwāk to get compensation. When they arrived at Plei Rōwāk, they asked the four Plei Rōwāk elders and the four young men who had shot and stolen the cow to come up into the Plei Rōwak communal house. The Plei Jōdrōp elders then asked the Plei Rōwak elders to tell

them the names of the ones who had stolen the cow. The Plei Rôwăk elders told them who they were. The Plei Jôdrôp elders said that the guilty ones would have to pay back one cow to replace the stolen cow and that in addition they would fine them three more large cows. In final settlement of the case, they would have to pôkra a large pig as well. The Jôdrôp elders said they would take the four cows with them that very day and would return the following day for the pôkra feast. The Plei Jôdrôp elders went home to their village that night with the four cows and returned the next day to feast on the pig and drink wine with the villagers in Plei Rôwăk. Good relations were thus re-established between the two villages.

Habitual thievery is a much more serious crime than a single isolated act and is customarily dealt with in a more drastic way.

Case 6: One young unmarried man named Hliam kept stealing chickens, so the elders of the village took him and tied him to the corner post of the communal house for two days until he promised never to steal again. After that he stole four valuable kettles, and still later he stole a motorcycle from a Vietnamese man. One day he was out at Plei Krong visiting, and the elders went to the American captain at the military post there and asked him to arrest Hliam for them. The captain had some men apprehend him and tie him up. He was then delivered to the district chief, who put him in jail where he remained for years.

Sexual Offenses. If a man discovers that his wife has committed adultery, he calls the whole village out in front of the communal house and accuses her lover. The interloper has to pay the husband the equivalent of about \$250 US and provide a very large pig for the whole village to eat. One

informant told me that he knew of three or four cases and that in each case the defendant had to pay the same amount.

If a girl gets pregnant before she is married, she must provide a pig, her boyfriend must provide a pig, and together they must provide a goat.² Then their two families and the village elders eat the meat of the three animals together. If the man does not want to marry her, he must, in addition, pay her the equivalent of about \$85 US.

Property Damages.

Case 7: Two men went out hunting one night with a flashlight. They saw eyes and thought they were those of a deer, so they shot it. Unfortunately, it turned out to be another villager's water buffalo. These inept hunters had to give the owner a small buffalo and pōkra a pig to eat with him.

Every year there are many cases of livestock getting into fields and eating the rice. If the one who made the field has not fenced it, he can expect no compensation. If he has put up a fence and livestock get in anyway, the owner of the animal must pay him rice or money, and provide a chicken and wine for the families of the parties involved as well as the village elders, to eat and drink after the case is settled. If the animal only destroys a small amount of rice, it is unnecessary to go to the elders; the two families can settle it themselves.

Physical Injury. If a person is cutting brush and accidentally cuts the leg of someone working near him, he must provide chicken and rice wine for the pōkra ceremony. This holds true even if the injured party is his own relative.

If two children are fighting and one injures the other so that he bleeds, the family of the child responsible for the injury must provide a chicken and take it to the injured party's house, where they eat the chicken and drink wine to restore proper relations.

If a domestic animal, such as a water buffalo, gores

someone or injures him in some way, his owner must pōkra a chicken and wine to the injured person. The same holds true for the owner of a dog who bites someone.

Case 8: A young man was bitten by another villager's dog. The latter gave him the equivalent of about \$4.00 US for his rather minor medical expenses and provided a chicken and wine to make amends.

Abusive Treatment. If a person uses vulgar and abusive language in anger against another person, he must restore friendly relations by taking a chicken and wine to the offended party's house for the pōkra ceremony.

If a person strikes a child, even though he may be the parent of that child, then he must pōkra the child chicken and wine. Striking a child is thought to cause the spirit of a child to leave his body, which could, in turn, cause his death. The pōkra ceremony apparently restores proper relations with the child's spirit so the child suffers no ill effects.

If anyone urinates on someone else, he or his parents must pōkra that person wine and a chicken.³

Disrespect to Rice. Rice is the main staple and is virtually sacred in its importance. In traditional Rengao animism, the most important spirit, Yang Hri, was the spirit of the rice. A person who does not show proper reverence for rice has offended others and must restore proper relations with them. If a person takes a pot of cooked rice and throws it down, for example, breaking the pot, then he must pōkra a pig to the whole village if it happens outside of his house. If it happens inside his own house, he must pōkra the members of his extended family who live in that house.

There are other acts of wrongdoing, such as sorcery, which, though condemned, are not prosecuted under Rengao law because of the difficulty of determining guilt.

NOTES

¹The Rengao are a group of between 10,000 and 15,000 people who live in Kontum Province, Vietnam. They speak a language of the Mon-Khmer family, North Bahnarië sub-grouping. Their subsistence is based on the cultivation of rice in swiddens. Descent is bilateral and residence ambilocal (a married couple alternates residence approximately every two years, first living with the wife's parents and then with the husband's parents.) Houses are built on pilings and inhabited by bilaterally extended families. The village is the largest and most significant political unit. Traditional Rengao religion has a pantheon of spirits associated with local physical phenomena. Today the majority of Rengao adhere to the Roman Catholic religion.

²This is the only offense for which a goat is required. It is possible that this originally derived from the fact that 'Grandmother Goat' is the mythological ancestor of the Rengao.

³There is no offence if an infant urinates on the person holding him.