

# **KELABIT TRADITIONS IN TRANSITION: A BRIEF ETHNOGRAPHY AND SOCIO- LEGAL STUDY**

Ramy Bulan  
Faculty of Law, University of Malaya  
(ramy@um.edu.my)

## **Abstract**

The Kelabit constitute a distinct ethnic community with their own language, culture, social structure, *adat* and mechanism for resolving conflicts. In the face of modernity, the Kelabit have embraced change and have adapted to their changing environment through education and through education and through their Christian faith. They have managed to remain a cohesive community, expressing their communal values, customs and traditions in contemporary forms, recreating past cultural forms as well as re-invention of traditions in new environments. They have taken advantage of the developments in information and communication technology to maintain contact and keep kinship ties alive. Practices that are maintained and recreated today preserve the Kelabit identity and the survival of a community that is at once traditional, modern and post-modern.

*Keywords: Kelabit identity, customs, kinship, re-invention of traditions and dispute resolution*

## **Introduction**

The Kelabit constitute a distinct ethnic community with their language, culture, social structure, *adat* and mechanism for resolving conflicts. As they are integrated into the mainstream of Malaysian economy and state, despite rapid change in their environment, they maintain their customs that form the 'core' of activities that preserve their identity as Kelabit. Their social and legal system adapts to change, demonstrating that their customs and traditions are not static. The strength of the community lies in their ability to survive through changing generations and to renew themselves by incorporating new elements into their customs, without sacrificing their continuity as a community.

This paper looks first at the historical origins of the Kelabit, the social structure and leadership hierarchy within which Kelabit customary practices thrive (Bulan, 2005) It outlines the impact of Christianity on the community, the result of education and the related phenomenon of out-migration and how these have compelled their responses to preserve and reconstruct their identity. It looks at the label 'Kelabit', language and identity, kinship and social organisation, traditional and contemporary marriage practices, leadership structure, dispute resolution and inheritance systems. Some past practices are considered in the light of their continued impact on a dynamic and living community.

The earliest changes in the community were brought through their conversion to Christianity and the Japanese Occupation. The former introduced a Christian ideology into their belief system and values, while the latter catapulted them into the 'outside world'. The introduction of formal education that followed was accelerated by the New Economic Policy in 1971–1990 so that about thirty per cent of the Kelabit students had tertiary education by 2001 (Murang, 1998).

The pursuit of higher education and employment led to out-migration from their agricultural setting into towns (Murang, 1998; Lee & Tengku Shamsul Bahrin, 1993). As they mingle with the cosmopolitan society, many intermarry with others from within and outside Sarawak, thus introducing a new dimension to Kelabit ethnicity. Their existence as an identifiable community is, however, not destroyed. On the contrary, their ability to recreate their traditions and to maintain the core values of the community preserves their continuity and identity as a people. It is not how closely the rigid form of the customs are adhered to, but how resilient the society is in facing external influence and how their customs become relevant in changing circumstances.

## **Origin and History**

Where did the Kelabit come from? Kelabit songs, stories and legends depict them living in the Kelabit Highlands since time immemorial (Bala, 2002). According to Kelabit mythology, the first man was a Kelabit. All the tribes originated in the Kelabit Highlands but were washed downriver in a great flood. The Kelabit raft, made of heavy wood, rested on the mountains. The Kayan, Kenyah and Iban with rafts of medium weight rested on the lowlands, and the Malays with the lightest rafts landed on the coast (Lian-Saging, 1976/77; Talla, 1979; Saging & Bulan, 1989).

R. S. Douglas recorded the presence of Kelabit in the upper reaches of the Limbang and Baram rivers, and in the highlands bordering the Fifth Division, as well as Kalimantan (Douglas, 1907). Later, in 1931, Edward Banks wrote that the Adang area was once occupied by a large Kelabit population who, because of a severe epidemic, had migrated southwest to Long Seridan and Long Napir and north into the Trusan Valley (Banks, 1931). Some went into Pa' Kerayan, Pa' Bawan, Pa' Kurid and into other parts of Kalimantan and into the Ulu Trusan, Lawas and Tutoh in Sarawak (Harrison, 1967). It is significant that the remnants of the jar-burial and megalithic works that are found in the Ulu Padas area (Hoare, 2002) are similar to those associated with the Highland Kelabit and the Kalimantan groups' elaborate jar-burial customs.

### **The Name Kelabit: A Garb That Fits Well**

The name 'Kelabit' is said to be a recent invention of the colonial era (Amster, 1998). One of the earliest known classifications of these people was by Charles Hose in 1898–1899 (Hose, 1898). Borneo peoples were grouped into Iban, Kayan, Kenyah, Klematan, Murut and Punan. The Kelabit were placed as a sub-group of Murut along with the Kerayan (Hose, 1926, repr. 1994) in a typical legitimate attempt by administrators to classify people according to linguistic and or cultural features.<sup>1</sup>

There is an oft-repeated account of the origin of 'Kelabit' as an ethnic label. At a registration of visitors in Claude Town (now Marudi) when District Officer Hose queried where a certain group with the 'strange' language came from, he was told through an interpreter that they were from Pa' Labid (now uninhabited). Hose understood and recorded Pa' Labid as 'Kalabit' (Hudson, 1999). That term was subsequently used by the government authorities and other writers like Douglas and Banks, both of whom describe journeys made into 'Bah country of the Kalabits' (Douglas, 1907). The spelling 'Kalabit' tended to be used in earlier writings, but today 'Kelabit' is uniformly used.<sup>2</sup>

The easy acceptance of the 'imposed' term is an interesting feature of the construction of Kelabit identity. Like many other groups in Borneo, communities were referred to by their geographical origins, for example, Lun Lem Punang Abpa' (People of the River Sources) or Lun Dayeh (Upriver People) or Lun La'ud (Downriver People), such that a Kelabit speaks of where he lives not as a specific piece of named land so much as an association with a stretch of identified water and the surrounding lands. Villages are named according to the river or confluence, as in Pa' Umur or Long Lellang, where *pa'* means water and *elung* or *long* means estuary or confluence of two rivers.<sup>3</sup> At

other times the location of the village refers to the land feature, as in Buduk Butal (*buduk* means mountain, hill or hillock).

Kelabit have come to accept and to use the imposed name as a political and social response to the outside world. As Amster observed, the creation of Kelabit as a conceptual entity allowed this assemblage of peoples not only to differentiate themselves from their immediate neighbours but gave them an ethnic consciousness that underpinned a cohesive bond between the closely related longhouse communities. It offered them a label of self-expression by which they could be recognised by the government (Amster, 1998).

The term Kelabit has been 'formalised' and used in official records. Legislation from the 1920s enumerated them as a distinct group, and this has culminated today in the Sarawak *Interpretation Ordinance 1953* and the *Federal Constitution (1963)*.

### ***The Kelabit and Other Related Groups: Distinctive Customs***

In the *Report on the 1947 Population Census, Sarawak and Brunei*, (Noakes, 1949) the figures on the Kelabit included the Saban, Tabun and Treng who are all linguistically and culturally related peoples occupying the southeast of the Highlands (Moulton, 1912). Linguistically and culturally, the Kelabit are more closely related to the Lun Bawang (literally, people of the place) and some groups on the other side of the Tamabu range in Kalimantan, Indonesia, with whom they are related through intermarriage.<sup>4</sup> Southwell classified the two groups as 'Kelabitic' based on his study of the similarity of the spoken language, but proceeded to write of the Lun Bawang as Murut,<sup>5</sup> a term which was neither preferred nor accepted by them (Tagal, 1979/80).

A distinguishing feature between the Lun Bawang and the Kelabit is the payment of expensive *purut* (bride-price or bridewealth) by the former.<sup>6</sup> It has been suggested that the term Murut originated from their practice of giving *purut* or exchange of bride-price. The Kelabit do not practice *purut* among themselves, but they will pay or receive *purut* (regarding buffaloes or expensive heirlooms) when intermarrying with Lun Bawang, Lun Kerayan and others.

The Kelabit, on the other hand, practise a unique and elaborate custom of name change (Amster, 1999). This is done at the most auspicious and expensive feast. First-time parents take on a new name to mark their attainment of parenthood, and change of status and obligation.<sup>7</sup> First-time grandparents also take on a new name. The new names might reflect their station in life or their reputation, or simply be a declaration of their aspiration in life. Names of an ancestor or close kin are often chosen to indicate family

ties, or they may depart from the norm to take on a name that portrays a fresh concept. Other close kin might also take on new names as an affirmation of kinship ties. Simpler forms of the name change are practised by other groups, but none as elaborate as the Kelabit (Galvin, 1973; Schiller, 1997). This tradition has remained as vibrant today as it was in the past.

The Kelabit, however, shared with the Lun Kerayan of Kalimantan, customs of jar burial and, to a large extent, the extensive death feast. The latter practice was absent among the Lun Bawang. The events of history have inadvertently divided these closely related people so that they are now referred to by different ethnic labels. The territorial competition between the Dutch and the Brookes in the nineteenth century led to the territory of Borneo being carved up between regimes protected by the British in the north and the Dutch in the south (King, 1993; Bala, 1999). The resulting arbitrary political boundary created along the watershed of the mountain chain that runs diagonally through central Borneo cuts across family and cultural groupings, dividing them not only into different ethnic groupings but also different nationalities (Irwin, 1955).

A consciousness of difference slowly developed, particularly after the cession of Sarawak from the Brookes to Britain in 1946. It was, however, Sarawak's entry into the Malaysian Federation in 1963 that internalised the political boundary in the psyche of the people on either side of the border, increasing the differentiation between the Sarawak Kelabit and the Lun Kerayan and Lun Berian. Up until then, the political boundary had usually been ignored and had not 'naturalised' into a consciousness of difference. Nonetheless, marriages and social exchanges between families across the border continued (Bala, 1999). Without the twist of history, it might well have been that the Lun Bawang, the Kelabit and their neighbours the Kerayan and the Berian could have constituted a single ethnic entity.

### ***Kelabit Kinship System: A Bilateral System***

Kinship<sup>8</sup> refers to the network of social relationships that structures human reproduction, composed of the roles, rules and forms of behaviour that define relations by blood and marriage (Calhoun, 2002). Relationships established by marriage, which form alliances between groups of persons related by blood (or consanguineal ties), are usually referred to as affinal relationships (Marshall, 1998). The Kelabit term is *dengeruyung pulih*. Kinship remains one of the main organising principles of Kelabit society. Not only are consanguineal and affinal ties important, but fictive kinship,<sup>9</sup> in the form of adoptive relations, also plays a major role in Kelabit social life.

Kinship determines the Kelabit social and economic relationship and the principles along which status and property are transmitted from generation to generation.<sup>10</sup> It is an important determinant of a family's residence, the arrangement of families in a longhouse and in the location of farming land.

Kelabit kinship is bilateral or cognatic, which means that descent is traced from all ancestors regardless of gender. In a bilateral system, a child is a member of the father's and mother's kin without any distinction being made between relatives on either side (Fox, 1970; Leach, 1950). One of its defining features is that inheritance and political succession at any point are as likely to pass to a female (or through a female) as to a male, and each generation can choose which parent to trace its descent through.

Few Kelabit remembers their genealogy beyond the fifth or sixth generation, and often only the prominent ancestors are remembered.<sup>11</sup> Since in the past the Kelabit tended to encourage marriages among cousins and close cognates to keep the *paran* (noble) bloodline, the number of potential ancestors is enormously reduced, and the families are very closely related.

### *The Kelabit Lun Ruyung (Kindred)*

A Kelabit belongs to an extensive bilateral grouping of *lun ruyung* (personal kindred). Jurists have long used the term kindred to refer to all of an individual's cognates (Freeman, 1961). Lawrence J defined kindred in *Leigh v Leigh*.<sup>12</sup> In a general sense, the being of a man's kindred is of his blood; as the word 'consanguinity': which is the same as 'kindred', imports."<sup>13</sup> In these definitions, consanguinity is the criterion concerned as it is with persons who belong to the same stock or stirpes who are 'lawfully begotten consanguines' (Freeman, 1961).

In his study of Iban kinship, Freeman (1961, 1968) made a distinction between (1) the kindred as a cognatic category and (2) the kindred based on action groups formed from time to time for the specific purpose, which may consist of the cognatic category and the affines and friends. The Kelabit kindred is not dissimilar to Freeman's Iban kindred. The *lun ruyung* is a broad category consisting of the (1) cognatic relations called *lun dengepupuh* (from the root *pupu* meaning 'descent' or 'ancestry') and (2) the affines and other action groups<sup>14</sup> and friends including those who are 'adopted' by the members of the community in a loose sense.

It is this *lun ruyung* network that a person draws on for mutual help and support in all major crises like bereavement and loss, in celebrations like feasts and any endeavour that requires community support. But within the *lun dengepupuh* there are greater reciprocal obligations arising from the recognition

of kinship ties. It is within this group that probable rights to certain ancestral lands could be made. The distinction between the two categories will be manifested in the disposition of property at death as stipulated in the draft *Code of Adat Kelabit 2000* (see discussion below).

### ***Recruitment into the Household: Adoption***

Adoption was, and is, a very common form of recruitment to membership into a Kelabit *lubang ruma'* (household). Adoption confers the same jural rights as legitimate consanguinity (Freeman, 1961). In Kelabit households, however, adoption usually occurs among kindred. Since families often live in the same longhouse, there is no severance of emotional ties with the natural parents. A declaration of adoption formalises the 'transfer' of duty of care to the adoptive parent, creating a *loco parentis* relationship. An adopted child has a reciprocal obligation to care for the parents in their old age.

Oral declaration of adoption suffices, but the explicit recognition of the community acts as a semi-formal validation. The draft *Code of Adat Kelabit 2000* s 174 has, however, introduced a requirement for the adopting parents to obtain an adoption testimonial from the *Ketua Masyarakat* (the community leader, namely the Penghulu) of the area within six months of adoption. While this is a mere formality, it is important as evidence in the case of any disputes, particularly on inheritance.

Adoption was, and is, a means of strengthening family ties. As the child's rights of inheritance lie with the adoptive household,<sup>15</sup> it ensures that there is an heir<sup>16</sup> to keep ancestral property within the family. It also ensures that a childless couple will have someone to care for them in their old age. Adoption was a means to preserve life. Adoption was believed to stem the tide of bad luck and change the infant's destiny. An important, but less discussed, the reason for adoption was that it was a compassionate response to circumvent infanticide. It was also the community's response to the incidence of maternal death which, until the 1950s, was very high. Surrogate mothers were a common feature of Kelabit life. If a woman nursed an infant, it created a form of kinship, so that children nursed by the same mother could not marry each other.<sup>17</sup> In the context of strong kinship ties, it is not uncommon to find families where a man has taken responsibility for all the children of his deceased brother. The different reasons for adoption meant that they had different consequences. The intention at the time of adoption determines whether the adopted child receives an inheritance.

## **Ritual Friendship and Other Fictive Kinship**

In the tribal warring days and the period when the journey to the nearest town on trading expeditions meant traversing through Kayan or Kenyah territory, *palap dinganak* (become brothers) or *sebilah* (friendship pact) was a common practice between Kelabit aristocrats and their Kayan and Kenyah counterparts. Done simply through the exchange of gifts, it was a promise of mutual protection as they passed through each other's territory.<sup>18</sup> These arduous journeys would no longer be as tough as ties were formed as they went along.

Kelabit also *palap dinganak* or *dengaja'* (friend) with Berian, Kurid and Kerayan people from across the Kalimantan border, primarily to facilitate trade and labour exchanges. Typically, the Kalimantan *aja'* (friend) would have products for sale, and the Kelabit *aja'* either becomes the 'employer' or finds employment for his friend. This phenomenon has developed in recent years into a practice whereby many Kelabit families adopt non-Kelabit who come to live in Bario.<sup>19</sup>

Recruitment into the family may also be by acquiescence and consent of both parties. For example, when slaves of the *lun doo'* were released in the 1940s, many of them chose to stay with their master's family and were treated as consanguines. It is not uncommon for the children of their former masters to be brought up as their own.<sup>20</sup> A stranger who is not a blood relation, but has resided with a family for a long period, contributing to the food production of the household, would be treated as kindred. This would not entitle him or her to any share in the family inheritance but allows general access to all the household resources for life.

### ***The Kelabit Lubang Ruma' (Domestic Household)***

The basic social and economic unit of the Kelabit society is the *lubang ruma'*. At any one time, an individual is part of a *lubang ruma'* through birth, adoption, marriage or by being incorporated into it by acquiescence through prolonged residence. The *lubang ruma'* is the nuclear unit which usually consists of three or four generations: a husband and his wife, their unmarried children, either or both their parents, occasionally, younger unmarried siblings of either spouse and sometimes, though rare, the parent's parent. Members of the *lubang ruma'* share in the production, consumption and accumulation of economic assets and operate a common *tetal* (hearth or fireplace) for preparing common meals. Work in the fields, which is often based on exchange and reciprocity of agricultural labour, is done by the *lubang ruma'* (Janowski, 1991). Possession of



land and property in the village is vested in the *lubang ruma'*, within which the customary rules of inheritance apply.

Each household occupies a segment or unenclosed apartment of the longhouse called the *tetak ruma'*.<sup>21</sup> One *tetak ruma'* consists of the *tawa'* (common corridor), *tilung* (bedrooms), *dalam* (kitchen) and *tetal* (hearth). It is possible, however, to have to say two *tetal* in that *tetak ruma'*, signifying the presence of two *lubang ruma'*.<sup>22</sup> In normal discourse, to say that two people maintain separate *tetal* is to make a clear distinction between their households as separate economic units.

An aggregation of *lubang ruma'* make up the *bawang* (village) which is physically manifested in the *ruma' kadang* or *ruma' rawir'* (longhouse) (Talla, 1979) together with the residents or *uang bawang* (literally, contents of the *bawang*). Within each longhouse, families are closely linked not only through cognatic and affinal ties but also through the co-operative conduct of their social, economic and agricultural activities. The occupation of the longhouse is agreed to by consensus at the time of construction. Usually, siblings or close kin would occupy contiguous apartments in a longhouse and, wherever possible, lands for farming are allocated adjacent to each other. Each longhouse community is primarily a territorial entity within which there is a high degree of inter-relatedness.

Individuals have jural status within the longhouse only as members of its constituent domestic families and have rights as residents by domestic family membership. As Talla pointed out, clans and lineages or other large-scale corporate kin groups do not exist (Talla, 1979). Each *lubang ruma'* is a separate economic unit, cultivating rice and other crops and owning its own property. Talla suggests that the Kelabit *lubang ruma'* continues as a corporation from generation to generation in a concept that is similar to the Iban *bilek* which, Freeman (1958) argued, exists 'in theory...a perennial corporate group'. The members of the *lubang ruma'* hold and exercise rights in common to farmlands, fruit trees and other family property, and thus to that extent function as a corporate group.

### **Marriage: The Traditional Context**

Kelabit society was traditionally organised according to social strata. Pride of birth was the cornerstone of marriage within one's social rank, and so marriages were arranged between families of equal social standing. A parallel courting system—*pekepel* or bundling—was also practised under the watchful eyes of the elders. After a period, if they would consider marriage, their parents obtained the consensus of all the relatives, and the necessary

negotiation would begin regarding post-marital residence and what property the families would give to the couple.

The marriage ceremony was very simple. At a *burak* (rice wine) feast, the couple and their parents, in the presence of a witness, would drink *burak* from the same bowl to signify their sharing of a life together. The parents of the bride and groom might also throw a feast called *burak peja* where they formally forged affinal ties through a rice-wine drinking ceremony, signifying that beyond the union between two people the marriage included obligations to each other's families. The Kelabit prohibited marriages between siblings and between first cousins, whether parallel or cross-cousins and between an uncle and niece or aunt and nephew. Such relationships were considered incestuous.<sup>23</sup>

Beyond preservation of wealth property within the family, arranged marriages were a means of consolidating the family bond in what the Kelabit called *puli'*. For aristocratic families, marriages within the same social strata meant the maintenance of power, pride, reputation and family dignity. Marriages were also a means of creating alliances between villages and even former enemies. An example was the marriage of Abong Parir and Lipang Tuan, quoted by both Lian-Saging (1976/77) and Talla (1979).

### ***Contemporary Marriages***

Since the early 1950s, the way marriages are entered into has changed. Kelabit conversion to Christianity paved the way to a gradual disintegration of the stratified social structure. This was accelerated by the introduction of education, which resulted in out-migration for employment and exposure to the outside world. Removed from the confines of the Highlands, families no longer play a central role in the marriage proposals as the young exercise personal choice in the selection of spouses.

The *Law Reform (Marriage and Divorce) Act 1976* provided an exception for natives of Sarawak and Sabah and Orang Asli to marry according to customary law. Thus Kelabit may choose to marry under the Kelabit customary law and be governed by the rules in the *Code of Adat Kelabit* or opt to marry under the Civil Registry and be governed by the *Marriage Ordinance*. Most couples in urban towns opt for the latter.

The rate of intermarriages with non-Kelabit has quickly soared. In 1979, Talla recorded at least 30 instances of intermarriages (Talla, 1979). In 1993, based on a survey of two villages of Pa' Ukat and Ramudu, Amster gave the figure of Kelabit-Kelabit marriages in town (this included Lun Bawang who are culturally close to Kelabit) at only 39 percent; the rest were marriages to a

whole spectrum of ethnic groups and nationalities. However, these figures are not static and would change over time. What is clear is that in place of social class, other factors like educational achievements, economic wealth and religion have become determinants of marriage choices as intermarriage.

### *Divorce*

Common grounds for separation and divorce were childlessness, conflicts over failure to settle property promised to the couple in pre-marital arrangements and disagreements over the post-marital residence of the couple. The latter was particularly a problem when both were first-borns in the family. Childlessness was often staved off by the adoption of a child of relatives, and the residence was often settled by mediation between families. Under the *Code of Adat Kelabit 2000* s 111, post-marital residence is a matter of negotiation between the families; factors to be considered include whether either party is a first-born or only child, there is an aged parent or any other family needs. After their conversion to Christianity, a divorce is no longer an easy option. Very few divorces occurred amongst the first generation of Kelabit Christians. However, as the Kelabit intermarry with outsiders, divorce is no longer a rare occurrence.

### **The Kelabit Social and Leadership Structure**

The Kelabit social structure was strictly observed up to the early 1950s. Its significance has gradually diminished, but the prestige of the *lun doo'* remains an important aspect of the political system. Traditionally, the Kelabit society consisted of four main strata: i) *lun paran* (the nobility) also known as *tutul lun merar* (literally, descendants of tribal leaders) or *tutul lun doo'* (literally, descendants of good families/noble people);<sup>24</sup> ii) *lun anak pupa* or *upa-upa* (literally, half-half); iii) *lun da'at* (low class); and iv) *demulun* (slaves).

Membership of the aristocrat class, *tutul lun merar*, was by birth, but the term *lun doo'* (good people) was indicative of the characteristics expected of a person of that class. It was possible for a person to ascend or descend the social ladder through marriage with a person from another stratum, but it was not a very common occurrence. An *upa-upa* who was of good repute, worked hard and accumulated wealth, might marry a *paran*, but had to continue to work hard to maintain his good standing so that his children were accepted among the ranks of the *lun doo'*.

Education has opened new channels of social mobility, and money as a medium of exchange has replaced traditional heirloom property as an important symbol of difference. However, the effect of the old strata system

still lingers in contemporary society because most of the *amug* (secondary jungle) and land under NCR would be in the hands of the 'upper class' for the simple reason that they were the pioneering families. They were the ones who had the resources and the manpower to clear large land areas during the relevant period for creating NCL.

### ***Leadership Hierarchical Structure***

The political and social influence was wielded by the aristocratic *lun doo'* or *tutul lun merar*. Within the ranks of the *lun doo'*, the Kelabit placed great emphasis on good ancestry or descent, charisma, the eloquence of speech, integrity of character, leadership capability, personal industriousness and wealth.<sup>25</sup> These criteria have continued to influence the choice of leadership up to the present time. Kelabit leadership was male. An intelligent or capable woman of noble birth might be respected and given deference, but would not be appointed a tribal leader.<sup>26</sup> This is changing as more and more women are educated. Those with leadership capabilities are given the same deference as men.<sup>27</sup>

Before they came under Brooke rule, the Kelabit had no paramount leader. Each *bawang* (village territory) had its own territory, with its own *la'ih rayah* (leader) drawn from its aristocrats. While each *bawang* was autonomous, the leading families were related to other aristocrats in other *bawang* through marriage alliances. The annexation of the Baram in 1882 by Rajah Charles Brooke introduced the first consciousness and felt the influence of a *perintah* (government) on the Kelabit. In 1902, Charles Hose, Resident of Baram, first appointed *Penghulu*, who were drawn from members of prominent families. The Highland was divided into four administrative regions with a *penghulu* appointed to administer each of the four regions: a) Northern Kelabit,<sup>28</sup> b) Southern Kelabit,<sup>29</sup> c) Long Lellang,<sup>30</sup> and d) Long Seridan.<sup>31</sup> Although appointed for life, some of this *penghulu* did not serve very long, either because of death or, in the odd case, stepping down by choice.<sup>32</sup>

*Tua Kampung* (headmen) were also appointed for each *bawang* (village) to be responsible for the daily governance. They acted as arbitrators and judges in any dispute at the village level. They were to set up village committees who would help them in settlement of disputes and, particularly, in the settlement of inter-village boundaries (Richards, 1961). This was no different from the traditional role of the *laih rayah*. There was, and is, no strict rule of primogeniture: the main criteria were personal capability and respectability. However, the leaders usually came from an established line of leaders and *lun doo'* families.

Upon the cession of Sarawak to Britain in 1946, the sole *penghulu* appointed by the colonial government was Lawai Besara. He continued the traditional function of the *Penghulu* as intermediary and agent of the government for implementation of government policies. Upon Lawai Besara's retirement in 1965, Penghulu Ngimat Ayu, a son of a former *penghulu*, was appointed through a general election by the whole tribe, the first and last election of its kind.<sup>33</sup> He had a deputy, Wakil Penghulu Laba Aran for the southern Kelabit.

In 1996, the position of *pemanca* (paramount chief), as paramount leader, was created for the first time for the Kelabit. Ngimat Ayu, then the *Penghulu*, was made *pemanca* and three new *penghulus* were appointed: a) Henry Jalla, also known as Nepuun Beruh for the Northern Region; b) Gan Tulluy, also known as Aren Tuan for the Southern Region; and c) Apui Raja, also known as Tulu Ayu' for Long Lellang and Long Seridan. They function as intermediaries and representatives of their people, through the *pemanca*, to the government.

In the hierarchy of power, superior to the *penghulu* is a *temenggong*. Since the Kelabit are a small group, they are placed under the jurisdiction of a *temenggong* together with the Kayan and Kenyah. Administratively, the *temenggong* is overall chief for the Orang Ulu subgroup in the Miri Division. The present leadership for the Kelabit in descending order is thus: *temenggong*,<sup>34</sup> *pemanca*, *penghulu*, and *lun ngimet bawang* or *tua kampung* (headman)

In 2001, the Federal government introduced an administrative system where each village is to have a *Jawatankuasa Kemajuan dan Keselamatan Kampung* (JKKK), a local body responsible for village security and development as well as being the conduit through which government development policies and funding can be allocated. This allows for greater participation by the community in the affairs of the *bawang*. The *tua kampung* is an ex-officio member of every committee appointed to deal with the specifics of security and development and any other committee deemed necessary.

With the growing complexity of issues that need to be handled and the higher level of education among the population, the *Community Chiefs and Headman Ordinance 2004* was passed. A *tua kampung* is now required to have a minimum qualification of *Sijil Pelajaran Malaysia* (the equivalent of Cambridge 'O' Levels). This new qualification means that younger leaders would be appointed. As an agent of the government, the appointment would clearly depend on the potential leader's political alliance with the ruling party. This now presents its problems, particularly if the appointed leader is not the choice of the village community. The hierarchy of traditional leadership constitutes

the personnel of the native court system administering the Kelabit customary laws.<sup>35</sup> Appointment of younger leaders who are not as knowledgeable about the oral traditions would change the character of the leadership from one that has relied on oral traditions to a greater tendency towards written manuals and codified customary laws. One aspect that would be most affected by the change in the old guard would be the traditional dispute resolution system.

### **The Leadership and Dispute Resolution System**

One of the most important roles of the *lun merar* was dispute resolution. The traditional resolution of conflicts under the *adat*, which was later augmented by the conciliatory approach encouraged and administered by the church, has long been an effective conflict resolution process, such that very few cases would reach the higher levels of the formal Native Court system (Bulan, 2008). Settlement of disputes through intermediaries or mediation is the hallmark of Kelabit dispute resolution.<sup>36</sup>

The Kelabit avoid public confrontation. They put great value on 'saving of face', preferring to settle disputes in a manner that is as inconspicuous as possible. It is considered rude to confront a person openly. Thus the use of an intermediary or mediation and the involvement of a third party is the way to facilitate a positive outcome.

Mediation is undertaken by respected members of the community who are usually drawn from the *tutul lun merar*. Such a person may or may not have been formally appointed into *komiti kampung* (village committee).<sup>37</sup> Depending on the nature of the conflict, there are various levels of mediation incorporating elements of facilitation, counselling, negotiation, and conciliation. The process, may include a public hearing, which may result in sanctions and fines. In the local language, the stages of dispute settlement are referred to as *mekitang* (to act as a go-between), *metutup* and *mekereb* (to bring parties face to face and), *pekaruh* (to discuss or talk things through), *pemung* (to gather for discussion), *besaraq* (go for trial), and *pedooq* (to be reconciled).

#### ***Mekitang (Mediation and Negotiation)***

In *mekitang*, an aggrieved party approaches a person who is known and respected by both parties to act as a go-between, by informing the other party of the grievance or the perceived wrong, asking for the act causing the grievance to be stopped. This may involve a protracted process of going between the parties, but always with the aim of a positive outcome of both parties understanding their position and moving towards reconciliation.

*Mekitang* is used to settle grievances caused either by offensive, destructive behaviour, a nuisance to neighbours or breach of agricultural practices or even harm caused by gossip.<sup>38</sup> *Mekitang* is also used for debt collection. When a settlement is reached, a token of appreciation may be given to the mediator.<sup>39</sup>

### ***Metutup and Pekaruh (Meeting face to face and discussion)***

After an offence is made known to the other party, and the facts are acknowledged through *mekitang*, the appointed mediator encourages the parties to come to a meeting in which he or she will cause them to meet face to face to state and clarify their grievance in the presence of the mediator with or without another witness. This is called *petutup* (face to face meeting). Where there are multiple parties compromises that would suit all parties would be worked out. If one or both parties refuse to be guided towards reconciliation, a *pekaruh* (talking together) in a more formal setting will be called by the mediator.

In *pekaruh*, other respected members of the community who might be in the *komiti kampong*, and if the parties are from different villages, representatives from each village must be called, to hear and to advise the parties towards reconciliation. Where a person refuses to comply, it may become a public hearing (*pemung*).

### ***Pemung: The Public Hearing***

The *pemung* is a gathering of the *lun merar* (all the elders of the community). This is done particularly, in matters that have repercussions for the whole community. It is a means of garnering public opinion and maintenance of order by consensus. In a *pemung*, all the parties are required to attend to present their views. Any other interested persons could also attend. Independent elders from another *bawang* may be invited to participate in the sitting.

There is no set procedure for such a gathering. However, it always begins with a welcome by the *la'ih rayeh* or headman of the village or the elder who initiated the hearing. The most senior leader will only speak after all the others have spoken, summarising the proceedings. A decision is reached based on the consensus of the *pemung* and is immediately given to the parties, asking them to comply. The offender will be asked to restore what had been wrongly taken. Should a party be unhappy with the decision of the *pemung* or the offender refuses to go along with the consensus, it becomes a matter for *besara'* in the Headman's Court. This takes the dispute into the arena of the formal Native Court set up which has an established hierarchy.

### ***Besara': The Court Case***

The Headman takes on the role of the judge and hears the case with two assessors, following the procedures under the *Native Courts Rules 1993*. Depending on the offence, the headman can impose a fine of up to the maximum of RM300. There is an appeal to the Chief's Court in matters of breach of Kelabit customs. Matters of native customary land dispute, however, go before the Penghulu in the Chief's Court with possible appeals to the Chief Superior Court or further to the District Native Court, or further to the Resident's Court and the Native Court of Appeal. People avoid a *besara'* at all cost partly because of the financial costs.<sup>40</sup> But more so, because of the stigma that comes with it.

### ***Proceedings in the Formal Native Courts***

The proceedings in the Native Courts are inquisitorial rather than adversarial, with detailed procedural guidelines, including the keeping of records, appeals, lists of assessors and enforcement of judgement provided by the *Native Courts Rules 1993* (Wan Arfah Hamzah & Bulan, 2002). An advocate or any other person may appear in any court except the Headman's Court or a Chief's Court. A person who wishes to appear and act for a party must give sufficient and satisfactory proof that his presence in the proceedings is necessary.<sup>41</sup>

In any case involving a Kelabit, the person presiding over the case must be a Kelabit, subject to the provision that the Resident may direct that a person well versed in Kelabit customary laws be appointed to preside. Where the presiding officer is not conversant with the language, he is aided by an assessor, who advises the adjudicator on the applicable customary law. Despite the existence of the native court, most communal conflicts are still managed through a traditional system of dispute resolution, elements of which are found in what is today called alternative dispute resolution (Moore, 2003).

### ***Pedoo': Reconciliation***

Few conflicts go beyond the local levels of dispute resolution. Living in harmony with one another is a pervading concept in a longhouse community. The underlying object of all conflict resolution in the community is the oft-repeated term, *pendamaian*, which is a Malay term meaning 'to make peace'. The Church plays a major role in encouraging people to settle their disputes amicably and to *pedoo'* (forgive and reconcile).



### ***The Church and Its Influence on Kelabit Dispute Resolution***

Most Kelabit belong to the evangelical *Sidang Injil Borneo* (SIB) (Evangelical Church of Borneo). The church assumes an important role alongside the traditional leadership in the management of communal affairs, particularly in settlement of disputes.<sup>42</sup> Parties may opt to take the customary route of *mekitang*, *mekereb*, *pekaruh* or *pemung* and if at any stage, they decide to *pedooq* (be reconciled), they may get the church elders to witness and seal their reconciliation in prayer; or<sup>43</sup> they may choose to go directly to the church elders who will counsel, exhort and admonish them with a view to reconciliation and forgiveness (Lang, 1998).

If some form of compensatory payment is deemed necessary, the church elder will refer the matter to the headman to determine the amount. Although there are exceptions, most of the church elders are also respected members of the community who are ordinarily traditional leaders.<sup>44</sup> The objective of the church is always to facilitate reconciliation. In matters where conflicts affect the life of the parish at large, the church may impose discipline on the offenders but has no powers to order payments of compensation. This will be done through the *adat*.

### ***Restitutionary and Compensatory Payments in the Native Courts***

Enforcement of *adat* involves some forms of ritual, restitution and compensatory payments. "Restitution" is used to indicate the restoration of the 'equilibrium of the environment'. The process of dispute settlement in the Native Courts has its peculiar compensatory payments. I will deal with the main ones: *pengepbo* (literally, to pacify), *pengedame* (literally, to cool down) *tu'ed* (literally, a stump or base [of a tree]) compensation in kind and *pememug igu'* (literally, to remove the shame).

When a dispute gets to the Headman or the Chief's Court, a person who has breached the *adat* is required to pay to the aggrieved party a restitution payment called a *pengepbo* (pacifier) to restore the 'state of balance' in the community. If the quarrel results in an injury, the party at fault shall, in addition to the *pengepbo*, provide a *pengedame* (to cool down the environment), which is another form of restitution payment.<sup>45</sup> These payments are not meant to punish, but to restore the peace in the community.

Where grave injury results in death whether, by accident, negligence or other causes, the payment of *tu'ed* (compensation) is to be made by the offender to the immediate family of the victim. The *tu'ed* payment<sup>46</sup> does not absolve the offender from the normal process of a criminal charge and trial (*Code of Adat*

*Kelabit Order 2000* s 32). It is only to deal with the hurt in the community. If a criminal charge is preferred against a person, that process will take its course.

In some instances, an additional payment of *pememug igu'* is required 'to remove the shame and embarrassment of the offence. For instance, in the case of incest, an offender has to pay a fine and *pengedame*, and *pememug igu'*<sup>47</sup> to the aggrieved party or family for causing embarrassment and shame. These payments take effect outside the realm of criminal law in the civil courts and outside the reconciliation brokered through the church.

In settlement of disputes on customary land, although the *Native Courts Ordinance 1992* gives original jurisdiction to the Penghulu (Chief's) Court, much of the dispute resolution is worked out through mediation and conciliatory process. It is only when mediation fails that it would come to the Penghulu's Court. At that level, the Court applies the codified customary laws as contained in the *Code of Adat Kelabit*.<sup>48</sup>

### **Inheritance of Property**

Traditionally, inheritance of property began with the distribution of heirlooms. It was the chattels that were divided. These consisted of ancient jars, beads, gongs and *parangs*. The wealthy would also have herds of buffalo and cattle. Along with salt, prized items of jars, beads and gongs were used in trade exchanges within and outside the community. The most prized possession was an ancient jar with the dragon design which gave a superior status to a Kelabit family. Marriages were arranged to keep a jar within the family. Even a slave could be bought in exchange for one of the ancient jars. Generally, by custom, the eldest male inherited the jar. The valuable beads were given to the eldest girl in the family and the buffaloes given to either male or female children.

Inheritance was often tied up with the lavish death feast and the accompanying erection of a monument either in stone dolmens, menhir, or cutting of a ridge across the crest of a mountain, which would memorialise a deceased person. Suffice to note that the person who memorialised a parent or another close kin earned a right to the deceased's most valuable property. Cultivated land remained in the household and available for cultivation by all members of the household with rights of inheritance. In wet rice fields, the creation of irrigation channels, the building of permanent bunds, ploughing and clearance of weeds constituted labour that conferred added value to the land. Bunds not only keep the water in the fields, but also act as specific boundaries. These lands, whether as *amug* or *lati' baa'* (wet rice fields) are heritable. Where it is not specifically indicated, members of the household may divide existing lands among themselves.

### ***Entitlement to Land and Residence***

The Kelabit practise a system of optional or ultralocal residence where couples may choose to stay with either of the natal households. After marriage, a choice of residence is made. This determines the access to the use of household land and other resources. Although the eldest sibling was expected to remain in the natal *lubang ruma'* with his or her spouse and continue the cultivation of the parent's farm most couples establish their own *lubang ruma'* (domestic household) and cultivate their plot of land. It is just as plausible for the parents to move into the new couple's apartment and to live with them.

If the couple chooses to establish a house in another village, they will not lose their right to farm the land in their village of origin, as long as there is sufficient land to farm. Their kinship ties with that village and, by being a member of a household from that village and a descendant of a 'pioneering ancestor', they are entitled to occupy and re-cultivate any of the lands, provided that there is no objection from other members of the household as to the location. In this way, the household is a kind of corporate group that holds and transmits an estate, potentially, and usually in practice, from one generation to another. Today the immediate choice of residence might not be of immediate consideration where the couple might be working in town. In time, however, this matter must be addressed.

### ***Communal Interests***

The longhouse also has communal interests in land. The land around each longhouse called the *tana' bawang* belongs to the village, and members of the households are entitled to use the land, subject to the consent of the headman or in consultation with other members of that longhouse community. In particular, grazing land for buffaloes around the longhouse is used in common. Should a household move from the longhouse, they forgo their rights to the common grazing lands but do not lose their rights to their cultivated lands or *amug*. The existence of other external factors could change the situation so that the territorial interests of the village overrides the kinship ties. A case in the point is that of *Tama Ken and Sina Ken* (2002).<sup>49</sup> Sina Ken, who is from Long Peluan, married Tama Ken from the neighbouring village of Long Banga. They chose to make their residence in Long Banga. Rightly, Sina Ken has the natal-*bawang* (village) right to claim the land in Long Peluan, but Penghulu Gan Tulluy disallowed the couple from farming and claiming land within the territory of Long Peluan because they were residents of Long Banga. That decision must be understood in the light of the demography of the area. Long

Banga has a large population of Kenyah and Saban settlers, and the nearby village of Long Beruang is occupied by Penan. With the shortage of arable land in Long Banga, and perhaps to discourage any migrant population settling in the Kelabit territory, even if there could be entitlement through intermarriage, the Penghulu did not want to create a precedent in allowing their claim to farm in Long Peluan.

### ***Monetary Economy and Land Inheritance***

The introduction of a monetary economy into the community has added a new dimension to the conception of land. As money becomes part of the contemporary Kelabit economy, there are instances where members of the household have 'bought over' the shares of the other members of the household to avoid any possible overlapping claims on the land. Indeed some form of sale and purchase of lands have evolved in the community. In a survey conducted in June 2003, more than 97 per cent of farmers in Bario says they own the land, of which 42.1 percent was inherited. 21.5 percent said the land was allocated to them by Land Committee, 18.7 said they cleared the lands themselves, 10.3 percent bought the lands, 2.8 percent were given lands by their relatives.

These figures have to be understood against the backdrop of resettlement of many villages in Bario during the confrontation. At that time a Land Committee was set up to allocate lands to the resettled households. These figures show a changing concept of land, not only as an asset acquired through inheritance but as being individually owned. Whereas sale and purchase were unknown four decades ago, a new phenomenon which has surfaced since the mid-1960s where land is now bought and sold. Land allocated by the Land Committee refers to land that was given to each household at the time of resettlement in Bario. Each household was granted land, which in turn devolved to members of that household. The figure for inheritance could include both inheritances of ancestral land as well as 'allocated' lands. The terminology for lands has also evolved as Kelabit customary laws are codified in the *Adet Kelabit Order 2008*.

### ***The Code of Adet Kelabit Order 2008: Customs Relating to Property***

The Adet Kelabit Order 2008 was compiled by the *Majlis Adat Isti Adat Sarawak* (the Council for Preservation of Customs) under the Native Customs (Declaration) Ordinance 1996. Chapter V of the codified *Adet Kelabit* classifies property into immovable—meaning land, fruit trees or house—and moveable property, which includes heirlooms or goods or chattels owned individually or

jointly by the *lubang ruma'*. According to the Order, parents decide on who should inherit what property, but the distribution must be witnessed by the *lun ngimet bawang* (headman and other elders) in the village. In the event of the parents' incapacity, the headman distributes the property in consultation with other elders (*Code of Adat Kelabit Order* s 156). No property can be disposed of by any person before the formal distribution; otherwise, payment of *pengepbo* (a restitution payment of 15 *ilung bao* (RM15)) will be imposed.

In a divorce, the code takes a fault or no fault premise. The party "solely at fault" loses the right to all property acquired during subsistence of the marriage and all the property goes to the party who is not at fault.<sup>50</sup> Where both are responsible for the divorce, the party who 'wins the case' gets two-thirds of the property, and the other spouse gets the balance (*Code of Adat Kelabit Order* s 159).

The code differentiates between post-acquired and inherited property. Half- or step-siblings and adopted siblings are entitled to the post-acquired property since the time they became members of that *lubang ruma'* [*Code of Adat Kelabit Order* s 155(1)(2)]. If that family did not have any children, the post-acquired property goes to the surviving spouse, but all inherited property is returned to the deceased natal family or the nearest relative.<sup>51</sup> An adopted child who is the sole survivor of the parents inherits all the parent's property. If the child is a minor, his natural parents or closest next of kin shall administer the property until he or she attains eighteen years or gets married.<sup>52</sup> Where a person dies without leaving any child or issue, the property will be inherited by the person or persons who had cared for him or her in equal shares. Where there is no such person, the property shall go to the closest next of kin.

The Code provides that when a sojourner who has settled in a village leaves, he may take only his chattels with him; it is the prerogative of the *lun ngimet bawang* to decide on the disposal of his immovable property. If a sojourner dies in his 'village of adoption', and leaves unsettled debt, the *lun ngimet bawang* may take part of his moveable property to settle the debts, and transfer the remainder to his heirs or closest relatives. But if he was 'adopted' by someone in the village, the adoptive family may inherit his chattels. The *lun ngimet bawang*, however, has the discretion to decide on the disposal of the immovable property. It is significant that there is no such provision concerning a person whose right of residence in the village is based on kinship ties.

## **Maintenance of Customs, Re-invention of Tradition and Continuity with the Past**

In the Kelabit Highlands, the longhouse institution still exists. Like many communities in Sarawak, the Kelabit rate of out-migration is high. One report by the Ministry of Rural and Land Development puts out-migration from the Highlands at 57.6 per cent since the 1990s.<sup>53</sup> Another study in 1998 put the figure at 63.8 percent of the surveyed population (Murang, 1983). In a survey conducted by the writer in 2003,<sup>54</sup> 76 per cent of Kelabit initially left in pursuit of higher education and 13 per cent left for employment. Others left to accompany their spouse or parents.

In the face of change, the Kelabit remain a cohesive group. As Amster points out, like all peoples, the Kelabit are citizens of a 'global ecumene', a collective cultural space in which boundaries are becoming increasingly blurred and possibilities for identities seemingly limitless (Amster, 1998 quoting Hannez, 1992). The Kelabit in the city areas has done what Amster calls the 'invention of traditions'. This is not a complete invention of something that was non-existent in the past, but rather, a re-creation of past forms of a culture within a new environment as a means to preserve the old values. One tradition that has remained vibrant is the name-changing ceremony. As a mark of change of status, every Kelabit parent changes his or her name upon the birth of a firstborn child. This was often done singly by every couple, but with escalating costs of transport, siblings often join to organise a major feast to change their names instead of the individual *lubang ruma'* shouldering the expense. All the *lun ruyung* will rally around to help in the feast.

### ***Maintenance of Kinship Ties***

Kinship ties are maintained through various means. The Kelabit have begun to use digital exposure on their terms—to maintain kinship networks through the internet and have begun to use special software to record family trees (Statham, 2001). Apart from the ubiquitous Facebook, some Kelabit online networking are established as a tool of communication. Where Kelabit families assimilate into the urban pluralistic society, kinship ties and common bonds are maintained to the 'home' longhouse communities. Many villages organise annual or bi-annual sports carnivals and many returns home to maintain connections with their land. Not only does this provide ties for maintenance of the home village, but it also strengthens the bonds of *lun ruyung* or kindred ties and to keep their kinship ties alive. In a survey conducted in June 2003, more than 70 per cent of those surveyed indicated visits to the Highlands every year.

Today, there is access to logging roads constructed by Samling Bhd for their use, but which the local people have taken advantage of. More families can go back home more frequently. Even in the towns where they reside, there are efforts to keep community spirit and identity alive.

### ***Cultural Associations and Maintenance of Kelabit Identity***

Kelabit in towns maintains cultural associations in what Tan Chee Beng refers to as the 'emergence of an indigenous middle-class intelligentsia seeking to articulate their communities and interests in the evolving state' (Tan, 1994).

One of the first efforts to gather people from the highlands was the formation of the Highlanders Sports Club in the 1970s. The first Kelabit association, TAPEKIT,<sup>55</sup> founded by David Labang, was formed in 1976 as a foundation for the advancement of Kelabit social, educational and cultural development. The main association that seeks to represent the Kelabit today is the National Association of Kelabits (RURUM).<sup>56</sup> To facilitate large-scale interaction, celebrations, discussion and socialisation, RURUM, together with the Kelabit Highlanders Sports Club, organises annual games for the whole community. Beyond the promotion of unity, RURUM provides a forum within which ethnic leadership can be claimed. TAPEKIT and RURUM have the explicit goal of enhancing the economic and educational welfare of the Kelabit. However, as new challenges arise, the traditional leadership looks to RURUM to assist in dealings with outsiders with commercial interests or transnational companies that come into the highlands. This has brought in an added role and focus for RURUM.

### **Conclusion**

This article has shown that the Kelabit have a distinctive culture whose form has been shaped by elements of traditions. Some traditions may not exist in the exact form practised 100 years ago. Nonetheless, the traditions that have shaped them as a people to this day are traditions that interact and are re-created in their relationship with others. Challenges that are faced may present long-term dangers, as well as opportunities raising the question as to how they can re-invent themselves without losing their identity.

Their distinctiveness as Kelabit remains even though they have to adapt to new situations. The practice of their communal values, customary laws, culture, language and tradition in contemporary form does not take away that identity. To deny them 'the right to adapt as all peoples must, to changes to society in which they live' (*R v Van der Peet* [1996]) is to freeze them in an

ancient mould. Like other communities, they have the right to adapt and develop, and to borrow John Borrows' words, the Kelabit 'are at once traditional, modern and post-modern' (Borrows, 2002). The practices that are maintained today contribute to an identity and the survival of the community.

## Endnotes

<sup>1</sup> This would have been the classification as understood by Spenser St. John on his maiden visit to the Adang Valley. He referred to the 'main Muruts' who were 'suppliers of salt and were slave dealers', a clear reference to the Kelabit. See St. John, above n 4 Vol. III, 126–127.

<sup>2</sup> See, for instance, Article 161A (7) of the *Federal Constitution* and the *Sarawak Interpretation Ordinance*.

<sup>3</sup> *Long* means estuary or confluence of two rivers, *pa'* means river.

<sup>4</sup> Occurrences of these marriages between Kelabit men and girls from Kalimantan have increased in the last ten years.

<sup>5</sup> Although mindful of their preference for the Lun Bawang, Southwell explained his use of Murut on the basis that he was referring to the people pre-1960 when that was the term normally used by writers to refer to them.

<sup>6</sup> Lun Dayeh, Lun Kerayan, Lun Berian and Lun Kurid practise a form of bride wealth. For a description of the *furut-sulung*, see Crain (1970) and Deegan (1973).

<sup>7</sup> Name change is an important part of Kelabit culture. A sickly child gets a name change to 'alter his destiny'. First-time parents change their names at the birth of their firstborn. If they have infant deaths in the family, they might change their names again. On becoming grandparents, they change their names again.

<sup>8</sup> Kinship has been a major and enduring subject of anthropology dating back to Henry Morgan's *System of Consanguinity and Affinity* (1870). The pioneering studies of kinship in Borneo were undertaken by Derek Freeman among the Iban in Sarawak (1958, 1960 and 1974).

<sup>9</sup> Fictive kinship describes intense and usually ritualised interpersonal bonds that draw on the kinship model. This could involve god-parenting and brotherhood or religious or political adherence. See 'fictive relationship' Calhoun above n 31 <<http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t104.e612>> at 30 October 2004. In Kelabit context, adoption is the main method of forming fictive relationship. In reality, however, most adoptions occur among consanguines or the circle of *lun ruyung* (kindred).

<sup>10</sup> In the study of Borneo societies some observers have suggested that kinship plays 'a minor role in establishing order', or 'is not, the all-important organising principle' or that it 'plays only a residual role'. See Appell (1976) and King (1978, pp. 5, 87).



<sup>11</sup> As is common in other Bornean systems of descent, the genealogical tree will contain almost as many persons of one sex as the other.

<sup>12</sup> (1808) 15 Vesey Junior 92.

<sup>13</sup> This definition is cited in *Halsbury's Laws of England* (1957) 19, 782. This is also the definition given in Blackstone's *Commentaries on the Laws of England* (1765–9).

<sup>14</sup> I consider the use of Freeman's 'kindred-based action groups' to be the larger network of cognates, affines and others associated with ego who would rally round him to help in a major endeavour like an *irau* feast or other major tasks. He can only draw from and expect his *lun ruyung* to do anything gratuitously.

<sup>15</sup> There are, of course, cases when the adopted child chooses to go back to the natural parents; in such cases, the adoptive parents have the prerogative not to provide or leave an inheritance for that child.

<sup>16</sup> Particularly for the *lun doo'*, it was of utmost importance to have an heir to memorialise their death through expensive death feasts and, better still, to commemorate the death by a permanent monument in stone or on a mountain ridge or plain.

<sup>17</sup> With no available infant food substitute, it was imperative that a child was nursed by a surrogate mother who may or may not be a close relative. Often, a woman who was suckling another baby would be sought to be a surrogate mother to such a child.

<sup>18</sup> On rare occasions, it involved the ritual of cutting the skin, letting the blood flow. The mixing of blood signified a pact of 'common blood'. The *kinanak* (brother) provided food and safe passage for the Kelabit through Kayan/Kenyah territory.

<sup>19</sup> Mathew Amster wrote of his adoptive family with whom he stayed while doing research for his Ph.D. thesis in Bario (above n 10). Such relationships have become common. Beyond providing mutual help to each other, this relationship, however, does not extend to providing for family inheritance.

<sup>20</sup> Slaves addressed their masters as *tepu'* (grandfather).

<sup>21</sup> *Tetak* is Kelabit for 'a piece' or 'a segment' of, e.g. fish or a long piece of meat. It usually depicts something long that is divided into *tetak* (segments).

<sup>22</sup> My mother's sister's husband, who had joined the Police Force, was stationed in Marudi, the nearest town to Bario, for many years. After the Confrontation, in 1966 he was posted to Bario for a number of years. The family lived with ours in the same *tetak ruma'*, but maintained a separate *tetal* (fireplace) and worked their own separate farm. Effectively, there were two *lubang ruma'* in one *tetak ruma'*.

<sup>23</sup> Marriages between second cousins were not encouraged, but were tolerated; however, a special ritual of cutting blood ties had to be performed to allow such close cousins to marry. It was believed that the offspring of couples marrying within the prohibited degrees would be *da'at nua'* (poorly in health and general intellectual development).

<sup>24</sup> Talla, above n 5, makes a distinction between the *paran* and *lun doo'*, saying that the *paran* were the ones who had slaves, whereas *lun doo'* were aristocrats without

slaves. I am unable to establish whether such a proposition is true. It seems to me that the two terms are used interchangeably. My view is shared by two other Kelabit writers, Robert Lian-Saging, above, n 5 and Poline Bala, above, n 4.

<sup>25</sup> Traditionally, wealth consisted of the ownership of the valued ancient jars, beads and other heirlooms and in the old slaves. In the course of time, this meant ownership of land and money.

<sup>26</sup> For years, the only woman who participated in decision making in the community was Sina Napong Aran, a daughter of the late Penghulu Balang Maran.

<sup>27</sup> Lucy Bulan, who for a number of years was the Principal of the secondary school in Bario, was a member of many committees that made important decisions concerning the community. She is a grand-daughter of the late Penghulu Balang Maran. Supang Galih @ Sina Nabun Aren of Pa' Lungan (grand-daughter of the late Penghulu Temabu' Tingang) is one of the most influential person in her village and for all intents and purposes leads the community. Sina Ben of Pa' Dalih (daughter of the late Penghulu Raja Umong) is also a leader in her community.

<sup>28</sup> Penghulu Balang Maran was the first *penghulu* of the Northern Kelabit comprising Pa' Ngalah (now known as Pa' Tik), Kubaan, Lem Baa', Pa' Umur, Pa' Ukat, Pa' Terap (present-day Pa' Lungan), and Pa' Main. Douglas mentioned Balang Maran in above n 6, 25–26.

<sup>29</sup> Penghulu Temabu Tingang, *penghulu* of the Southern Kelabit comprising Pa' Bengar, Pa' Mada, Pa' Dalih, Batu Patung and Ramudu. See Douglas, above n 15.

<sup>30</sup> Penghulu Baya Libut, *penghulu* of Long Lellang. Although this is a small territory it was deemed necessary to give considerable authority to the *laih rayah* there so he could deal with the neighbouring Kayan and Kenyah chiefs on equal terms.

<sup>31</sup> Penghulu Eli Bawang had jurisdiction over Ulu Tutoh and Upper Limbang. See also Douglas, above n 15.

<sup>32</sup> Lian-Saging, above n 5, gave a good account of the succession of *Penghulu* in his thesis.

<sup>33</sup> Ngimat Ayu' is the son of former Penghulu Ngemong Sakai of Pa' Main. See report on the election by Wan Hashim bin Datuk Tuanku Taha, 'Baram District Report 1965' (1966) 30 *Sarawak Gazette* 139.

<sup>34</sup> The present *temenggong*, Temenggong Pahang, is a Kayan.

<sup>35</sup> Other native groups have a corresponding leadership hierarchy within their own communities.

<sup>36</sup> For an outsider unaccustomed to the mechanics of the mediation process the lack of confrontation can appear to border on the absurd and the outsider inexperienced in this process can become impatient with the process of using a go-between.'

<sup>37</sup> Much of the material in this section was obtained through personal communication with Sina Napong Aren and her brother Tama Bulan who were well-known mediators in their community. Others like Tama Trang (deceased) and Dara Balang of Ulung Palang, Belaan Ayu' of Lem Baa', Maren Ayu' of Arur Dalam,

and Maren Talla of Pa' Ramapuh were, and are, active mediators. Maren Ayu' and Maren Talla gave further insights into the dynamics of Kelabit mediation.

<sup>38</sup> Amster, above n 10, wrote on the role of gossip as a social control in the Kelabit community in his thesis.

<sup>39</sup> In the past, a person who was to attend a feast would go into the host's longhouse where a feast was being held if someone in the longhouse owed him a debt. A quick *mekitang* would take place, where the debtor would be persuaded to settle his debt. If the debtor was not able to or refused, the host of the feast would pay the debt to save general embarrassment to all parties. Interview with Tama Anyie, Long Banga, Sarawak, 28 October 2002. This information was confirmed by many others.

<sup>40</sup> Procedurally, any appeal to the decision of the Penghulu has to be lodged at the District Registry in distant Marudi. A party who wishes to appeal would have to bear the cost of air travel to lodge an appeal in person. This is expensive. One wonders if such a procedure is meant to make it difficult to appeal.

<sup>41</sup> The A-G may under s 10(3) appear or nominate another officer to appear before any court constituted under the ordinance.

<sup>42</sup> In Shirley Lees in *Drunk Before Dawn* (1979), the first chapter is titled 'Court Cases Cancelled', where Penghulu Ngimat Ayu attributed reduction of dispute or court cases to the influence of the church in his community. For a detail account of spiritual revival and its impact on Kelabit life, see Solomon Bulan and Lillian Bulan Dorai (2004).

<sup>43</sup> The church leadership always encourages their members to make good any wrong done against another. The Biblical injunction to reconcile is ministered seriously: 'Take heed to yourselves: If thy brother trespass against thee, rebuke him; and if he repents, forgive him.' (Luke 17:3, New King James version).

<sup>44</sup> Tom Harrison, above n 13, had disparaging remarks to make about the young leaders of the church whom he perceived to be of 'low class' parentage, almost as if this gave them a way out of the class system. The fact today is that while Christianity changed the way in which the class system is viewed, most respected church leaders are also respected traditional leaders.

<sup>45</sup> *Code of Adat Kelabit Order 2000* s 1 and s 22. This is paid in the form of a fowl or a pig 'to cool down' a situation in order to restore peace and tranquillity or harmonious relationship between individuals.

<sup>46</sup> Fixed at five (5) *kerubau temadak* (male buffaloes).

<sup>47</sup> This is stipulated in the form of *ilung bao* (beads) where one *ilung bao* is equal to one ringgit (RM1). In case of incest in the immediate family, between father and daughter, mother and son, full brother and sister, the offenders will be fined four *pikul* (one *pikul* is equal to one hundred Malaysian ringgit (RM100), payment of *pememug igu'* of 300 *ilung bao* and *pengadame* of a *berek of enem ngurek* (full sized pig). In the case of incest between uncle and niece or between half brother and sister, the

guilty would be fined three *pikul* (RM300), 240 *ilung bao* (RM240) and one *berek of enem ngurek* (medium sized pig).

<sup>48</sup> Ch III of the code deals with customs relating to farming and related matters.

<sup>49</sup> Interview with Gabriel Jau, headman of Long Banga, 28 October 2002.

<sup>50</sup> The code does not specify what 'fault' or 'no fault' means, leaving that to the discretion of the court.

<sup>51</sup> This is a relic of the custom for preservation of property (ancient jars, etc) within the family. This has been applied to land, where land given to a consanguine who died without children has been taken back by her relatives after her death.

<sup>52</sup> *Code of Adat Kelabit Order* s 160. This presumes that the natural parents are consanguineal relatives in the manner that most adoptions have been carried out in the past.

<sup>53</sup> Ministry of Rural and Land Development Sarawak, Pre-feasibility Study of Four Additional Granary Areas for Commercial Rice Production in Sarawak, Vol V: Bario Area, Draft Report, May 2001, C4-10.

<sup>54</sup> Urban Survey conducted in June 2003, Miri, Sarawak.

<sup>55</sup> Tabung Amanah Pelajaran Kaum Kelabit (Kelabit Educational Trust Fund).

<sup>56</sup> Plays on the word '*rurum*' which means 'a gathering or good companion'. To be a good *rurum* is to be a good friend, companion.

## References

- Amster, M. H. (1999). Tradition, Ethnicity, and Change: Kelabit Practices of Name Changing. *Sarawak Museum Journal*, 75, 183–200.
- Amster, M. H. (1998). *Community, Ethnicity and Modes of Association among the Kelabit of Sarawak*. Ph.D. thesis, University of Brandeis, Waltham, Massachusetts.
- Appell, G. N. (1978). The Societies of Borneo: Explorations in the Theory of Cognatic Social Structure. *American Anthropological Explanation*, VI (Special Report No 12).
- Bala, P. (1999). *Permanent Boundary Lines in the Kelabit Highlands of Central Borneo: A Colonial Legacy*. M.A. thesis, Cornell University, Ithaca.
- Bala, P. (2002). *Changing Borders and Identities in the Kelabit Highlands: Anthropological Reflections on Growing Up Near an International Border*. Kota Samarahan: Unit Penerbitan Universiti Malaysia Sarawak.
- Banks, E. (1931). A Trip through Murut Country, *Sarawak Gazette*, 61, 144-146.
- Bulan, R. (2005). *Native Title in Sarawak, Malaysia: Kelabit Land Rights in Transition*. Ph.D. Thesis, Australian National University, Canberra.

- Bulan, R. (2008). Resolution of Conflict and Disputes under Kelabit Customary Laws in Sarawak. In Zawawi Ibrahim (Ed.), *Representation, Identity and Multiculturalism in Sarawak* (pp. 155-174). Kuching: Dayak Cultural Foundation.
- Bulan, S., & Bulan-Dorai, L. (2004). *The Bario Revival*, Kuala Lumpur: Home Matters Network.
- Calhoun, C. (Ed.). (2002). *Dictionary of the Social Sciences*. Oxford University Press.
- Crain, J. B. (1970). *The Lun Dayeh of Sabah, East Malaysia: Aspects of Marriage and Social Exchange*. Ph.D. Thesis, Cornell University, Ithaca.
- Deegan, J. (1973). *Change among the Lun Bawang, A Borneo People*. PhD thesis, University of Washington.
- Douglas, R. S. (1907). A Journey into the Interior of Borneo to Visit the Kalabit Tribes. *Journal of the Straits Branch of the Royal Asiatic Society*, 49, 53-62. *Federal Constitution, Article 161 A (7)*.
- Freeman, J. D. (1958). The Family System of the Iban of Borneo. In J. Goody (Ed.), *The Development Cycle in Domestic Groups* (pp. 15-52). Cambridge: Cambridge University Press.
- Freeman, J. D. (1961). On the Concept of the Kindred. *Journal of the Royal Anthropological Institute*, 91(2), 192-220.
- Freeman, J. D. (1968). *The Iban of Sarawak* (n. p.).
- Fox, R. (1971). *Kinship and Marriage*. Baltimore: Penguin Books.
- Galvin, A D. (1973). Naming Ceremonies among the Baram Kenyah. *Brunei Museum Journal*, 3, 34-40.
- Hannerz, U. (1992). *Cultural Complexity: Studies in the Social Organization of Meaning*. New York: Columbia University Press.
- Harrisson, T. (1967). Ethnological Notes on the Muruts of the Sapulut River, Sabah. *Journal of the Malaysian Branch of the Royal Asiatic Society*, 40(1), 111-129.
- Hashim bin Datuk Tuanku Taha. (1966). Baram District Report 1965. *Sarawak Gazette*, 30, 139.
- Hoare, A. (2002). *Cooking the Wild: The Role of the Lun Dayeh of the Ulu Padas (Sabah, Malaysia) in Managing Forest Foods and Shaping the Landscape*. Ph.D. thesis, University of Kent at Canterbury.
- Hose, C. (1898). The Kalabits of Baram. *Sarawak Gazette*, 28, 121-122.
- Hose, C. (1926, repr. 1994). Fifty Years of Romance and Research in Borneo (1926, repr. 1994) 67.
- Janowski, M. (1991). *Rice, Work and Community among the Kelabit of Sarawak, East Malaysia*. Ph.D. dissertation, London School of Economics, University of London.

- King, V. (1993). *The Peoples of Borneo*. Oxford: Basil Blackwell
- King, V. (Ed.) (1978). *Essays on Borneo Societies*. Oxford: Oxford University Press.
- Kinship. (n. d.) *Oxford Reference Online*, Australian National University. <http://www.oxfordreference.com/Lang>, E. (1998). The Administration of the Native Courts and Enforcement of Native Customary Laws in Sarawak. *Journal of Malaysian and Comparative Law*, 25, 89–126.
- Leach, E. (1950). *Social Science Research in Sarawak*. New York: Johnson Reprint Corp.
- Lee, B. T., & Tengku Shamsul Bahrin. (1993). The Bario Exodus: A Conception of Sarawak Urbanisation. *Borneo Review*, IV(2), 113–127.
- Lees, S. (1979). *Drunk Before Dawn*. Kent: OMF International.
- Lian-Saging, R. (1976/77). *An Ethno-history of the Kelabit Tribe of Sarawak. A Brief Look at the Kelabit Tribe before World War II and after*. Undergraduate thesis for Bachelor of Arts, University of Malaya, Kuala Lumpur.
- Majlis Adat Isti Adat. (2008). *Adet Kelabit Order 2008*.
- Marshall, G. (Ed.). (1998). kinship. *A Dictionary of Sociology*, Oxford University Press, *Oxford Reference Online*. <http://www.oxfordreference.com/views/>
- Moore, C. W. (2003). *The Mediation Process: Practical Strategies for Resolving Conflicts*. San Francisco: John Wiley & Sons.
- Moulton, J. C. (1912). Ethnological Notes: Trengs. *Sarawak Museum Journal*, 1, 93–95.
- Murang, O. (1983). Migration in Sarawak: The Kelabit Experience. *Sarawak Development Journal*, 3(1), 1–11.
- Noakes, J. L. (1949). Report on the 1947 Population Census, Sarawak and Brunei. London: Crown Agents for the Colonies.
- Richards, A. J. N. (1961). *Sarawak Land Law and Adat*, A Report. Kuching: Government Printer.
- Saging, R. and Bulan, L. (1989). Kelabit Ethnography: A Brief Report. *Sarawak Museum Journal*, XL (61), 89-118.
- Sarawak Government. *Sarawak Interpretation Ordinance 1952*.
- Sarawak Government. *Native Customs (Declaration) Ordinance 1996*.
- Schiller, A. (1997). Naming among the Ngaju. *Sarawak Museum Journal*, 51(72), 1–14.
- Southwell, C. H. (1999). *Uncharted Waters*. Calgary: Astana Publishing.
- St. John, S. (1863). *Life in the Forests of the Far East, Vol 1*. London: Smith, Elder and Co.
- Tagal, M. (1979/80). *Lun Bawang customary law: A socio-legal study*. Undergraduate academic exercise, Faculty of Law, University of Malaya, Kuala Lumpur.

- Talla, Y. (1979). *The Kelabits of the Kelabit Highlands, Sarawak*. Monograph Series, Social Anthropology Section, School of Comparative Social Sciences, Universiti Sains Malaysia.
- Wan Arfah Hamzah, & Bulan, R. (2002). *An Introduction to the Malaysian Legal System*. Kuala Lumpur: Oxford Bakti.