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Chapter Seven
So, this is how it is done...

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I.

What should you do if you have bought something and the seller turns out not to be the owner, or if the purchase turns out not to be any good? Fortunately you can take the matter to court because the law provides for this kind of situation. Often it is not even necessary to take the matter so far. The rights and duties of purchasers are clearly codified and the same is true of those of the vendor. You have the law on your side. You can handle the situation without having to go to court.

What can you do if you have been given the keys to a house that you have bought (by deed) and paid for, and a conveyancing ritual turns out not to have been performed? In a situation like this, the answer is: nothing. You can, however, still perform the ritual. This would mean that the hearth must first be lit and the fire then put out, that a piece of turf or else a twig is handed over, and a pot of porridge will be cooked and eaten together - an example I took from ancient rites.1 There is no law that obliges you to perform or not to perform rites like these; nor is there any law to state that you are not the new owner if the ritual was not performed. Performing this ritual does not disturb the social order. At most it may cause a bit of a stir because this ceremony costs time and money.

Moreover the occasion of the performance of the conveyancing ceremony bears no traces of a chaos that is to be exorcized. Why is it then that we often assume that ritual exists to create order in a chaotic world? Why do think that once we have said that we have stated the crux of ritual? How is it possible that sometimes simple, sometimes complicated, but almost - at first sight - odd sequences of ritual acts can be summed up as having such a straightforward function?2
It is a great deal easier to prove that the law has been brought into existence to create order. Unlike ritual, which is an exclusive event, the law is a general and all-embracing system that rejects any individual regulation that does not in one way or another form a link in the chain of rights and duties, powers and responsibilities, lawful and unlawful actions. It is in this way that private, public and criminal law give themselves the power to prevent chaotic situations developing in society, claiming to provide an orderly response to them. The law contains order in itself and then proceeds to propagate it: it creates a legal order within which we can live. Among the legal scholars there may be some discussion as to whether this is what the law wants to establish or if it is simply its function, or whether it is a case of an order that exists within the law or one that the law itself puts into effect in society; the generally accepted notion, however, is that society is governed by law. And just as well, most people would say. Otherwise there would be nothing but chaos.

It is a mistake to think that rituals have the same characteristics as the law has, or that they fight the same struggle against chaos. Ritual does not introduce any order into a chaotic world. It invents an order - one that exists parallel to the world. An order that is as exclusive as ritual itself. It is simply not concerned with the everyday world, chaotic or otherwise. In contrast to the law that institutes order in the world, ritual initiates an order that is itself a momentary world. This momentary world coincides with the performance of the ritual and takes up as much time as is necessary for the completion of the sequence of ritual acts. To initiate an order is not something that ritual is appointed to do; nor does it undertake to do so. It is just what ritual does anyway without needing approval or appointment. The order whose task is to combat chaos comes into being through the law or some other social system for establishing norms. The order that comes into being through ceremonial, on the other hand, is a pure gratuitous order; it is in all senses sacrosanct.

II.
The ritual order was a gift that even practices of ancient law had gratefully incorporated. Our ancestors, however, sensed that an incorporation like this could not be an organic one. They didn’t make the mistake of thinking that the world lives a natural life and that we have to naturalize even assimilate ‘Fremdkörper’ in order to
accommodate them, while nowadays we feel troubled not being able to come up with good arguments when we have something different and unnatural at hand. It is almost as if we have to have an excuse for practising a ritual. We have not always thought, however, that our purposes should adjust a developing, natural world. Our projects in the past can be characterized as being more mechanic than organic, more repetitive than instuitive and - as I take from Benjamin⁴ - more emblematic or allegoric than symbolic, to fill in: we were more inclined to memento mori than to terminal care. We were contemplating the momentariness of our concerns, what makes it preferable to stay a bit longer, to take our time. (Notice that there is no rush ever within a ritual.)

The difference between the organic and the ritual perspective becomes clear in the way we envisage things. When we picture a city, for instance, we think of something permanent, a body with a pounding heart, the lively city-centre. Within the city we notice a number of important institutes and institutions, which are also permanently present. Education has its schools, religion its churches, art its museums, economy its market-places, exchanges and banks. The law possesses courts, like the Hall of Justice. General abstracts - qualifying education, religion, law and the like as such - are given an enduring site in a domain that, in itself, is nothing less abstract: the city. A city like Amsterdam or The Big Apple. Only from a very high position will it be possible to see its full dimensions. From a plane, for example. However, it is impossible to behold law in its full dimensions from any point of view. This in no way prevents us from accepting the full presence of law in a city by means of a centrally located, clearly visible and recognizable monumental building. We are able to grasp the concept of a social institution or a city and we are able to connect this to a general image; the image of a surrounded unit where social life takes place. This image of a city or a social institution did not always exist.

The typical character of a city was not always pictured in the sense of a municipal society. Our ancestors knew that a bird’s-eye view of a city only resulted in a map. The cartographer’s craftsmanship pointing out the striking features of each individual building, as on a map a building can only be identified by its specific features. The map itself can be the striking feature by laying it in the hands of the patroness of the city, as oil paintings or statues show. For many
generations ‘Amsterdam’ for instance was this female, surrounded by her attributes. She played a vital part and took a central role at special occasions and she always headed any procession. She was the city. She created the city anytime she described her in a solemn procession.

What applied to the city also applied to the law, the church, the annual fair. They were not there; for a specific moment they were either drawn in a procession or circumscribed. Annual fair-parades, silent religious processions, the escort of guests of honour or exiles, the solemn processions for peace and quiet, they all marked the streets. The image of law was created by the bailiff’s fortnightly processions.

In Amsterdam this privilege of the bailiff consists of four so called ‘Loospandingen’ (to be translated as ‘Empty Pawn’) including a Major Empty Pawning (‘Grote Loospanding’) followed by one ‘Eigenpanding’ (‘Proper Pawn’). Their route is fixed and they are extensively described in the 17th century handwritten Book of Ceremonies of the City of Amsterdam. Bankholidays excluded, processions took place throughout the year. It is obvious that the bailiff not only circumscribes or describes the law in his processions, but he also circumscribes the year because the successive ‘pandingen’ (pawnings) determine the legal calendar in which four independent cycles are gathered round feasts.

The first three regular processions include a small cortege. After the opening ritual in the main square (‘de Dam’), the bailiff, escorted by three officials, walks down the central street towards the mouth of the river (‘Amstel’). Then he walks upstream, along the main street on the other side of the river. He crosses the river again returning to the city hall in a semi-square in order to close. In the square he performs the final ritual. The fourth procession, ‘Grote Loospanding’ (the major one) has the same cortege and the same route but is spread out over four days and divided into four sections.

Those four processions seem to be the manifestation of the standard formula of the bailiff’s ‘een -- one, twee -- two, drie -- three and four times -- ende vierwerf’. A formula similar as to the auctioneer’s ‘going, going, gone’. Comparing the bailiff’s formula with the auctioneer’s, it is almost inevitable to think that the first, second, third and fourth ‘panding’ are building up, in a similar way, towards ‘Eigenpanding’: the fifth and last procession. One could assume that this final pawning is the proper, actual distraint. However, in the Book of Ceremonies there is only a description of a walk, a procession or the
Barels, an 18th century jurist, who not only researched these processions but also witnessed them regularly, stresses this fact. He also posed the question why this legal procession was called ‘panding’ although no pawn is taken in and no demands are satisfied. It is most remarkable that this question is unique in legal history. Jurists and historians interested in the right of distraint normally concentrate on the actual contents of the rules.

Rules referring to formalities are usually only briefly mentioned in notes. Until the civil revolution at the end of the 18th century, however, legal processions were a common sight. Therefore it may not be a trivial matter to find an answer to the question why our ancestors spent so much time and money in order to see the judicial authorities parade or go round every fortnight.

Looking for an answer Barels has argued that it would be incorrect to assume that throughout the centuries the link with giving and taking a pawn has faded and therefore only an empty and baroque event lasted. The actual privilege of 1411 already proves that organizing a procession as such is different from valuing or taking goods. Furthermore, it seems rather illogical to grant such a privilege when it turns out to be a empty custom. It is also unlikely to think that the term ‘panding’ was wrongly applied. First of all, Barels tried to find an etymological explanation. The word ‘pand’ may have its roots in the word ‘band’ or ‘ban’, which means bond or spell. The relation between the parties involved may be seen as a mutual bond of trust, and willingness to give a pawn in due course and waiting to take in a pawn when the appropriate time arrives. Barels next step was finding an explanation for the actual Loos- & Eigenpanding. The fairness of the duration of three months, created by the fortnightly ceremonial parades, can be explained by the fact -- according to Barels -- that during the privilege anyone could have returned within three months from his travels with the prosperous Amsterdam merchant fleet to the Baltic. Barels proclaims this fairness to Loos- & Eigenpanding and the meaning of the ancient privilege. Amsterdam would be granted the favour to be exempted from distraint temporarily, contrary to the general custom of immediate pawning. The fact that the timespan from the moment of the final ceremonial of the ‘Eigenpanding’ to the actual valuation and acquiring may take another six weeks, does not do justice, as Barels argues, to the whole sequence of solemn parades. In his opinion this extra provision of six weeks should not be allowed to
vow or object, lest after the ceremony of the ‘Eigenpanding’ the hammer actually comes down. Barels, guided by fairness, wanted to include something general in the scope of the right of distraint to the exceptional ‘panding’.

However, Barels jumped to conclusions by looking at the ceremony of panding as being in the same scope as the right of distraint. He interpreted the ceremony too symbolically, as if the ceremony functions as a particular sign or form, that expresses a deeper and more general meaning. Such a symbol easily subordinates to the general explanation. As opposed to either Barels or Goethe’s poet, we could regard the processions as something general and ordinary in which the exceptional character of Loos- & Eigenpanding becomes visible. In other words, we should treat the exceptional characters merely as allegories or emblems which specify rather than symbols which generate.

In the early days when this privilege was granted, the city of Den Briel had a similar ceremonials to Amsterdam. However, the actual term ‘panding’ was not used. The word ‘procession’ was current. Proof that our ancestors did not distort the concepts of ‘panding’ and ‘procession’ could be found in the Dutch word ‘kloosterpand’ or synonym ‘kloostergang’. The Dutch word ‘kloosterpand’ means ‘cloister’ and includes the cloistral corridor (‘kloostergang’). The word ‘gang’ means ‘cloister,’ ‘gallery,’ ‘ambulatory,’ as well as ‘passage’ and ‘procession.’ Not only the Patroness goes round in a procession, but also the holy Monstrance, Christ and the Virgin Mary. The ceremonial procession gives the opportunity, or rather the privilege of appearance. When the cross heads the procession, Christianity appears. Likewise appears Law when the Verge of Justice is used.

In order to be present, the court has to outline the law. It is a privilege indeed, to mark the territory of law. The route covered by the bailiff draws a square, the foursquare, and he even draws this square four times since he organises four loospandingen. The fourth loospand is held in four days in addition to which the procession itself is divided into four sections and is repeated with the full cast in order to fulfil one of the four sequences of the ritual legal calendar.

According to the bailiff’s formula ‘een -- one, twee -- two, drie - three and four times -- vierwerf’, lines were set in the streets of Amsterdam. Lines can fade out. Thus the lines of justice fade as well and will only re-appear when the square is drawn again: it is the
‘vierschaar’ (foursquare)\textsuperscript{12} and the bailiff’s privilege to outline its territory.

III.

In our present law practices and justice administration we have banned these types of rituals or ceremonies, although still some rites are in request, those we use at the beginning of an undertaking, for instance. You cannot just start without, - that is to say you can, but then you do the ordinary thing. You might as well need a sign to begin with, with something exceptional, with a solemn affair. Three times hammering, the bailiff chants: ‘Oyez, oyez, oyez! All persons having business before the honourable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this honourable Court.’ Or even a less extensive chant: ‘All rise, the Superior Court of X County, the Honourable Jane B. Smith presiding, is now in session.’ Like the processions were general events to become special - each in its own way - by the attribution of well-demarcated gestures, walks, formula and objects, the formal beginnings are general. To become exceptional and in our example to make known the Supreme Court of the United States or the Superior Court of X County, the beginning is in need of a well-described even entirely prescribed (and rehearsed) beginning ritual.

The capability to provide visibility, to make known and even exclusive, seemed to have been the reason why we installed rituals. Paradoxically these very skills, which rituals are using to perform and which involve at least the repetitive, superficial and meticulous techniques, are constantly threatened with extermination these days. Under the regime of the comprehending view, which surreptitiously turns every sign into a symbol rather than into an emblem, we are purifying ritual activity until it is as good as extinguished.

In the Netherlands for instance there is an ongoing debate concerning the oath taking for more than a century. The question is not whether we have to abolish the oath, as you might have expected. The consideration is rather to purify the oath, to protect the value of the oath in itself.

At the end of the nineteenth century the hypocritical situation in which the law required a nonreligious person to take an oath, saying: ‘I swear by Almighty God that the evidence I shall give shall be the truth,
the whole truth and nothing but the truth,’ led to questions in Parliament. For disbelievers the oath must be meaningless. But also the debate surrounded the fact that in the eye of a religious person the oath became worthless when disbelievers swore by God. Allowing an alternative formula, like a promise or declaration, gave a solution to this problem. First, in the Act of 1916, the promise and the declaration were secondary options, but is was only in the Act of 1971 they were considered to be equivalent to the oath. The religious sense was preserved.

Recently the debate about the oath reopened. The fear of the oath being meaningless then concentrated on the fact that on some occasions the oath is taken repeatedly. This is the case when experts appear in court for the second time or more, or when a judge has to be inaugurated again because of his change from district or type of court. So, in specialist publications and literature the ‘devaluation of the oath’ is subsequently discussed: the oath taking becomes ‘pure formality,’ sounds the regret, ‘it degenerates to ritual acts.’ The projected solution is only to administer one oath. Once the oath is taken people have to be released from further oath taking.

Obviously, the oath itself is not being discussed. On the contrary, the oath has to retain its meaning and its central point. So, it must be striped of embellishments. Could we conclude that the settlement of the dispute lies in abolishing the ritual aspects that are stuck to the oath? No, that does not turn out to be the case. They discuss the mechanic, repetitive or emblematic use of the oath, but they want to ‘prevent that the ceremony of oath taking will loose its impressive importance.’ Since the ritual impresses, it is needed. Thus, on the one hand ritual embellishment is required, on the other hand it could be disposed of.

IV.

It is not by chance that this paradox appears. It is inherent to the judicial world, whose essence is rationality. The jural discourse rationalizes every inch of its domain. The oath is part of its territory. To determine the rationality of the oath taking two strategies are to be employed. Firstly jural rationalism has to fight the meaninglessness, try to exorcise all that exists without any sense or meaning, i.e. fight the absence of meaning. This strategy results in the abolition of oath taking. Rationality will take the seat that became vacant, introducing -
as we have seen - the promise and the declaration or extending the effect of the original oath. Secondly jural rationalism has to conquer senselessness or irrationality, i.e. fight the presence of nonsense. Not by its exorcism but through discipline and control. This strategy tends to lock up the oath in itself or to hold it in asylum, where irrationality lives. In that case the oath belongs to the realm of sacred, religious, magic, supernatural phenomena.

Rationalism which appeals to sense and meaning, introduces the paradox first by fighting absence of meaning. So reformists claim that we must abolish ritual. But within the same rationality they grant ritual to exist on level of irrationality and subjectivity - the same level where we find God and the truth. The judicial world is unable to eliminate this level. The judicial process is the very process of finding the truth. It is forced to allow the subjective truth to speak, and benefits from a combination of subjective truth with the irrational belief in celestial powers or the Almighty. Not for long times, Rationalization must, after all, maintain its dominance. Therefore when Truth had spoken, Law resumes immediately.

The interruption or necessary breakthrough of the irrational within the rational process is the reason why the ceremony of oath taking cannot be abandoned. Law and the judicial order are in need of a controllable form or sign at least that expresses the subjective and the irrational. A symbolic form is what they prefer. Ritual is perfectly suitable to serve as such, because of its visibility and observance. If we confine ourselves to the jural discourse and its logic, we might conclude that ritual give an objective expression to the sense of the truth and the Almighty. Ritual in general and the oath in particular serve as heralds of rationality. And we can clear the paradox: ritual characterized as meaninglessness has to be abandoned, but ritual identified as a objective form that gives expression to the irrationality has to be preserved.

V.

Ritual is capable of providing objectivity, but does it express anything particular? Does the raised hand express the truth, the whole truth and nothing but the truth? Or a request to God? We would love to say ‘Yes,’ like the elderly woman in the following anecdote. Despite the obligation to raise the two fingers of her right hand - as required in the Netherlands - a elderly aged women swore with one finger. To the
reprimand of the judge she replied: ‘No, your Honour, one God, one finger!’

The meaning of the typical gesture of the oath taking has frequently been researched. Christian reasons have been proposed. Like Overdiep summarizes, the gesture with fore and middle fingers (current in several European countries) could represent the two natures of Christ (truly God and truly Human). The gesture with thumb, fore and middle fingers outstretched (valid in the same countries mentioned above) could be a representation of the Holy Trinity. In case of the whole hand, however, the possibility to refer to Christ runs out on the number 5. We could evaded to the fact that in case of the whole hand the right hand is obliged. Antoine Garapon claimed that ‘The right hand is the hand that takes; it is the hand that symbolizes life, force, good, purity. This representation is almost universal. (...) Right is the light, the truth, left is unspeakable and obscure. Right is the height, the heaven and the peace, and left is all the opposite!’ It is curious to find this two incomparable explanations of the oath taking gestures, while the religious and cultural tradition is the same, namely Christianity and Europe. Overdiep was looking for a religious meaning denoting the number of outstretched fingers. Garapon tried to find a religious meaning within a peculiar mixture of all kinds of connotations. To maintain at least one of the explanations we have to find a denotation of the number 5 or else we must consider the prescribed custom to raise the two front fingers as an exception - impossible, actually, because the custom is not confined to the Netherlands at all. Moreover, in many countries, where the raised hand is imposed, many people nevertheless swear with two fingers raised.

The same incomparability between interpretations exists towards the hand raising element of the gesture. On the one hand we have the idea that there is some kind of force or energy within man, that must be released in order to move upwards. It is offered. ‘If the hand is closed, the energy can not go out and is driven back inside man. The image of a clenched fist evokes the idea of recycling the force for himself, the idea of a ferment. The open hand releasing his force expresses the idea of an offer, an offering, even. It brings an symbolic exchange into action. This interpretation also explains why this energy is directed upwards, to the heavens. (...) Moreover the act of raising the arm is a positive gesture; it proposes something: it is a commitment.’ On the other hand we have the idea of an divine or magic force that
comes from the up high and descends into the man who had called upon
the celestial powers. The superstitious practice of undoing the oath by
crossing or holding two fingers of the left hand down behind the back -
as it were a lightning-conductor - should support this interpretation.
Here the gesture is considered to represent an external force, and not
long ago the same gesture was considered to be presenting a inhabiting
power.

Under the symbolistic and rationalistic perspective, the oath
taking gesture is polyvalent and polyinterpretable: not a good sign for
its rationality. So the gesture must be irrational, then. It is always
irrationality that glooms at the horizon of rational explanations. In
rationalizing its practices the jural world is confronted with the
irrational.

VI.
The ritual is acting as a double entendre. It serves as an objective form
of expression, and as we have seen, this means that ritual appears as
herald of the king, called Rationality. A herald superintends
ceremonies. Well then, which ritual is not in favour of being master of
ceremonies and acting this role out?

Ritual observes rules, and these rules prescribe precisely how
the ceremony of oath taking is done: how to perform the swearing. The
rules do not find the law along their side, but they find a brother-in-
arms in every individual who has to testify or is to be installed.
Everyone knows or relies on the Coroner, the oath administering
officer, who knows how it should be done and why you can not leave
the hand raising gesture out. If you don’t make the gesture, you have
not sworn. You can declare, state or testify at any point, but taking an
oath you cannot do without the gesture.

The explanations given of the oath taking rules are not
determinative towards the ceremony. These explanations do not affect
the ritual event: they are indifferent to ritual. This indifference explains
also the fact that ritual is not affected by time. That does not mean that
we have consider ritual as a thing of the past which is now just a part of
our heritage. Tradition is in fact closely related to time, while ritual
resists time. In the same way it resists the law or the legal prescriptions.
It is not even concerned with the aspirations of morality. With
conspiracy it conforms as well. After all the oath complies with legal
society as well as with the illegal association, with the sacred, the secret or even the profane. No matter how, forswearing is swearing. Indifferently what the function of the bond, the syndicate or the confederation might be, the oath serves as ritual.\textsuperscript{19}

The carelessness is accompanied by the most attentive care. The initiate deeply respects the ritual precision and ceremonial sequence. During the performance, one is not concerned with anything but the prescribed order of the event, with the perfect reproduction of everything that has been rehearsed: a specific gesture, an appropriate movement, a recitation that can go on for days, a mimed act that can undergo a moment-by-moment metamorphosis. All the techniques that the human body has at its disposal can be employed to give form to a ritual activity.

Ritual, however, does not treat perfection as a compensation for or a struggle against existing imperfections. It is not engaged in the dialectical struggle with which we are familiar. In the context of dialectics perfection is distilled out of imperfection, a process that leads to the idealizing of the perfect, so postulating its impossibility... so that once again what is actually realized is something that is imperfect. Through this dialectical logic we are confronted with a commonplace that in the meantime has been elevated to the status of a piece of worldly wisdom: even though we strive for perfection, we know that it cannot be realized. This is not the wisdom that is taught in ritual.

It is perfection that prevails in ritual. This is why the adjective ‘perfect’ is effectively obligatory for the initiate in the ritual: the perfect body, the perfect human being, perfect harmony, the perfect way, the perfect transaction and even perfect order. We tend to regard the perfection we find in ritual as being a compensation for the imperfection of everyday life, without however quite being able to believe that the compensation is adequate (because we have postponed perfection to the afterlife). Not just that, it even overthrows dialectics by setting it against itself, by reversing the banality of commonplace wisdom. Instead of stating that we should strive for perfection while at the same time accepting that we cannot escape imperfection, the ritual itself states that everything in the ritual is perfect - while at the same time it is fully aware that imperfections can creep in. That is why the one-finger swearing woman don’t have to worry, nor does the reprimanding judge have to (and didn’t, in fact). The imperfections within a ritual performance are not referred to the afterlife and the
Judgement of God, nor are they abandoned to fate. Imperfect ritual transactions are just as much respected as those that are perfect: they are always ritualized.

‘Having reached the age of thirteen, the time of puberty, and thus the religious age of majority (Bar Mitzvah) the youth goes up in synagogue for the first time as one of the required number of persons called up for the Torah. He then reads his parashah (portion) to the congregation. You realize, of course, that this has been thoroughly rehearsed beforehand. (...) The person who has the honour of reading the final portion of the Holy Law on Simchat Torah (Rejoicing of the Law) and the person who on that same day has the honour of starting afresh with Genesis, they too are permitted to read their portion from the Scroll of the Pentateuch. (...) Yet these texts are read a second time by the reader (koré), in order that nobody should be put to shame. For a person’s reading may be so bad and so full of mistakes, that an expert reader would be required to reread the whole portion. So this is how it is done: whether the recitation was good or bad... the koré always rereads the portion.’

The ritual rule, which begins with the formula, ‘This is how it is done...’ provides for an element of imperfection in a ritual act even if this did not occur: the reader reads the text over again. In the case of taking an oath a similar rule is followed, one with a reversed order. First the court officer who is trained and has rehearsed, reads the formula with no error. After that the witness, or the person who is to be installed, starts to stutter, makes mistakes or confines himself to a simple and firm ‘Yes, I do.’ It is not a question of exorcizing any elements of imperfection. There is no fear of a lack of completion, of a perfection that is not realized. We have already seen that ritual is also not afraid of an imperfection that is not realized. It is therefore a mistake to see, as Freud does, a connection between ritual and neurosis. Neurosis is a result of a fear of reality; ritual is quite simply not concerned with reality. Whether or not there actually is imperfection, it deserves to be respected; and respect means ritual. This is the way of accounting for the ‘long series of expiation rites for mistakes that might have been committed’ that follows on the performance of a large-scale and elaborate ritual such as the Agnicayana as described by Frits Staal. It also explains why third time is lucky. We may ask whether after the third (imperfect?) occasion we really can be sure of a good outcome. One thing, however, is certain: from the point of view of the
ritual, once it has been done three times it has been done in a fitting manner.

VII.
Because the perfect order of ritual is completely independent of reality, you are not supposed to believe in it. This is because you can only believe in something that in the end turns out to be true, perhaps after a long and deep enquiry into the present or else into the afterlife, into nirvana or an original paradise. Anyone who puts his faith in the perfection of a ritual will expect the initiate to perform a ritual in its original setting, sticking as closely as possible to the tradition, or he will expect the ascetic eventually to transcend into higher realms. In this way ritual is turned into a myth - a myth, incidentally, in which many anthropologists put their faith. Every unorthodox performance of a ritual is classified as imperfect or impure; every attribute that is ‘forgotten’ will be treated as an omission, every substitute as a stain on the whole. The result of faith of this kind is an attitude of permanent suspicion of any given performance of a ritual.

Suspicion like this, however, is mutual. Ritual does not depend on believers, it relies exclusively on its practitioners. Believers have to cope with a contradiction between a perfect and an imperfect ritual; the practitioners are only aware of an opposition between a perfect ritual and no ritual at all.

Perfect ritual: when the Haftarah is recited because the reading of the Pentateuch is forbidden by religious crusaders, when - later when the prohibition is removed - together with the recitation from the Torah, the reading from the text from the Prophets also continues to be used.23

Perfect ritual: when people who have abstained from swearing - not willing to invoke celestial powers or the Almighty -, raise their hand and declare or promise either to speak the truth or to obey the code that comes with their profession.

Perfect ritual: when 14 atas replace the goats, if there is opposition to the animal sacrifice.24

Perfect ritual: when the ritual is performed with plastic mats instead of bamboo, Coca-Cola tins instead of traditional clay vessels and even if the music comes from a tape-recorder and the participants are dressed in jeans.

A ritual is perfect when it creates an order that is offered to chaos, when Chaos is honoured and therefore also proves to be ritualized.25
VIII.

So how is it done nowadays? In our modern culture the fate of the perfect ritual order is an poor and impoverished fate, and would seem to resemble that of the Map of the Empire that Borges tells of in his *A Universal History of Infamy under the heading, Of Exactitude in Science*:

In that Empire, the craft of Cartography attained such Perfection that the Map of a Single province covered the space of an entire City, and the Map of the Empire itself an entire Province. In the course of Time these Extensive maps were found somehow wanting, and so the College of Cartographers evolved a Map of the Empire that was of the same Scale as the Empire and that coincided with it point for point.  

This artificial reproduction of the real Empire by the cartographers (that resembles the artificial repetition or reproduction by ritual of a banal event) bears no relation whatsoever to the dream of the Colleges of Sociologists, Anthropologists and Jurists, who, at least by implication, also pretend to offer some sort of map of the world. With the full force of their scholarship they attempt to uncover the world so that the world can be discovered. The Cartographers, on the other hand, have spread their parchment over the world like a veil, so achieving the opposite result: they have not discovered it; they have covered it. They preserve the distinction between the meticulous map of the world and the world itself, their Empire. And the Empire hides behind the decorative motifs of this topography. In the same way the world finds its hiding place behind the ritual sequences of walks, steps and recitals of formula, of seasonal festivals and special days in the calendar.

In their constant urge to ask questions about the useful use of everything, the modern human sciences have an ally in the sequel to this history. In the case of Borges it was with the succeeding Generations that this question originated:

‘Less attentive to the Study of Cartography, succeeding Generations came to judge a map of such Magnitude cumbersome, and not without Irreverence, they abandoned it to the Rigors of sun and Rain. In the western Deserts, tattered Fragments of the Map are still to be found, Sheltering an occasional Beast or beggar; in the whole Nation, no other relic is left of the Discipline of Geography.’

27
Just as successive Generations will in the end have to live with the tattered Fragments of the Discipline of Geography, our succeeding generations - once the use of ritual has been questioned - must live with the scattered Traditions of the Discipline of Ritual.

IX.

Once we are familiar with Borges’ history of infamy, we will know that this outcome is by no means certain any more. Fortunately an element of suspense plays a part now. We might as well live with the thought that on the surface of the Empire there will still be an open scroll of parchment, one that has been covered with a second layer of writing like a palimpsest. The script that now covers the surface is the script of the genuine, the real and the natural; it is written on top of the script of the Cartographers which, even though it has been scratched out, remains partially legible. The same feeling of suspense might induce us to think that the surface of the world must also be a palimpsest consisting of descriptions of functional, practical and ideal relations which cover the still visible fragments of ritual script. Inevitably these ritual fragments also shelter everything that is inhuman (it is a fact that human beings prefer to dwell in the Juridical and Sociological Disciplines).

The Inhuman Disciplines are no longer situated in desert places. One comes across them in the busiest and most crowded parts of modern society and recognizes them from features that remind one of ritual. Perfection above all is prevalent in this world, the world of the computer, of advertising, of fashion and of art. It is a perfection that is for sale; you are the recipients of its reflected glory; you no longer need to strive for it. These worlds also have in common with ritual the fact that they are averse to everyday fuss and bother and everything that has to be merely usefully useful, even though this may have been the reason why they were originally created. The advertisements for computers, for art, for fashion and even the advertisements for advertising promise to free us from our everyday cares. They generate a sort of holiday spirit in us. The goods that they recommend also land up in this realm: Van Gogh is to be enjoyed like a Sunday trip to a teahouse; a dress is accompanied by a picture of a tropical beach; a Philishave is like a motor ‘on the road;’ nowadays even Moscow has its M for McDonald’s.

Advertisements and the goods they promote are no longer
concerned with reality. Fashion, for instance, is no longer concerned with designing clothes that provide protection against the weather, as lifestyles no longer with life. Fashion is also not concerned with deciding what is beautiful and what is ugly any more; all it is interested in is knowing what is ‘in;’ even if that is something that is as uglier than ugly. Through edicts that oscillate between short or long, tight or wide, dark or light, smooth or pleated, underwear or overwear, it ‘fashions’ non-stop a fascinating world, a temporary rage.

Specialists in the social sciences and the law need to be au courant with the latest trends in the younger generation or with patents, and they have a hard job keeping up with all these crazes. But the scholars are just as likely to be caught out by their sudden end as their unpredictable rise. For a short while crazes create an order that is purely obligatory, consigning to the attic everything that was perfectly normal up till then. Of course the specialists in these fields are aware that there must be some kind of undercurrent beneath these fashions, an undercurrent on which all kinds of caprices can surface only to vanish once again. They will however never get to know the principle underlying this trend. Because on the surface of transcendent regularity, the ordering of the world, the immanent code of ceremonial has, in fact, been wiped out.

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Notes


2. Cf. Suzette Haakma, 1989, ‘Inleiding,’ Pages 7-10 in Suzette Haakma (ed.), Rituelen, Utrecht: Bureau Studium Generale, Rijksuniversiteit Utrecht, 8. The same function described as ‘symbolic modeling of the social order,’ is observed by Bell in the work of Geertz, T. Turner, Douglas, Lukes (see Catherine Bell, 1992, Ritual theory, Ritual practice, New York/Oxford: Oxford University Press, 175). In the chapter The Ritual Body Bell also summarizes: ‘In this way, ritual dynamics afford an experience of ‘order’ as well as the ‘fit’ between this taxonomic order and the real world of experience (Id., 104).’


5. In the Book of Ceremonies every corner, every street and every alley was meticulously indicated. The book contained furthermore regulations and instructions of ceremonies, like the elections, the oath taking, the promulgation of statutes and laws, and the sentencing of both capital- and minor crimes. Cf. Ceremoniboek van de regeering der stad Amsterdam, several handwritings, in print approx. 1736, esp. 54-59.

6. The description of the last and fifth ceremony (‘Eigenpanding’ i.e. ‘Proper Pawn’) is almost the same as the fourth and mayor ‘Empty Pawn’ (‘Grote Loospanding’). The
Book of Ceremonies prescribes an extra announcement ceremony in church, acted out by an court herald, at the Sunday Mass the day before the actual procession starts. Furthermore, the solicitors appear for the first time at the beginning of the third day. They bring their pawn tickets in order to present them solemnly. Still no pawn is taken or given. The extensive cortege is the third and last difference between ‘Eigenpanding’ and ‘Grote Loospanding.’ Besides his court officer the bailiff is normally assisted by two aldermen. In case of ‘Eigenpanding’ he is accompanied by all nine aldermen and by one of the four mayors that Amsterdam possessed at that time.


9. Barels is a contemporary of Goethe, no doubt: ‘There is a great difference between a poet’s seeking the particular from the general and his seeing the general in the particular. The former give rise to allegory, where the particular serves only as an instance or example of the general; the latter, however, is the true nature of poetry: the expression of the particular without any thought of, or reference to, the general. Whoever grasps the particular in all its vitality also grasps the general, without being aware of it, or only becoming aware of it at a late stage (Goethe as quoted by Benjamin, op. cit. note 4, 161).’

11. In Dutch the Verge is called ‘Roede’, which could also mean ‘rod.’ Contrary to what a rod assumes, the Verge does not have the appearance of a scourge and an instrument of punishment. It is a branch of an ash whose silhouette figures a twisted staff. According to the 16th century allegorical dictionary by Cesare Ripa, a judge has to be represented with a staff, the emblem for judicial authority, with a snake writhed around it, as the emblem for prudence. Cf. Cesare Ripa, 1644, Iconologia of Uytbeeldingen des Verstands, Amsterdam: Dirck Pietersz. Pers (Reprint, 1971, Soest: Davaco); English Trans., 1779, Iconology. London: G. Scott (Reprint, 1979, New York: Garland Pub.). Ancient pictures show, that in Court the Verge of Justice nearly always seems to be present, either on the mantle-piece, in a vase or stuck to the wall. Sometimes the bailiff even took the verge in his hand. Whenever he proceeded in the procession through the city, the Verge of Justice was carried by a preceding court officer. See Agnes Schreiner et al., 1991, In de ban van het recht, Amsterdam: Duizend & Een (with pictures and English summ. ‘Captured by justice’); Agnes Schreiner, 1994, Recht-Spieghel, 16/4 Tableau. Fine Arts Magazine 91-96 (with pictures and English summ. ‘Mirror of Justice’).

12. Originally, justice was administered in the open-air. For this purpose, a centrally located, noticeable place was marked by stretching ropes in a square, a foursquare. In Dutch this is called ‘het spannen van de vierschaar,’ which means ‘stretching’ or ‘spanning the foursquare.’ ‘Vierschaar’ became synonym for the appearance of the judge: the court.


14. Id.


17. Id., 114.

19. Yet is the administration of justice not indifferent as well? The oath taking is nothing more than pure formality, an obstacle that hinders the due course in court, an obstacle that has to be taken as fast as possible. Beyond the harassing breakthrough of irrationality the judicial world is only interested in a sworn statement as evidence, and in the pursuit of a perjury, if the lie occurs. In this sense, i.e. within the perspective of the law only, we are able to call the ceremony of oath taking a ‘rite of passage’: the legal procedure needs an overpass to bridge the abyss of irrationality continuing the road rationality takes.


21. Some people make a mistake that results in a forswear or a curse even. For instance, Dutch people often change the (archaic) oath formula ‘Zoo waarlijk helpe mij God Almachtig’ to ‘Zoo waarlijk helpe mij, god allemachtig.’ The last part is normally a cry of despair or fear, like ‘O, My goodness!’ People mostly do not notice this slip of the tongue at all. No matter how, the oath is considered to have been taken. Th.M. de Jongh, 1979, ‘Eedsgebaar en eedsformulier I&II,’ 5482-5483 WPNR 344-348; 367-371, 370 note 52.


27. Id.