The Journal of Sāmoan Studies

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The cover design by Nadya Va’a comprises abstractions of breadfruit leaves and ocean colours illustrating the growth and development of Sāmoa, its natural resources and land. The fale motif represents the social, political, economic and religious structures of Sāmoa, with tapa (siapo) motifs and textures in the design referencing fa’asāmoa and cultural heritage. The diagonal elements from old tapa designs symbolize quantified information.
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Abstract

At present urban areas in Sāmoa are weakly defined and local government is based on a neo-traditional village governance model. Apia town has no municipal council so urban governance responsibilities lie with various agencies of the central government. No rates are paid and non-village urban residents have no say in the management and planning of the town. On the positive side Sāmoa has few informal settlements in the form of makeshift housing on land occupied under insecure tenure. On the negative side, urban and peri-urban areas are inadequately served by the prevailing neo-traditional system of local government. It is increasingly evident that in many peri-urban areas there are large pockets of poverty and disadvantage which are not addressed by the current laissez faire attitude of the government of Sāmoa to urban governance. This rests on the untenable idea that traditional local government principles can be applied to urban or suburban and other peri-urban areas where there is either no traditional village, or where traditional villages are interspersed with privately owned land, shops and houses. We argue that the establishment of an Apia town council is long overdue.

Keywords: Local government, poverty, neo-traditional, informal settlements

Introduction

There have long been dire predictions about urbanisation trends in Pacific Island states (Jones 2012a; Connell 1984; Connell 2011; Asian Development Bank 2004; Asian Development Bank 2012a; Thomas and Keen 2017). For example, citing a 1996 United Nations Development Programme report, and its continuing relevance, Storey (2005: 1–2) points out that traditional forms of governance are unlikely to adequately respond to growing populations, increasing peri-urban squatter settlements; makeshift housing; greater poverty; mainly informal employment; deteriorating environmental conditions; unequal access to infrastructure; and, increasing crime. He further cites a World Bank (2000: 15) commentary on the development threats of weak urban governance. In this paper we examine some of these predictions in relation to Sāmoa and critically examine the present policy of adapting a traditional village model to serve non-village settlements with associated institutional arrangements. We argue that this policy is likely to increase the pace of the negative trends identified above, especially poverty and crime. We will argue that there is an urgent need to overcome the complexities of defining the urban area and to establish a municipal government.

Contemporary trends of urbanisation in Sāmoa have positive and potentially negative aspects. On the positive side Sāmoa lacks informal settlements in the form of makeshift housing on land occupied under insecure tenure. Further, Sāmoa has no remote outer islands; its two main islands are connected by ferries and have sealed roads accessible to all villages, along with water supply, electricity and telecommunications. Population growth has slowed with declining fertility rates and emigration (although the population of north-west Upolu continues to grow, as will be further discussed). In these respects Sāmoa differs from most other Pacific Island states (Thomas and Keen 2017). On the negative side, urban and peri-urban areas Sāmoa are inadequately served by the prevailing neo-traditional system of local government resulting from a head-in-the-sand policy attitude to socioeconomic change and growing urbanisation. Sāmoa has no town council; urban and peri-urban residents pay no rates for road works, street lighting and rubbish collection. Services like these are provided by the central government through its various agencies to town and country alike (Jones 2002). Further, there are no programmes or services specifically directed to address problems of urban poverty and social disadvantage. So far there is limited quantitative evidence to focus remedial policies on the very visible poverty in some of the suburban areas around the town of Apia.
In Sāmoa, as elsewhere in the Pacific, defining the town or city boundaries can be problematic (Storey 2005: 3). Many scholars of urbanisation in Pacific Island countries (Storey 1998; Connell and Lea 2002; Bryant-Tokalau 1995; Jones 2012) have relied on United Nations published data sets to compose and analyse urban growth and urbanization in the region. But such data sets are incomplete, and open to misunderstanding and misinterpretation by non-specialists (Cohen 2004: 24). The UN must rely on official urban definitions and data released by the statistical agencies of member states, which differ widely by country. Definitions of the urban boundaries of Sāmoa’s only town, Apia, vary according to whether the data comes from the Sāmoa Bureau of Statistics, the Office of the Electoral Commission, or the Planning and Urban Management Agency. Over the inter-censual periods 2001, 2006 and 2011 ‘urban’ areas have been poorly defined. As an ADB study of urbanisation in the Pacific Island region (2012: 4) points out:

*P*acific urbanization has caused the term ‘urban’ to take on a number of meanings. In physical terms, *P*acific urban areas vary greatly in population size and density, total geographic area, land-use patterns, quality and type of buildings, and their relationships to peri-urban areas.

‘Peri-urban’ is a term used to describe newly urbanized zones at the fringes of cities, especially in developing countries; where there are mixed areas under an urban influence but with a rural morphology (Ravetz, Fertner and Nielsen 2013: 16). For Sāmoa, the term ‘peri-urban’ refers to villages and settlement adjacent to but outside the designated ‘Apia Urban Area’, as well as parts of the densely populated North West Upolu region which, like Apia Township, is also characterized by a mixture of residential and commercial of freehold, church and customary land tenure.

According to the Census definition (SBS 2012: 54) the ‘Apia Urban Area’ comprises the electoral (*faipule*) districts of Vaimauga West (population of 24,105 in 2011; 22,264 in 2016) and Faleata East (population of 12,630, 2011; 13,190 in 2016). In 2015 two new parliamentary seats were created, defined not by locality but by property. The classification of “urban voter” is restricted to residents living within the boundaries of these electoral districts on privately-owned freehold land who may vote for two candidates who also belong to this property classification. Those who are living on government, church, or customary lands in these electoral districts vote for the candidates in these, or in other electorates where they are registered as voters.

From data in census reports, Sāmoa appears to have lower urban than national growth (Keen and Julien 2015) but this is misleading. The Sāmoa Bureau of Statistics (SBS) divides the population according to four main geographical regions: Apia Urban Area, North West Upolu, Rest of Upolu and Savaii (Figure 2). SBS 2012 data shows that the population growth has been mainly in North West Upolu, rather than in the Apia Urban Area where growth has declined since the previous census (Figure 1).
Figure 1: Population Distribution in Apia Urban Area (AUA), North West Upolu (NWU), Rest of Upolu (ROU) and Savaii 2001–2016

Regional Distribution 2001 - 2016


Figure 2: Map of the four population census regions Apia Urban Area (AUA), North West Upolu (NWU), Rest of Upolu (ROU) and Savaii 2001–2011 and Urban Study Area.

Source: Ministry of Natural Resources and Environment
The results of the 2016 census show an increase in the population of North West Upolu from 62,390 (2011) to 69,358 (Sāmoa Bureau of Statistics 2017: 14). This is a statistical artefact however. North West Upolu encompasses urbanised areas such as Vaitele. Part of Vaitele lies within the Fa'ainea East constituency district, where about 50 percent of the land is owned under individual freehold tenure. Vaitele is a government-planned industrial/residential zone characterised by an ‘agglomeration economy’ as applied to urban planning theories elsewhere in the developed and developing world where development is driven by the advantages of agglomeration of established industries to smaller business and service providers. (Kaplan, Wheeler and Holloway 2009: 170) The Vaitele industrial zone represents the clustering of a diversity of economic activities and services drawn to several large industries in the area, as well as cheaper land and rents compared with the designated Apia Urban Area. It is not only Vaitele that is driving population growth in North West Upolu; the area also comprises 54 densely populated contiguous villages (SBS 2012: Table 93) interspersed with shops and other businesses. The busy road, now being upgraded, serves the airport at Faleolo and the inter-island ferry terminal at Mulifana.

**Apia Township**

A factor in the decreasing population of the Apia Urban Area (Figure 1 and 2) has been the relocation of residents from leased government and Catholic Church lands at Sogi and Taufusi in recent years. These areas were once swamps; the land was reclaimed for housing by mainly low-income part-Sāmoan families in the 1940s–50s. They have now been sold or leased to private businesses. As residential areas like these have shrunk, the economic landscape of Apia is changing to pre-dominantly commercial and government premises. A profile of the main landward street from the Town Clock that marks the centre of Apia town on its seaward side shows that there is one residential property to every five businesses located along this major road (Tauaa 2016).

The town of Apia was originally a village (nu'u). A ‘village’ in the Sāmoan context is a territory encompassing a residential core and surrounding areas of farm and forest land, and in some villages the lagoon, governed by a council of the heads of land-owning families (in a manner which we describe further below). In the late 19th century, Apia became a foreign enclave that grew up around the harbour, surrounding Apia village which gave its name to the town. Until the 1960s the town was inhabited mainly by foreign residents serving the colonial administration and by the part-Sāmoan business community. As the town slowly grew it encompassed other villages, so that today the town is a patchwork of government, freehold, church-owned and customary land. In many Pacific Island towns and cities, acquisition of land for urban expansion is to some extent constrained because adjacent land is under customary tenure (ADB 2012: 4). This has not been a constraint in Sāmoa because Apia is surrounded by large pockets of land that were alienated from customary ownership in the 19th century (Meleisea 1986).

These lands were originally acquired from the customary owners during civil wars in the mid-19th century, mainly by German plantation companies and was, in 1921, transferred to New Zealand as reparation for the First World War, and became known as the New Zealand Reparation Estates. At independence in 1962 the land was given to the government of Sāmoa as the Western Sāmoa Trust Estates Corporation (WSTEC). In the 1990s, the extensive landholdings of WSTEC, mainly concentrated in the districts of Tuamasaga and A'ana, was divided between two statutory corporations: STEC, the Sāmoa Trust Estate Corporation (renamed when ‘Western Sāmoa’ was renamed ‘Sāmoa’) and the Sāmoan Land Corporation. This followed the financial collapse of former WSTEC when the government assuming responsibility for its multi-million SAT$ debt. Approximately 70 per cent of WSTEC land was transferred to the government under the legislative provisions of the Sāmoa Trust Estates Corporation Reconstruction Act 1990. STEC retained 650 acres at Faleolo (Upolu) along with other smaller holdings on Upolu, and 1,200 acres in Savaii (Schoeffel and Meleisea-Ainuu 2016; Meleisea 1986; Ward 2005; Davidson 1967).
Since the 1960s new urban settlements have been created by subdividing government land into quarter-acre residential sections and large sections for business and industrial purposes. Thousands of Sāmoans have bought quarter acre (or larger) blocks of freehold land in urban and peri-urban subdivisions of formerly plantation land. The opportunity to buy land from the government has allowed further expansion of the town and surrounding areas, mainly without conflict over traditional land rights.

**Informal settlements**

Sāmoan people do not ‘squat’ on or occupy land on which they do not have some form of rights, although they may temporarily trespass on or illegally dump rubbish on unoccupied freehold or government land. A common manifestation of informal settlement arises from arrangements by Sāmoan owners of freehold land who live overseas, to allow relatives (who previously lived in villages) to occupy the land and house (if one has been built). In these cases rent is not charged but the occupants are expected to look after the property.

According to the Asian Development Bank (ADB 2012) informal settlements are a characteristic consequence of urbanization in Pacific Islands. Informal settlements as ADB defined them, are typically located in congested urban areas and characterized by make-shift dwellings with poor water and sanitation service and insecurity of tenure. They are seen as the consequences of rural-urban inequality in access to services and employment. In multi-cultural Pacific Island States, a characteristic of urbanization is the coming together of varied sociocultural island values, behaviour and attitudes that people take with them into the urban areas creating ‘rural villages in the city’ (ADB 2012: xiv). Discussion of urbanization in Pacific Island countries have mainly focused on the effects of deteriorating rural economic conditions, particularly in the larger countries of Melanesia, where population movements from outer islands or rural areas are generally motivated by a quest for paid work, and for the better education and health services that are thought to be available in towns. (ADB 2012: 3). These often have poor access to water and sanitation as well as insecure tenure and, as Jones and Lea explained:

> With the acceleration in rural–urban migration beginning in the 1960s, a new type of village has emerged and blossomed—the squatter settlement—which over time has become a nearly universal phenomenon in Pacific urban areas. ... In extreme cases, Pacific squatter settlements have become the dominant component of the urban form (Jones and Lea 2007).

Sāmoa has no Informal or “squatter” settlements. There were once a handful of informal settlements dating back to the German colonial period 1900–1914 within the Apia township area. Those living at Sogi, mainly the part-Sāmoan descendants of Melanesia plantation workers have mostly been relocated to government land at peri-urban Falelauiniu, although some still contest relocation. Each family was sold a quarter acre of government land at a subsidized price with connections to water and electricity put in by the Sāmoa Land Corporation. A similar relocation plan was implemented in 2011–2012 by the Catholic Church for the people who were leasing Church land at Saleufi and Taufusi. In this case, the families were first given the option of buying the land but because the families were mainly low income earners, and the price of land in this area of Apia in 2012 ranged between SAT$600,000 – $800,000 per quarter acre, they could not afford this choice. As an alternative, they were offered quarter acre blocks on Catholic church land at peri-urban Moamoa with SAT$30,000 to aid in their relocation, a more generous arrangement than that offered by the government to the residents at Sogi (Latai 2015: 54–71).

**Custom and land**

The reason why informal settlement in the sense of extra-legal occupation of private, customary or government land is very rare in Sāmoa, as we noted previously, because Sāmoa does not have remote rural areas or outer islands. Since the 1980s road networks connecting all villages to town on Upolu
have gradually been upgraded and all villages on Savaii are connected by roads to the ferry wharf. Thus rural to urban migration patterns differ from most Pacific Island countries. As a homogenous people and culture, every Sāmoan, whether in Sāmoa or outside Sāmoa, can claim ties to customary land by genealogical right. The Sāmoan kinship system is cognatic, meaning that membership of a clan or kindred (‘aiga) can be traced through both parents and grandparents. Both the family and clan are known by the same term, ‘aiga which may mean ‘family’ in the sense of immediate relatives, people who live in the same house, or ‘clan’—an extended family comprising many people living in different places. Membership is ‘activated’ by service and contributions to the family and its matai (titled head). For this reason participation in ceremonies (fa’alavelave) is very important to Sāmoans, because it affirms kinship ties and implied mutual duties and obligations between people who might only rarely see each other. A Sāmoan gains recognition of his or her rights of clan membership by attending and supporting (with cash or labour) events such as large collectively sponsored funeral ceremonies. This is one of the reasons why overseas Sāmoans send remittances to relatives in Sāmoa. The Sāmoan kinship system facilitates movements of people who want to live close to town. Customary land belongs, in theory, to clans, but in practice use rights belong to those family members living on the land, who have a kinship connection to the matai (chief) title associated with the land. A recognised clan member has the traditional right to occupy or use clan land, as long as permission to do so is granted by the matai (chief) who is acknowledged as the Sa’o (head of the clan) (Meleisea and Schoeffel 2015). This means, in practice, that if an individual wishes to live closer to town, they may activate clan connections to relatives living in urban or peri-urban village and seek permission to live on family land there. This may be a temporary arrangement, as is common with secondary school students whose parents want them to go to school in town, or a more permanent arrangement when an individual moves in with extended family relatives or builds a house on the customary land they occupy. The strength of family connections and mutual assistance is such that it is not unusual for people to move in with extended family living on freehold land, even though there is no customary right to do so. In these cases, rent is not charged but co-residents are expected to provide household labour and, if they have paid work, to contribute to household expenses including church donations and ceremonial gifts (fa’alavelave). The desirability of living near town is demonstrated by Tauaa’s study of informal businesses in Apia (2016); more than half (70.2 percent) of the couples trading in town resided with the wife’s family in urban and peri-urban villages, contrary to the culturally preferred and once culturally prescribed practice by which women move to live with the family of their husband. Accordingly, in theory, Sāmoan customs preclude landlessness. Those who do not live on customary land have rights to it as long as their membership of one or more extended families using customary land is acknowledged. According to Sāmoan beliefs, no Sāmoan person is without a ‘fa’asinomaga’—a place of ‘belonging’. According to these beliefs, people may choose to move from rural localities to urbanising areas, but they are not, strictly speaking, landless.

**Economic insecurity in peri-urban areas**

In reality landlessness is becoming a possibility as Sāmoans relinquish customary ties and obligations and live independently. This can be a sign of affluence—Sāmoans who no longer have any economic need to maintain ties with their ancestral villages and ‘aiga and who prefer to avoid economic demands from the extended family; but it can also be related to poverty. Many of the households living on freehold land in the peri-urban Vaitele area are visibly poor, living in makeshift houses with insecure income from day labour. This may be because they lack the means to meet customary obligations beyond their immediate family. Because of the widespread belief among Sāmoans that everyone has land and a supportive family network, it is also common for Sāmoans to deny the existence of poverty. Statistically there is now a correspondence been poverty and large households. The Sāmoa Bureau of Statistics reported the national average household size at 7.3, but for poor, very low income households, the average household size was 9.8 (Sāmoa Bureau of Statistics 2012: 12). The largest average household size was found in rapidly urbanising Northwest Upolu (see Figure 1) with an average of 10.1 persons. This represents a change from a past in which a large household was
desirable and wealth-building in a subsistence economy in which food and highly valued ceremonial good were all produced by households. Studies of poverty in Pacific island countries refer to ‘poverty of opportunity’ rather than ‘poverty of income’ (Abbott and Pollard 2004; Abbott n.d; Morris 2011: 2). Poverty of opportunity embraces lack of education, health and economic assets that preclude people from full social participation in their societies. Abbott and Pollard defined poverty in the Pacific Islands as ‘hardship’ from the perspectives and experiences of those afflicted by it, seeing poverty as a state of being where meeting physical needs for housing, food and health care are inadequate due to limited income earning opportunities. It was significant that in Abbott and Pollard’s Sāmoa study, hardship was often defined by respondents as lack of money to contribute to the church or to family or village ceremonies, indicating the importance of giving as a means of maintaining social status.

The generation growing up in households located on freehold land in urban or peri urban areas are at higher risk of poverty than those in villages with access to customary land. In urbanising North West Upolu 34 percent of households were recorded as having no access to agricultural land compared to 9.7 percent households in rural Upolu and Savaii (Sāmoa Bureau of Statistics 2017: 91). Households on small freehold blocks without cultivable land are more likely to depend on paid work or non-agricultural informal enterprises such as selling food or handicrafts than those living in villages (Tauaa 2016). Accordingly, they are more economically insecure than people living in villages where customary land ownership enables small scale food production for home consumption or informal markets. People living on freehold land may well have disconnected themselves from their families on customary land. If they are there due to family permission rather than by right of ownership, their tenure is insecure.

However, if an emerging ‘landless’ group in Apia is among those leasing land from the Church or looking after distant relatives’ properties in Apia, as asserted by Thornton, Binns and Kerslake (2013) and Thornton (2017), there is so far little quantitative evidence of it. Their situation cannot be compared with those people elsewhere in the developing world who have been forced off their lands or who are being displaced due to civil wars in their countries. Those who have strained familial relationships with their kin or who, for whatever reason, have sought tenure on land belonging to churches, as referred to by Thornton, Binns and Kerslake (2013: 360) cannot be described as landless. According to Sāmoan customs there must always be a place of belonging for them. However, in reality familial individualism is becoming increasingly evident in villages, even those which are distant from the town, for example individual occupancy of customary land is evident where roadside household compounds in villages are fenced off in suburban style and gated against clan members who are not the close relatives of those living there. Tombs are used as signifiers of land ownership where parents or grandparents of the occupants are buried prominently in front of houses. Areas of agricultural land are fenced off, ostensibly for grazing cattle, even when no cattle are apparent (Meleisea and Schoeffel 2016: 2015). Furthermore, inheritance of houses built on customary land has become more contentious (Meleisea and Schoeffel 2015: 22). A house built of permanent materials (fale pālagi) can be a source of conflict between the descendants of the people who built it and their other relatives. Nevertheless, unless all of the land to which a family has customary rights is occupied, as appears to be the case of some villages in north-west Upolu, any Sāmoan who strategically maintain traditional relationships have rights to share the land appurtenant to the family matai title. What is beginning to modify the customary rights is the practice that has grown in recent decades to dividing these titles among many holders, when it is not clear which title holder is the Sa’o (holder of authority) in land matters. The contentiousness of traditional rights is evident in the back log and delays in proceedings filed at the Sāmoa Lands and Titles Court by heirs and descendants of titles and claimants of customary lands, against other heirs and descendants in relation to the bestowal of matai titles and the use of or access to land and possession of houses. Interestingly, a significant number of these petitions emanate from Sāmoans residing overseas for whom the belief that they have customary rights to re-activate land claims enabling them to return to Sāmoa is very important. As we noted previously, this may indeed be the primary motivation for sending remittances to their families in Sāmoa.
Customary land tenure may still be regarded as a social safety net, but it is often invoked as a barrier to economic progress (Murray and Overton 2011: 279) and with this in mind, recent legislation allows customary land to be leased for development purposes. About eighty per cent of total land in Sāmoa is under customary tenure, but although it is often said that large areas of this land is underutilised, this figure exaggerates the extent of customary land. It includes mountain slopes, steep gullies, lava fields and otherwise inaccessible or un-cultivable land. In contrast the 20 per cent of land in government, church or private hands includes nearly all the prime agricultural land and urban real estate of Sāmoa. A study of selected cocoa producing households living on customary land in 2016 (Schoeffel and Meleisea-Ainuu) found that most growers found it difficult to cultivate more than 2–5 acres due to a lack of family labour. Young men, who are expected to work on family plantations are increasingly unwilling to work without cash payment and will seek other means of earning cash as casual labour, and as fruit pickers in New Zealand under the seasonal worker schemes.

Local Government

Unlike most other Pacific island countries, no town council has been established in Sāmoa since the colonial municipal government that ended in 1889. The country is governed under two tiers of government, a central government comprising of elected parliament and public service, and village local government based on traditional structures and customary by-laws (Toleafoa 2006). The Village Fono Act 1990 (amended 2017), and the Internal Affairs Act 1995 are the two key pieces of legislation that address village government issues and guide the work of the Internal Affairs Division in coordinating central and local government relations. Sāmoa has 11 traditional districts (Itumālo) which date back at least to the 18th century and longer, according to Sāmoan traditions. There are now 19 recognised districts, 89 sub-districts, 26 urban local governments, and 286 rural (village) local governments (according to unpublished information provided by the Ministry of Women Community and Social Development (MWCSD). A recent study (Meleisea et. al. 2015: 20) distinguishes between local governments; 192 are traditional villages, 48 are sub-villages of traditional villages and 35 are non-traditional villages. Each of the traditional local governments operates their own system of local government, separate and independent from others, most drawing on unwritten customs and norms in their decision-making, although subject to the laws of Sāmoa. However, the 35 non-traditional settlement areas include suburbs and other settlements such as those of the major churches. They, like traditional villages and sub-villages, are governed under a model based on traditional norms, by council of matai and with elected village representative (sui o le mālo) and a women’s committee representative (sui tama’ita’i) who liaises with the central government through the Governance Division of MWCSD.

The Planning and Urban Management Agency (PUMA) under the Act of 2004 (amended 2005) administers the urban area. The government treats new settlements on freehold land as though they were villages in terms of the provision of government services; even though they do not have traditional governance structures. Village government in both urban and rural areas is supported by the central government through the Internal Affairs division of the Ministry of Women, Community and Social Development (MWCSD). Urban planning and governance is the responsibility of the Planning and Urban Management Agency (PUMA) which was set up in 2002 under the Ministry of Natural Resources and Environment to develop the legislative and regulatory tools to administer the planning and urban management system. Improving urban infrastructure, services and the physical environment and increasing private sector participation are other responsibilities tagged to the section’s work plan (Planning and Urban Management Agency 2013: 9). The roles, responsibilities and powers of the Agency are spelled out in the Planning and Urban Management Act 2004. The PUMA act provides an integrated planning system that can work with and assist village level governance through cooperation with the Governance Division of MWCSD to create support for and enhance urban and village governance (Sansom 2013: 67).
The problem of administering urban areas as though they were traditional villages is illustrated by the case of a pilot project that was set up in 2006 for residents of Vaitele, aiming to establish a non-traditional model of local government (Sansom 2013: 69). The outcome of the project highlights several factors critical to issues of urban governance and urbanization trends. First, the initiative was limited by the lack of cooperation between the key implementing agency—Planning and Urban Management Agency (PUMA) and the Ministry of Women, Community and Social Development (MWCS&D). Second, Vaitele has both characteristics of a suburb and a village. Historically it was a village but it was overthrown in the late 19th century during a civil war and the land was sold to a German plantation company—land that later become WSTEC, then SLC property as described above. The families who trace their ancestry to the old Vaitele village wanted to re-establish Vaitele under the authority of its matai, with some land to be granted by SLC to establish a traditional centre (malae) and village fono (council) (Toleafoa 2006 cited in Sansom 2013: 70). This plan however did not sit well with most Vaitele residents; people who have moved there from many parts of Sāmoa, living on freehold land, who may be assumed to have adopted independent lifestyles with no desire to live under a neo-traditional authority. Another question was which matai would be recognised under a neo-traditional system of authority. Would it only be matai who traced their titles and ancestry to the original village of Vaitele, or would it include matai living in Vaitele who hold titles from other villages in Sāmoa?

Unfortunately, the traditional village government model is not conducive to modern urban local government. The so-called fa’amatai (government by matai) is custom and village based, as opposed to the principles of democracy enshrined in the Constitution of Sāmoa and in law (Toleafoa 2006). It is a ‘system of chiefly authority based on the idea that title holders would represent the interests of the extended families who gave them their titles’ (Meleisea 2000: 191). It evolved out of the blending of ‘aiga (families and clans) in a hierarchy of matai titles, each with an ascribed rank, where kinship relationships and social-political interactions are played out (Vaai 1999: 29; Toleafoa 2005; Le Tagaloa 1992: 117; Taua’a 2014: 60). In both pre-modern and contemporary Sāmoa villages, roles and status in village government are voiced on formal occasions in fa’alupega (honorific traditional salutations) which affirms the relative rank of each matai in the village and its council from the highest to the lowest (Davidson 1967: 17). It is in effect the ‘who’s who’ of the village social-political hierarchy (saofa’aiga). The fa’alupega is a condensed oral history of the village origin, kinship, ties to pagan gods, ancient warriors, and the natural environment, encompassing land, sky, ocean and spirit world, which evolved historically since ancient times to define rank, status, political decision-making and land rights. Extending this power and control outside the traditional village context is not compatible with individual property rights. Most traditional villages impose evening curfews, dress codes, and rules obliging people to attend church, which many people would consider incompatible because they live as individuals outside such systems of control.

Village councils are expected to maintain law and order, but do not provide any services, except in a few rural areas where village councils manage water supply. Public services are provided by central government agencies which license businesses, issue building permits (which are compulsory throughout Sāmoa), and enforce such environmental regulations that exist. State-owned enterprises provide water supply and electricity which are available to all rural and urban residents of Sāmoa, delivered on a ‘user pays’ system. Telecommunications are privately owned. There is no public transport; bus services are operated by private owners. Most schools are government operated, and government also partly funds and provides services to church and private schools. There are no tuition fees charged by government schools, but because most government schools are managed by village or district school committees (recruited from among the matai elected from the councils of villages served by the school) and they charge school registration fees. Health Services are provided by district health centres and two referral hospitals for modest fees. The police operate from district stations as well as from their town headquarters. However, because no rates are charged to urban residents; their roads (if they are government roads) are maintained, street lighting is provided and their rubbish is collected without charge.
Why Sāmoa needs a town council

The laissez faire attitude of the government of Sāmoa to urban governance has so far rested on the untenable idea that traditional local government principles can be applied to urban or peri-urban situations where there is either no traditional village, or where traditional villages are intertwined with privately owned land, shops and houses. Why does Sāmoa have no town council? There is no constitutional provision for one (Commonwealth Local Government Forum 2017) although we are told that the idea of establishing one has been proposed and rejected several times over the years. An anecdotal explanation is that the private sector and owners of private property in and around the town are opposed to the establishment of a town council, because they do not want to pay rates and enjoy the free services provided by the state. Another possibility is the government, led by a political party that has been in office for over 30 years (Ale 2019) prefers its present system of tight control over public policy and the bureaucracy through the processes of cabinet appointments of government executives. It may view the idea of establishing an elected city council as a potentially disruptive counterweight to its present ascendancy. The Sāmoa National Urban Policy of 2013 tiptoes around the issues of urban governance; it provides for strategic planning, establishment of urban governance principles, urban boundaries and associated legal parameters, a city development plan, spatial plan, plans for urban infrastructure and an urban services coordination plan (PUMA 2013: 22). But although it contains many idealistic statements about the expected benefits of its urban policy and strategy, it does not explain how cost-effective and participatory local government is to be established in the rapidly growing suburban and other peri-urban areas where around 40 percent of the population live in localities no longer subject to traditional Sāmoan norms.

As Jones (2002) point out for Sāmoa “there is an increasing need for participation in the planning process” however his discussion centres mainly on villages, with about 60 percent of the population, which have adequate, if not always effectively utilised, neo-traditional representative mechanisms. The Ministry of Women, Social and Community Development has a program aiming to improve rural planning processes, and to make them more participatory through District Development Committees aligned with the Sāmoa Coastal Infrastructure Plan and comprising elected representatives of the village councils and women’s committees to assist empowerment of communities that will support provision of information and coordination of development initiatives for climate resilience, and for economic and social development, by other government and non-government agencies. A city council would allow non-village residents, representation.

The plan is also silent on how to address socio-economic problems of urbanization such as poverty and inequality highlighted in a number of reports (Storey 2005; Kidd 2012; Pacific Institute of Public Policy Paper 2011). The World Bank estimate shows Sāmoa has a high level of inequality, ranking 53 out of 158 countries with a Gini index of 42.00 (Index Mundi 2008). If a municipal council were empowered to charge rates on a scale relative to property values, it could provide the financial resources needed for investments to be made towards the alleviation of urban poverty by ensuring that all urban or non-village landowners, households and residents are registered. Other measures could include the enforcement of building regulations, regulations for adequate household water and sanitation (to be subsidised if necessary), establishment of by-laws and zoning, and provision of adequate schools and accessible opportunities for vocational training in non-village settlements. Measures could also include means to help households cooperate in maintaining the law and public order, through their elected councillors, community organisations and neighbourhood churches. Aside from rates there are other ways in which urban government could be financed, for example undeveloped and unmaintained land in urban areas could be taxed to allay the common risk and expensive consequences of trees being blown onto electricity wire and adjacent houses in cyclones.

Setting up a municipal council would require, at least in an establishment phase, considerable effort and financial outlay by government as well as the political will to resolve boundary issues. A decision would have to be made about which areas of Apia and surrounding suburbs would become wards, the residents of these localities would have to be surveyed for registration, an electoral system...
would have to be designed, a system for numbered street addresses would have to be established, and a financial plan for rates payment would need to be worked out. As Shah describes (2006), there are many options for developing countries to consider in choosing an urban council model. Sāmoa needs to begin considering them. In the coming years the assignment of selected public service to a town council would not only provide for cost recovery it would also include ways to address urban poverty in the context we have described, but would give urban residents a voice in government that, with only two out of fifty parliamentary seats for urban voters, they lack at present.

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VILLAGE FONO AMENDMENT ACT 2017- SOME SOCIAL AND GENDER ISSUES

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Abstract

Sāmoa possesses two parallel systems through which social order and justice are maintained; these are the formal western judicial and legal system and the traditional justice mechanism provided by the village councils. Village councils play an integral role in maintaining social order and passing judgement on offences in the traditional villages in Sāmoa, with the majority of villages being classified as traditional. Due to variation in the definitions of acceptable norms, the penalties for different offences across villages, and the potential conflict with the state laws, there was a push towards a review of the Village Fono Act 1990, the key piece of legislation which governed the functioning of the village council. The amended Village Fono Act 2017 has expanded the authority of and has encouraged the codification of the customary regulations by village councils. This paper will discuss several social and gender issues which may emerge due to the codification.

Keywords: Village Fono Act 2017, Codification, Gender

Village Government in Sāmoa

This paper explores the significance of the 2016 Amendment of the 1990 Village Fono Act in relation to the customary and legal status of women. Sāmoa has a unique system of local government based on an adaptation of traditional political practice. Until 1990, there was no specific acknowledgement of the fono in law but in 1990 the Village Fono Act gave legal recognition to the exercise of power and authority by the fono, in accordance with ‘custom and usage of their villages’. It was introduced in 1990 at the same time that the results of a plebiscite was affirmed and made law, extending the previously restricted franchise to all citizens over the age of 21, the Act was, no doubt, intended to assuage the concerns of traditional village leaders (matai), who had previously held the exclusive right to vote in elections, that their authority had been undermined. In its original form, the Act outlined the breadth of the authority of the Village Councils in Sāmoa. The Act remained otherwise unchanged until 2017 when new provisions were added and will be discussed below.

Sāmoa has approximately 200 traditional villages (nu’u); these are traditional polities governing a group of extended families within a territory, which typically extends from the top of the central ridge of mountains to the coast (Meleisea et al 2015: 20). Local government in Sāmoa is based on the institution of fono (village councils) made up of matai who represent the families of the village. A matai is the head of an extended family or clan, identified by a title (an ancestral name) belonging to that family. The term matai is sometimes translated as ‘chief’. Each village has a unique traditional honorific salutation (fa’alupega) that alludes to (and thus defines) the rank and status of the matai titles of the village. The fono makes decisions based on consensus and following discussions in which all matai have the right to express opinions. For liaison with the national government, each fono elects a village representative (Sui o Nu’u). In most villages there is a lower level of local government comprising village women’s committees (komiti), which is represented by an elected Sui Tama’ita’i and associations of untitled men (aumaga) who are subordinate to the fono. This system is often referred to as ‘fa’amatai’ and is widely believed to be the foundation (fa’avae) of Sāmoan custom and tradition. Village governments have considerable power and authority in setting priorities for the provision of health and education services, water supply, agricultural development, business operations, land use, customary observances and maintenance of law and order. Decisions made by the fono can be challenged at the Land and Titles Court and citizens are in principle, able to report criminal matters to the police, but many choose to abide by the decisions of the fono.

Village government is based on the customs, usage and history of each village as interpreted by the fono, its legislative body. These may appoint sub-committees for local services such as schools and water supply as they see fit. The authority of the fono covers actions which benefit the village financially and matters related to village hygiene. The fono imposes fines in the forms of money,
animals or other goods, or by requiring work on village land for persons who had contravened the village rules. Sāmoa’s courts were permitted in the 1990 Village Fono Act to consider the penalties imposed by the fono in determining the final penalty imposed by the court for a criminal offence. Those dissatisfied with a decision by a fono may appeal to the Land and Titles Court.

**Law, Custom and the Constitution of Sāmoa**

The Constitution of the Independent State of Sāmoa (1960) spells out the rights of the individual, based on the United Nations Convention on Human Rights, Part II Fundamental Rights, including the provision under Article 3:

‘Except as expressly authorized under the provisions of this Constitution, no law and no executive or administrative action of the State shall, either expressly or in its practical application, subject any person or persons to any disability or restriction or confer on any person or persons any privilege or advantage on grounds only of descent, sex, language, religion, political or other opinion, social origin, place of birth, family status, or any of them.’

Notwithstanding this provision the constitution is silent on customary governance norms. Under Part IV, Article 100 provides vaguely for traditional leadership, stating that: “A Matai title shall be held in accordance with Sāmoan custom and uses and with the law relating to Sāmoan custom and usage.” Article 101 provides for customary tenure by defining customary land as “land held from Sāmoa in accordance with Sāmoan custom and usage and with the law relating to Sāmoan custom and usage.” It further provides that there will be no alienation of customary land. There are few definitions of ‘Sāmoan custom and usage’, it is not defined in the Constitution but is defined by the Acts Interpretation Act 2015, Section 3 as:

‘the customs, usages and traditional practices of the Sāmoan people existing in relation to the matter in question at the time when the matter arises, regardless of whether or not the custom, usage or practice has existed from time immemorial.’

Prior to universal suffrage coming into effect in 1990, only matai title holders could be on the individual voter’s poll. This was challenged in the case of Saipa’ia Olomalu v. Attorney-General almost a decade earlier, in 1982, where sections of the Electoral Act 1963 relating to eligibility requirements to be a registered voter (including the requirement to hold a matai title to be on the individual voter’s roll), were contested as being incongruent with Article 51(1) and (2) of the Constitution (subsequent amendments to the Constitution have placed the contents of these Articles under Article 3) which covered freedom from discriminatory legislation. Although Olomalu won, the Attorney-General’s office appealed and the judgement was overturned on the basis that the drafters of the Constitution intended for Sāmoa to be governed by its traditional fa’amatai.

*While the Court of Appeal agreed that the sub sections in the Electoral Act 1963 (sub sections 16 and 19) were discriminatory on the basis of family status, the decision was the Article 15 of the Constitution were not ‘was not intended to and does not relate to voting at general elections...’ (Bayne 1985: 202).*

Cases of disputes over custom and usage with regard to matai titles or customary land may be taken for arbitration to the Sāmoa Land and Titles Court, provided for in the Constitution under Article 103. Issues can potentially arise as the practice of several persons holding the highest matai title within extended families normally held by the family sa’o (who traditionally was the sole head of the extended family and could approve a lease on part of the customary land belonging to the title on behalf of the extended family) are becoming more common (Meleisea 2018: 60).

There are many constraints to women holding decision making positions at the local and state government levels, which include the small percentage of women who hold matai titles, 11 percent at the 2011 Census, (Sāmoa Bureau of Statistics 2012: 50), among other social normative constraints. To support the amelioration of this situation, an amendment to the Constitution in 2013 (the Constitution Amendment Act 2013, No. 17 inserted the new Article 44[1A]) provides that a minimum of 10 percent of seats in Parliament are to be held by women. In the 2016 elections, four women won
seats in the 50 seat parliament and one woman was appointed to make up the quota (Women in Politics 2018).

The Ministry of Women, Community and Social Development remains a key point of contact and a liaison between the fono and komiti of communities. This is achieved by monthly meetings with the Sui o Nu’u and Sui Tama’ita’i, who represent these village bodies, with meetings taking place both in Upolu and Savaii. The Internal Affairs Division of the Ministry (currently being reorganized into a Governance Division), is authorized under the Internal Affairs Act 1995 to oversee the wellbeing of villages, village authority, and to provide for other matters relating to the culture and traditions of Sāmoa, which includes oversight and management of the Sui o Nu’u and Sui Tama’ita’i.

The fono is integral to governance at the local level of Sāmoa’s traditional villages, and until the amendment of the Village Fono Act 1990 in 2016, the 1990 Act existed as the guiding legislation for their authority. The following section expands on the implications of the amendment of the legislation on village fono authority.

**The Amended Village Fono Act 2016**

The Amended Act went into effect in 2017 and Section 5 expanded the authority of the fono to specifically include the ability to impose banishment, to impose curfews as needed, to classify offenses and penalties in the village, protect natural resources, record fono discussions and decisions and the authority to make and alter these and other village rules. It also included the “promotion of natural justice and fairness principles in decision making processes and procedures, protection of Sāmoan customs, traditions and the protection of village traditions, norms and protocols” (Village Fono Amendment Act 2017).

The village rules in each traditional village vary, as do the penalties for offenses committed. These are seldom documented and are subject to change based on the membership and decisions of a fono at a particular time. For example, in the 1970s many villages forbade the consumption of alcohol, whereas nowadays few do so. The Sāmoan Law Reform Commission (SLRC), after a national consultation on the authority of the fono (2012) recommended that village rules and the penalties imposed be written and registered and assessed for constitutional compliance (SLRC 2012: 16). The intention of the recommendation was to avoid abuse of authority by fono. The provision of a draft set of rules and penalties as a kind of template would be made available to villages for their consideration and adoption or amendment. It further recommended that penalties for the same offense be standardised across different villages, with records of decisions made by the fono documented for presentation to the court as required (SLRC 2012: 16–18). Although the Amended Act invites registration of village by laws, it is voluntary and registered bylaws cannot be interpreted to be compliant with the constitution (Section 5C). Fono were to be gently eased into making a commitment to a set of transparent bylaws to ensure accountability of the standards of village governance.

**The Land and Titles Bill 2019**

Other laws salient to the discussion of the eligibility requirements for matai title bestowal are the Land and Titles Act 1981, the Land and Titles Bill 2019 and the Sāmoan Status Act 1963. The Land and Titles Bill 2019 is currently under review and should it be passed into law, will repeal the 1981 legislation. The Land and Titles Act 1981 and the Land and Titles Bill 2019 both include sections on the qualifications of a person to hold a matai title. Part 5 (Titles) section 20A of the 1981 Act (Land and Titles Act 1981) refers to applicant as a person. In the 2019 Bill, Part 4 (Matai Titles) Section 10, the individual under consideration is referenced by the pronouns he or she. The 2019 Bill (Land and Titles Bill 2019) reduces the age of eligibility to hold or to be bestowed a matai title from 25 years (in the 1981 Act) to 21 years of age.

Both the Land and Titles Act 1981 and the Land and Titles Bill 2019 make reference in the respective sections on qualifications of a matai title holder (Part 5 Section 20A in the 1981 Act and Part 4 Section 10 in the 2019 Bill) that the individual is required to carry out duties (serving the family,
community and village) in accordance with Sāmoan custom and usage. Again there is no definition of Sāmoan Custom and usage provided in the Constitution, but custom has been defined by the Acts Interpretation Act 2015. This facilitates the variable interpretation of the term when determining the suitability of candidates for the title.

The Sāmoan Status Act 1963 has two sections related to matai title holders; Section 6 states that only Sāmoans can hold matai titles, with the rest of the section related to land rights entitled to only Sāmoans. Section 7 contains a caveat to Section 6 as it states that persons of European descent who were bestowed matai titles prior to the Sāmoan Status Act 1963 coming into effect and who still held those titles when it came into effect, would be allowed to continue to do so. ‘Honorary’ matai titles continue to be bestowed to foreigners out of respect and appreciation for their contribution to Sāmoa however these titles have no impact under Sāmoan land and titles law.

**Gender, Individual Rights and Governance**

Besides the recommendations of the SLRC’s 2012 report on the Village Fono Act, other recommendations to Parliament when it considered the Bill to amend the Act, included those of the State of Human Rights Report 2015 produced by the National Human Rights Institute, which raised concern about the ability of women to present their cases to a fono, and advocated the representation of women in the fono (Office of the Ombudsman and the National Human Rights Institute 2015: 9–12). Of all matai, only 11 percent are women according to the 2011 Census (Sāmoa Bureau of Statistics 2012: 50). The major issue raised in consultations reported by the SLRC was not women’s representation, but freedom of religion, (this could have been attributed to the Terms of Reference of the 2010 Commission of Inquiry being on “freedom of religion”) with many matai making representations voicing their objections to new Christian denominations being brought into villages in competition with the established churches (SLRC 2012: 4). Another common issue raised was the right of the fono to banish delinquent individuals or whole families from a village to preserve peace and good order (SLRC 2012: 26–27), with cases recorded of the courts awarding financial compensation to persons who were banished by the fono, on the basis that the VFA 1990 did not authorize the fono to use banishment as a penalty (The Editor 2015: 45–46). A study of gender and governance in Sāmoa published as Political Representation and Women’s Empowerment in Sāmoa found that in villages only about 5 percent of matai were women (this figure varies from the 11 percent stated in the 2011 Census, as the 2015 report was written four years after the census, and some female matai holders may not reside in the village), and that many villages have unwritten laws which deny recognition to matai titles if they are held by women, and have conventions that exclude women matai from participating in village councils (Meleisea et al 2015: 8). To address these findings, the report of the study made recommendations to Sāmoa’s parliament concerning the amendment to the Village Fono Act (a Bill before Parliament in 2015), as follows:

*The current proposed provision to amend the Village Fono Act 1990 will extend the powers of the village council to define village council policy (faiga fa’avae) and establish procedures to be followed in making village council decisions (i’ugafo’ono). The proposed provisions of the bill will give legal recognition to the authority of the village council to protect Sāmoan customs and traditions, and to safeguard village traditions, norms and protocols. On the basis of the research findings we recommend that the Government of Sāmoa give further consideration to gender equity in the proposed amendments to the Village Fono Act 1990, and hold further consultations to include the following:*

I. In keeping with constitutional provisions (Article 15) for the equality of citizens, and the rights of Sāmoan families to bestow their matai titles (Article 100), the Village Fono Act 1990 should be amended to include provisions that disallow village councils to discriminate on the basis of sex with regard to the recognition of matai titles or the right of a matai to participate in the village council.

II. The amendment of the Village Fono Act 1990 should include provisions requiring village councils to formally consult with the Nu’u o Tama’itai and the Faletua ma Tausi on the formulation and provisions of village council policy (faiga fa’avae) and on the establishment of procedures to be followed in making village council decisions (i’ugafo’ono).
The amendment of the Village Fono Act 1990 should include provisions that village council policy (faiga fa’avae) and procedures to be followed in making village council decisions (i’ugafono) and include the provision that the president of the village women’s committee and/or the village women’s representative (Su’i Tama’ita’i) may directly represent issues and concerns of the village women’s committee to the village council at its meetings, rather than indirectly through the village representative (Sui o le Nu’u) (Meleisea et al 2015: 9–10).

These recommendations were presented to the Select Committee of parliament considering the Bill to amend the Village Fono Act (1990), by the research leader, Professor Malama Meleisea, but were ignored by the Committee. As passed by parliament (now comprising only one political party) the Act does not require a fono, when formalising its rules and penalties, to consult the village women’s groups in a komiti, the nu’u o tama’ita’i (the sisters and daughters of the village) and the faletua ma tausi (the wives of matai). The application of village norms and traditions has been used as one of the reasons to justify why, in 19 villages women are not permitted to hold matai titles or to sit in the fono (SLRC 2016: 15; Meleisea et al 2015: 8).

The impact of these impediments to women holding matai titles, decision making roles or being able to sit in the fono carry over into governance at the national level, as a political candidate must be a registered matai title holder to run for election. Of the twenty four women who contested seats in the 2016 general election, four won their seats and one seat was assigned to the female candidate who had polled in the highest (under the 10 percent quota mentioned earlier). The importance of women holding high ranking matai titles, continually contributing to village governance (the fono and the church) and to be supported by their extended family in the village(s) to be considered seriously by the electorate was highlighted in interviews with the women candidates who ran for the 2016 general election. The candidates also highlighted that women electors were more accustomed to men as leaders and decision makers, so were less supportive of them (Sinclair et al 2017: iii–iv).

Family violence and Customary Responses

Village council plays an integral role in maintaining lawful behaviours and dealing with anti-social actions in Sāmoa’s traditional villages. Among such behaviours family violence (the beating of wives and children), as distinct from fighting between different families, has been recognized as a major social problem in both the 2006 Sāmoa Family Health and Safety Study and the 2017 Sāmoa Family Safety Study (Secretariat of the Pacific Community 2006; Ministry of Women Community and Social Development 2017). The earlier report recommended that the Act (Village Fono Act 1990) be amended to allow village councils to ‘prohibit violence whatsoever in the family’ (Ministry of Women Community and Social Development 2017: 94) and the 2017 report recommended that the Act be amended to “empower and oblige village councils to intervene to end family violence incidents” (Ministry of Women Community and Social Development 2017: 102). So far only one village in Savaii has banned domestic violence.

Research shows that family violence is common in Sāmoa (Secretariat of the Pacific Community 2006; Ministry of Women Community and Social Development 2017) and is widely condoned by custom and by Sāmoan understandings of Christian teaching, and is seldom addressed by village councils. This was illustrated in the 2000 Sāmoa Family Health and Safety Study where 76 percent of male respondents expressed that women should be obedient to avoid being beaten by their husbands (Secretariat of the Pacific Community 2006: 42). According to the 2017 Sāmoa Family Safety Study (Ministry of Women Community and Social Development 2017), an estimated 60 percent of women between the ages of 20–49 who had ever been in a relationship had experienced spousal abuse in their lifetime, with 46 percent of women in this category, having been abused by their spouse in the last twelve months (Ministry of Women Community and Social Development 2017: xvii). As Sāmoa’s Ombudsman and Commissioner for Human Rights, Maiava Ulai Toma has pointed out on a number of occasions; the key institutions in addressing this social problem are village councils and village
churches (Toma 2013). The report of a national consultation on family violence by the Commissioner for Human Rights is forthcoming.

The research by Meleisea et al. (2015), previously cited, argues that the reluctance of *fono* to rule on matters of domestic violence may be due to the rarity of women *matai* in the *fono*. Given prevailing attitudes in villages, however it may be difficult to persuade village councils to tackle family violence or to provide for the inclusion of a ‘woman’s voice’ in *fono*. As the village council plays an integral role in local governance of Sāmoa’s traditional villages, which are in majority, their role in responding to family violence and domestic violence has been recognized in both the 2006 Sāmoa Family Health and Safety Study and the 2017 Sāmoa Family Safety Study as was mentioned earlier (Secretariat of the Pacific Community 2006; Ministry of Women Community and Social Development 2017). However, it must be acknowledged that even if a woman’s voice were to be permitted, that voice may not critically address the issue of family violence. A recent research paper (Schoeffel et al. 2018) demonstrates how women have internalised religious teaching on the roles of wives, believing that if a wife is to avoid beating or rape, she must be a submissive moral exemplar to her husband, acquiesce at all times to his sexual needs, and to guard and protect their daughters. There are widely held perceptions—even religious beliefs—that married women should take her status from her husband. Without significant participation in leadership decision-making at the village level, it is difficult for women to become—or to be seen as—national leaders. It found that, irrespective of sex, in the past, successful female members of parliament have shared certain exceptional characteristics. Sāmoan custom requires a woman to take her status from her husband, so most women parliamentarians have been single, widowed, or married to a non-Sāmoan. Most were also very well connected by kinship and religious affiliation, well-educated, and well-off financially (Meleisea et al 2015: 19).

As women are most often the victims of domestic violence, lack of provision within the legislation, for a victim to present a case to *fono* subverts the course of natural justice. As Boodoosingh (2016) and Percival (2015) have documented, members of the *fono* may themselves be perpetrators. When a *matai* commits an offense such as public drunkenness or fighting he will be reproved and fined by the *fono* to which he belongs. These sanctions may also be imposed if he is known to have committed adultery within the village. There are cases when women have reported an offence in their family to the *sui o le nu’u*, requesting that it be taken to the *fono*, but the matter has not been reported. In some instances villages require a matter to be taken to the *fono* before it is reported to the Police. According to the writer’s observations and reports cited above, when an offense is within a family (such violence, sexual abuse) it will be seen as a private matter and not acted upon unless the matter is reported to the Police and the Courts. Although the promotion of natural justice has been written into the Act, so has the protection of the often vaguely defined ‘Sāmoan tradition and custom’ anticipating, as did the fathers of the Constitution of Sāmoa that these would evolve in keeping with public opinion and national circumstances over time.

**Custom and Socioeconomic Change**

Prior to 1960 there is no evidence that women held *matai* titles, other than those specific to the daughters of high ranking *matai*. But as history shows Sāmoan culture is flexible, resilient and accommodating (Tcherkezoff 2000: 151–190) and has found new ways to honour women as *matai*, in new circumstances. It is now increasingly common for women to be given *matai* titles by their families in a process of cultural accommodation, to acknowledge the achievements of women in education and employment. *Fono* that refuse to recognise women *matai* claim that there are unchanging customary rules since time immemorial that only men can be *matai*. Some of these villages are historically important traditional district centres that see their rules as defence of Sāmoan culture and protocols from intrusions by state authority and foreign concepts about natural or human rights. It is significant that among these villages were the pre-colonial traditional capitals of the historical leading districts in the 18th and 19th centuries and perhaps long before, and the seats of powerful group of orators who bestowed some of Sāmoa’s royal titles. While *matai* from these villages conceded that
matai titles belong to families, not to villages, and that families could bestow titles as they saw fit, these villages reserved the right to recognise titles or to refuse recognition. Therefore it is up to the families that comprise the village, who comprises the fono, to make decisions concerning recognition. If families want to bestow titles on women, they must work though their representation in the fono for the recognition of the person they have appointed.

Another invocation of custom (Meleisea et al 2015: 4) was that women should be excluded from fono is ‘o le va tapuia’—the sacred space—a respectful silence between men and women who are not spouses. At meetings of the fono, it is said that men like to jest with one another in ways that are not befitting for women to hear (Percival 2013). The ‘sacred space’ is an aspect of the covenant of respect between sisters and brothers. It forbids any aspect of sexuality to be mentioned between them. This convention extends to people who are related by marriage to a brother or sister pair. For example, if in a fono meeting a matai man is married to the sister of another matai, these two men should not joke together about sexual matters, and there is a polite convention that men and women should be circumspect about sexual joking in each other’s company lest the sacred space of the brother-sister covenant be transgressed. But whether or not such jesting is appropriate or dignified in village council meetings, it is evident that it contributes to the idea that women matai may not feel comfortable participating in fono, and that their absence reinforces cultural and religious perceptions that decision-making is a male prerogative, not only in the fono, but also, by extension, in national parliament.

Sāmoa is perhaps unique among the Pacific Island States for the fact that it has made efforts through institutional means to meet its international conventions, commitments and goals. For example, under the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), the Millennium Development Goal 3 and Sustainable Development Goal 5, the 10 percent law can best be understood as the outcome of the international governance agenda and not from public advocacy (Schoeffel 2017: 6). Sāmoa’s progress towards meeting commitments to the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) was criticised in the Thirty-second session of the CEDAW Committee in 2005 (Committee on the Elimination of Discrimination against Women 2005). The representative of the government of Sāmoa acknowledged that Sāmoa’s constitutional provision on gender equality related to Article 1 of the Convention, as it ensured equal protection under the law and prohibited discrimination on the basis of sex. It was noted that “… women achieved suffrage in 1991 and equality in acquiring or retaining citizenship when married to a foreigner in 2004 … reform was still required, especially in regard to gender-based violence, family, employment, land and criminal law and women’s participation in parliament.”

While expanding the authority of fono, the amended Village Fono Act has not addressed directly, as was hoped, issues of gender equity and family violence. These matters have been left in the hands of the various fono and it is possible that fono will eventually establish bylaws to address family violence and women’s participation. Since Sāmoa became a Christian country nearly 200 years ago, many old ancestral customs have been discarded. For example, some village councils still believe that their customary right to banish a matai and his or her family from a village includes the right to destroy the house and property of that matai. While this was certainly the custom in pre-colonial Sāmoa, it is no longer permitted by law. The process or cultural accommodation of liberal rational-legal norms is still gradually unfolding; there are many utterances that the concept of ‘rights’ is hostile to Sāmoan values which revere hierarchy and collective interests (Percival 2013, 2015). Yet the day may also come when some brave Sāmoan woman matai challenges a fono that does not recognise female matai, in the Sāmoa’s Supreme Court, invoking Part II Fundamental Rights, Article 3 in The Constitution of the Independent State of Sāmoa (1960).
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A Bus Ride in Samoa during the 1980s: Hierarchy, Stratification and Individualism in the Fa’asāmoa.

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...ethnography is a theory of description (Nader 2011: 211)

Introduction

This article is a further attempt to examine social relationships in Samoa from a holistic methodological perspective. The ethnographic context may seem anecdotal: public transport. But it seemed to me that the social interactions taking place on a Samoan bus, at least for lengthy trips, provide a snapshot of the social relationships characteristic of that society in the years under consideration. As I did in earlier studies of Samoan social relations, I am calling upon three theoretical proposals put forward long ago by Louis Dumont in his classic study of India (1966): the notion of “hierarchy”, the opposition between hierarchy and stratification, and the ability of hierarchy to accommodate individualism.

This article was prepared in 2009, when Samoa introduced its now famous “road switch” when drivers had to change from driving on the right hand side of the road to driving on the left. As I imagined that the “traditional” buses might soon pass into history, I thought it timely to describe in English, and thus in a language accessible to young Samoans, how these buses were and are a social microcosm, creating a space within which all social relations are enacted. From my notes, I was able to draw on observations I had made during the 1980s and 1990s, and the “ethnographic present” in the following pages refers to this period.

Since 2009, only right hand drive cars could be imported. Left-hand drive vehicles could continue to be driven in Samoa as long as they were in good condition, but for buses, an important change had been decided upon. At the time, all Samoan buses were, and they often still are, made up of a wooden passenger compartment fixed on to the platform of a Japanese truck. This compartment contains two lines of double seats (just a flat wooden plank on metal bars). At the front there is only one comfortable seat, the driver’s seat, and a wooden seat for his "helper", as we shall see. In between the passengers’ seats and the driver and his helper, an opening on the right side of the compartment allowed passengers to get in and out of the bus. Because of the road switch, a law was passed that this opening had to be on the left side of the compartment since the right side would open on to the middle of the road now that buses were driving on the left; passengers exiting and boarding the bus would run the risk of being hit by the traffic coming in the other direction. This change involved much work and expense. At the time a number of Samoans told me that many buses would be abandoned or turned back into trucks; ten years later, the prediction had not come to pass, buses were transformed, and they are still to be seen on Samoan roads.

When we see how preoccupied Samoans seem to be with distinguishing everyone’s social position on everyday occasions, we assume that their society encourages social inequality to an extreme degree. Indeed this is what has always been said of Polynesian societies. However, we shall see that the very Samoans who demand hierarchical organization on all occasions find inequality – that is stratification into social classes – fundamentally foreign to their idea of a community. In a few discussions I happened to have with Samoan friends about the “classes” of fares used in Western public transport, as is the case on trains (“first/second”) or planes (“economy/business”), this paradox
of valorising hierarchy and rejecting a certain inequality (stratification into classes) was expressed in a condensed and ironic, indeed, emblematic way.

**The Samoan Bus**

The following description applies to all trips between villages and the town of Apia from the beginning of the 1980s (my first stays in Samoa) until the late 1990s (for remote villages). It is much less valid for buses running through the peri-urban area between the airport and the town. In this area, salaried work has sometimes become decisive in the family economy and this has resulted in a certain withdrawal into the nuclear family and loss of interest in the rules of status attached to the "village community", *nu’u*, which is the basis of "custom" (*agānu’u*) in general (Tcherkézoff 2017).

In a way, there is nothing very remarkable, apart from this wooden structure installed on the platform of a truck, comparable – even if larger – to traditional public transport in Tahiti ("*le tru*[c]*k*", which was so called for that reason). On a Samoan bus, there is nothing to indicate the fact that buses are private, except the variety of colours they are painted, as the fares are very homogeneous and only vary according to how far away the village is. Moreover, the list of fares is often displayed with the words "on behalf of the government", since the state keeps an eye on fares, just as it does on those of taxis. It is above all in the relation between the users and with regard to the driver that the particularity of Samoan practices appears.

**The Hierarchy, the Bus and the Ceremonial House**

**Seat Hierarchy**

The first particularity is the manner in which one takes a seat on the bus according to the "respect", *fa’aaloalo*, a statutory younger person owes to an elder. As could be expected, young people give up their seats to older people. However, one quickly realizes that the rule is more complex as an older man who is not a chief (*matai*) will sometimes give up his seat to a man who is younger but whose appearance makes it obvious that he is a chief. He is better dressed because, if he is a chief, he is going to town on business while the non-chief is probably going to town to sit on the bare ground in the market and sell a few basketfuls of his garden produce. He is usually physically well-padded, obesity having always been seen as desirable in Polynesia as a mark of status. The same is true of women, those who are plump often being the wives of chiefs and therefore respected by other men or women. If it is not a question of the difference between those who are chiefs (or chiefs' wives) and those who are not, then only that of age is involved, when it concerns the difference between two individuals of the same sex. Between a young man and a young woman more or less of the same generation, the young man will tend to give up his seat to the woman: this is the respect owed to "sisters" in the village (Tcherkézoff 2017).

Finally, between chiefs themselves, a gradation of "respect" exists according to the status of the family's name or "title" in village history. As a member of the village, one can easily recognize the gradation made between the chiefs, which corresponds to that which can be observed when the council of village chiefs holds one of its regular meetings in a house. The council meets "in a circle", its members sitting on the ground and leaning against a post. Every house, whether round or rectangular, is built on the same principle: a roof supported by a perimeter of posts leaving the whole of the space inside free. When council meetings are held the house is treated as a "sacred circle", *alofi sā*.

The seating system in the meeting is complex and organized around two axes: the main axis (east/west or in line with the road running through the village) and the village centre/periphery axis. Four sections are thus distinguished. Within each of them, the hierarchy of seats begins in the centre. The order existing at the time among all the families in the village can be seen at a glance, each being represented by its chief leaning against one of these posts. The places have neither numbers nor
names. The number of posts varies according to the size of the house. In certain cases, some posts remain unoccupied. In others, when the house is smaller, two people lean against one post, each of them a bit askew; others have no post – which is again the mark of inferior rank with regard to the immediate neighbours who have no hesitation in planting their backs against a post as soon as they enter the house. The visitor knows all this thanks to his participation in village life. But he is somewhat surprised to observe that this order is to an extent found on the bus when several chiefs make the same trip.

It is not worth going into details. It should simply be noted that the status rules prevailing in the family and the village are also found on the bus, either because the individuals know each other (the most frequent case) or because, when passengers get on further along the route, their status can be guessed from their appearance. If this is not the case, the passenger boarding who considers someone should give up his place to him will have no scruples about making this known by tapping gently on the shoulder of a seated person who seems to him to be of lower status than he is.

So the rule governing "respect" (fa'aaloalo) on the bus is that of family and village organization, and that of chieftainship, and not a contextual distinction particular to the realm of public transport. The contrast is marked with Western towns where the group comprising the travellers (on buses or suburban trains) is organized according to distinctions quite specific to this domain, such as the opposition between the ordinary passenger and those who have priority for seats: the disabled, the elderly and pregnant women. If the rule of "respect" on the Samoan bus is that of the village community as a whole and not tied to a particular context, we shall not be surprised to learn that it invokes the entire system, such as it is in the meeting-house or the whole village. But this system includes obligations other than that which, expressed in the space of the bus, consists only in giving up a seat to a superior.

**The Back/Front Hierarchy**

Indeed it can be seen that respect in the bus is not only to do with the fact of having a seat but also with the position of this seat in the bus, along the valorised front/back axis. The spatial organization of the house, that of all a family's land and of the village, always, and very markedly, valorises the front in relation to the back. The "front" of the house faces the centre of the village. In a house, people of high status enter from the front, those of low status from the back. The ground in front of the house must not have any litter on it, not the smallest piece of debris, not even a dead leaf. If it is grassed, the grass must be kept short; otherwise the area is covered with little pieces of white coral or with white sand. The kitchens will be situated at the back, and there the ground can be stony, with leftovers and litter dumped there. A ceremonial meeting in a house is also organized in relation to this second of the two axes. Along the first axis (east-west and/or road), in the two quarters of the circle thus formed, the higher chiefs called matai ali'i sit facing each other. Along the second axis, in the other two quarters of the circle and again opposite each other, sit the chiefs called matai tulāfale who are often, but not always, of a slightly secondary rank, also called "orators". The great orators sit leaning against the posts on the arc of the circle designated as being the "front", i luma (towards the centre of the village); the orators of lesser rank are positioned along the "back", i tua. All the chiefs, ali'i and tulāfale, are matai, heads of extended families, bearing the founding name (the "title-name") of the clan.

On the bus, therefore, it is both a matter of getting a seat and of getting a place at the front rather than at the back of the vehicle, while respecting as far as possible the status gradation of the passengers, of those present at the start and also of those who board along the way. Thus, even if there are free seats at the back, the chief who has just got on will tap on the shoulder of the young man who has remained seated towards the front and the latter will quickly get up and go sit further back. In general a chief will not need to do this. At each stop, the seated passengers look discreetly to see who is boarding, and accordingly they may decide to get up and go and sit further back, leaving the seat they had occupied empty. In Samoa, there are many "chiefs" because they are comprised of
all the heads of extended families (several thousand for a population totalling less than 200 000 inhabitants).

**The Prohibition on remaining standing**

The conjunction of the two values consisting of getting a seat and being at the front is further complicated by the fact that a younger man must not remain standing in a place where someone superior is seated. Consequently, the opposition we see operating is not between the sitting and standing places but between the seats at the front where you are sitting by yourself and the seats at the back where you are ... two or three squeezed on to one seat. This obligation is widely respected in all houses (which it must be remembered are first and foremost places for meetings and discussion rather than places for privacy). You must be “seated” (nofo). It is forbidden to “stand” (tu). The latter posture is part of the world of “doing” (fai) – all the activities of garden “work”, etc., and also the stance peculiar to fighting – whereas, in all houses, everyone is “settled (seated)” (nofo) as is proper when in a sacred place. In general, therefore, it is extremely rude to remain standing. A fortiori, a younger man must not stand beside an elder who is seated. Two considerations are combined in this: not having your head above that of a superior (the head is the part of the body which is the equivalent of the whole in the cosmological representation of the person) and the general fact that standing is forbidden within a formal space. Consequently, the younger man who gets up to let an elder sit down at the front of the bus makes his way to the back and, if there is not a seat, sits down quite simply ... on someone else’s lap.

Things happen as they do in a house. In a meeting of chiefs where there are more people than posts to lean against, the highest ranks keep their leaning position while the nearer you get to the less coveted sections of the circle, the more you see chiefs squeezed up together, with many therefore sitting between two posts. This is not just a question of the comfort of how you are seated. The post is seen as a ceremonial seat. All meetings, in whatever village house they are held, reproduce, in the people present, the hierarchy of the village’s title-names (the founding names of the extended families forming the village). The members of the meeting sit cross-legged on the bare floor of the house, leaning against the posts (as well as meetings of chiefs, this may also be a meeting of other people who then arrange themselves with reference to their extended family's title-name as if their chiefs were there). But to the order of the posts is added the leaning/non-leaning distinction. In the general vocabulary used to designate the rank of title-names, the lesser title-names are called the names of the “chiefs [seated] between-the-posts” (matai va i pou); for it is known that they rarely find a house with enough posts for them to be able to lean against one.

On the bus, the endless coming and going resulting from these rules of status (there are countless stops) means that very soon the back of the bus, where people are sitting two or sometimes three on top of each other in one seat, will be swaying. But this is partially offset by the weight of the passengers in the front as the latter are of high status and therefore generally well-padded. This aspect of Polynesian cultures is well-known. The highest ranking people are constantly offered food which leads to stoutness. But, above all, he who stays slim when his rank is supposed to be high becomes the object of suspicion. Perhaps his subalterns are not treating him properly ("What a bad family...!")? Or maybe this means he is claiming a rank which does not belong to him? Consequently, high-ranking people may eat twice as much as they are given for fear of not living up to the ideal model. Whatever the case, one can see that a truck with a platform, like those used to transport tree trunks, was the vehicle best adapted for use as a bus in Samoa, with its back axle, which has four wheels instead of two, thus absorbing the extra weight at the back of the passenger compartment.

In short, the group formed by all the passengers is a "sacred circle" in the Samoan sense, even if the geometry of the bus makes it impossible to sit in a circle as in the house. In this group, the logic of the sacred prevails: the **hierarchy of status**, that is to say a gradation with reference to the value...
constituting common belonging, in brief the system of the origin of the extended families' title-names. We shall see below the different logic applied to the driver's position.

**Against Inequality, for Equality**

*Against Inequality of Access*

The bus, therefore, has not become just a "means of public transport" in Samoa. Each time, it transports a group who feels it is a social group. The bus and its passengers constitute an extension of the "village community", *nu’u*, and its rules of status.

Having noticed this, I mentioned to my Samoan interlocutors the idea of public transport with "classes" as it exists in the West, at least on trains and planes, by asking them what their reaction would be if this distinction were introduced, that is, if money made it possible to obtain a seat and/or a good seat. This could happen either in vehicles separated into two compartments, as on a train or plane with their "first" and "second" classes; most Samoans know of this type of distinction as they have taken the plane to go to New Zealand, or one of their close relatives has done so and told them about it. Or, it could be as in Fiji, where, for long distances (between the towns of Nadi and Suva for example), you have the choice between a cheap ticket on a bus which stops everywhere, one built much like the Samoan vehicle, and a more expensive ticket on an American-style coach which is fast and quiet and has air-conditioning. The question made sense with regard to the discomfort of trips when two, or sometimes, three people have had to sit on each other’s laps. Would the idea of having a reserved seat by paying more be appreciated?

Not in the slightest! On the contrary, everyone was shocked. Every time I asked the question, the reply, whatever the age or status, was unanimous: "it would be nasty, so un-Fa’aSamoa ("against the Samoan way"), it's inconceivable here, anyone who did that would only last a day, the people from the village would stone the bus ... and the driver himself!" (In Samoa, as soon as anyone becomes so angry that they cannot even discuss their grievance, the first thing they think of is to pick up a stone and threaten to throw it at the person who has made an inappropriate remark or gesture).

So here we have a clear and perfectly explicit example of the fact that hierarchy is different from inequality. Samoans maintain social hierarchy (hierarchy of status) in their buses, but will not hear of social inequality.

**Against the Inequality of Power Relations**

This rejection of inequality of access to transport, although the hierarchy of seats is embraced, is not surprising if we agree that, in essence, the bus is a ceremonial house on the move. And what are the obligations in a ceremonial meeting? We have said that each person, by choosing a particular post to lean against or by not being able to lean against one for lack of space, becomes part of a hierarchical order. The way the posts are placed, however this may be, expresses a hierarchy. No post is the equivalent of another from the point of view of *rank*, with regard to the axes mentioned. But we have also seen that it is absolutely forbidden to stand when another person or several other people are seated. This gesture would shift the distinction on to the plane of power relations as the upright position belongs to the contexts of hard physical work (in plantations etc.), sporting events and, formerly, war. Standing up introduces a kind of unequal distinction which is felt to be in contradiction with the hierarchical distinction employed in the distribution of places.

Basically, it is a simple matter. Seats, and the system of posts and axes: these refer not to individuals but to the title-names these individuals hold if they are chiefs, by virtue of which they have their place in the meeting, or to the title-names of the clan each individual belongs to. The council of chiefs is the council of the village families, which, at every generation, represents the council of founding ancestors. This can be seen in the fact that the meeting cannot begin without the ceremonial
kava-drinking rite in which an offering is made "to God" and several set phrases are pronounced which make the meeting's circle "sacred". If an argument arises between the chiefs about choosing a post, they do not say "who are you, John (or Paul, etc.) to sit there?", but "what is the founding tale of your title-name – therefore that of your family – which makes you believe that...?" On the other hand, if one of the chiefs gets up, as I have seen happen precisely after an argument about the choice of posts, this means that the mood is changing and that the individual in question is taking up a position in a power struggle. When this occurred, I was surprised to see the young men, who are always sitting around the house in which the meeting takes place, grab hold of stones in preparation for a pitched battle between those belonging to (or siding with) the family of one of the chief protagonists and those associated with the other. But it all made perfect sense. Hierarchy was being abruptly left and another register entered, that in which inequalities are, in the literal sense, power struggles. All the oratory skill of the meeting's principal chief, the bearer of the highest title-name in the village at the time, was needed to restore calm and invoke the "shame of calling for confrontation of strength (mālosi), the shame of wanting to be above someone else" (fia maualuga) into "this sacred place under the eyes of God". The idea of superiority expressed in the word maualuga, being "above", is clearly in terms of inequality, with the connotation of difference in height – it is a "shame" to bring it into a space where hierarchy of status governs – and this of course brings us back to the difference between being seated within a ranked system of places and standing up.

**For Equality in Fares**

What hierarchy is able to incorporate is equality not inequality. We are going to see this with regard to the bus stops. It can also be seen in the fact that the idea of a price difference – as in a Western system with "classes" – is violently rejected. Every one, chief or not, older or younger, pays the same fare. It can be seen again in the fact that all these passengers who pay the same fare (the only price variation is for schoolchildren), from the highest ranking chief to the young man going to sell his basket of coconuts in the market in town, always do pay their fare. One pays by giving the coins to the driver when one gets off; the only entrance-exit is at the front of the passenger compartment. And, in answer to my questions, everyone explained that it would be extremely "shameful", mā, – totally inconceivable – for a chief to get off without paying on the grounds of his status. In fact, when compared to inequality, one of the particularities of hierarchical status is that if you contravene what others expect of you, quite simply you lose status. A chief who got off without paying could be certain that the whole district would know about it a few days later and that his family would meet to inform him that he is "unworthy" of continuing to represent it. And if his family did not adopt this position which the other village families expect as being normal, the latter would behave towards this chief more or less as if his family had deprived him of his status: he would in any case be despised by his peers. Instead, when a chief gets off the bus, he is expected to pay the driver for himself and for others, friends or younger men of his clan he has met on the bus; because, it is said, a chief’s first duty is to "look after" others. In short, it is not exaggerated to assert the following paradox. In the Samoan bus, hierarchy preserves fare equality. It dispenses with any idea of unequal fares based on "classes" and obliges everyone, whatever their status, to pay for their trip like everyone else, and at the same price.

**The Hierarchy of Levels**

The bus is a social microcosm. On it you find the opposition which structures the social space of the house:

- inside the sacred circle the relation is that of equality of belonging within a hierarchy of positions; these positions form the hierarchy of status;
- but outside the sacred circle only individual assertion prevails and this can ultimately lead to power struggles.
Let me make things clear for the first relation: equality of belonging and hierarchy of positions. Samoans often insist on the fact that chiefs are all the same, that the distinction between chiefs of the *ali'i* kind and of the "orator", *tulafale*, kind is secondary, that all the posts in the house are the same size, etc. Behind all this, there is a complex history. In fact, the notion of "chief", *matai*, is the result of a transformation in the 19th century. Before this, the notion of *ali'i* predominated while the *matai* were simply the heads of households. Having said that, it is certain that the chief's elective status and the extended family's capacity to depose as well as to elect him existed before the arrival of the missionaries, as the latter mention this in their accounts. Christianity played a part in enlarging egalitarianism's sphere of activity. But if this egalitarianism had been in strong contradiction with the hierarchy of status, there would be indications of this in the first ethnographies. Instead, one seems to sense in these early narratives, by missionaries and others, that the Samoan system was already both an extremely hierarchically organized universe, with regard to the rank of *ancestral references*, yet possessing a relatively individualistic-egalitarian idea of what a "human being", *tagata*, is (within the limits of the universe then known to the Samoans: Tonga, Fiji, Uvea and Futuna and other more distant archipelagos). The Samoans also attach great importance to the space of the meeting: everyone is on the same level, on the ground: it would be inconceivable for one chief or another to come with a chair to sit above the others (as we have said: no head must be higher than another); everyone is facing everyone else, seated around the circumference of the circle formed by the meeting; the posts are all of the same size and thickness. But as has been said, there is also the matter of each post's position in relation to the "front/back" axes and the distinction between the chiefs leaning against a post, those leaning two against a post or those without a post at all to lean against. The first level then, the first space, is one of a hierarchy of positions with equality of belonging.

On the second level, in a second space of relations, we find individual assertion, which can result in an unequal power relation. This opposition between the two spaces constitutes a fundamental dichotomy. However, such a dichotomy, if it were static, would place each of the two spaces apart from each other and it would be impossible to understand how they are both elements of Samoan society. It is also necessary to see their mutual relationship. This is an encompassment of the second space in the values of the first or, to put it more directly, an encompassment of level 2 in level 1. The notion of "encompassment" has two facets:
- on the one hand, the term encompassed is defined by an inclusion in the encompassing term;
- on the other, the encompassed term asserts its autonomy by differentiating itself through a distinctive opposition which can go as far as inequality and domination. But the field of action of this distinctive opposition and of this inequality remains limited by the field of the first relation.

We can make these notions clearer by retaining the sacred/profane terminology. The space in the Samoan house is sacred (the circle). On the circumference, a hierarchy is established: the hierarchy of status. As for the space outside the house, it is profane. But this only makes sense if it is seen from the space within the house (and not in a universal geography of a Western kind). The Samoan sacred/profane opposition is of a particular type which can be understood through the cosmological and political image of light and darkness. Light is the Polynesian chief's power as the source of life ("source of light") for those around him (Tcherkezoff, 2008b). This relation is one of oriented reciprocity. The source of light is nothing if there is not something – somebody – to light. For what would a god be without a world he has created? What would a "chief" be without those who constitute his group? But, on the other hand, the chief's followers only exist (are only "visible") because there is a source of light, "creatures" only exist with reference to the creator divinity, etc. Moreover, as Durkheim and others have noted time and again, the sacred and the profane are not static entities. Each tends to make contact with the other. In this contact – and this is the model's essential point – the effects are different depending on whether the point of view adopted is that of the sacred or the profane. The sacred tends to encompass the profane: an encompassment which could also be called "hierarchical opposition"; but the profane tends to differentiate itself from the sacred by a purely distinctive opposition. The notion of encompassment is useful for distinguishing between a simple inequality, which remains on just one level, and another sort of inequality – in fact a whole/part
relation – a hierarchy; but this hierarchy necessarily opens up the possibility of a secondary level on which the distinction can become substantive and the initial inequality be reversed.

Can this holistic model of the level of relations be mentioned in connection with a bus? This model was elaborated to account for far more complex facts in the field of symbolic classifications and in the opposition between powers said to be "sacred", "religious", "mystic" and those said to be "political", "pragmatic", "profane", etc. Its application to the Samoan bus may appear anecdotal. It is no longer so when one looks closely at the relationship between the passengers and the driver. Here we find the relation – omnipresent in Samoan society – between the tāpua'i and the fai: symbiosis with the divine versus unilateral human action. This relation is indeed that of two types of power, of the kinds mentioned, and it applies to a host of Samoan social contexts.

The Driver and the Passengers. The Tāpua'i Relation and the Samoan Theory of Action

In the context of transport by bus, it remains for us to talk about the driver. We are going to see a passengers >> driver encompassment (which we symbolize by ">>" to distinguish it from the simple inequality ">"). On one level, the driver's action is included in the entity formed by the passengers' group. On another – a secondary one – the driver differentiates himself from the passengers and asserts his autonomy and, if need be, his superiority through inequality. On the first level, the passengers encompass the driver just as the sacred encompasses the profane. As long as this principal level relation is respected, the driver possesses a secondary level on which he can assert his autonomy, just as the profane distinguishes itself from the sacred.

The passengers/driver relation brings us to the notion of tāpua'i: this is an attitude of "prayer" in which one is in communication with the other world. If our observation of the Samoan house had taken place in 1940, for example, we would have directly seen social facts revealing this encompassing link through the tāpua'i. These were rituals. They have all but disappeared. But we shall see how the language still retains a trace of tāpua'i in some spheres of daily life as in the dialogue between the passengers and the bus driver.

The Driver's Position on the Bus

The material constraints of driving obviously mean that the driver has a fixed seat situated at the front. He is therefore outside the status system described up until now; he is in the profane. For if he were within the hierarchy of status, the place he occupies in the bus would pose a problem: the driver sits in front of everyone and he never changes places. This would mean that the driver was always the person on the bus with the highest status. The hypothesis is absurd, all the more so as the driver is hardly ever a chief, but a younger son of the family who owns the bus. This essential difference between the passengers and the driver, imposed by the operation of the bus, cannot be interpreted from within the sacred circle, in the logic of the hierarchy of status. So it is interpreted in a sacred/profane kind of relation, in the Samoan circle sense: being inside the sacred circle or outside it.

The Obligatory Verbal Exchange on the Bus between the Passengers and the Driver – and the Tāpua'i Relation

This relation between the passengers and the driver is expressed in a very specific verbal exchange which is heard as soon as the trip is long enough. At regular intervals, one of the passengers at the front (and ten or twenty minutes later, another, then another) says to the driver: mālō le fa'a'auli, "well done and thank you for your action of driving", and invariably the driver replies: mālō le tāpua'i, "well done and thank you for your spiritual support". Both say this loudly enough for all the passengers to hear. As I shall explain, this exchange initiated by the passengers entails adopting a "sacred" position encompassing the driver, so the words are always said by the highest ranking passengers, therefore those seated at the front.
The driver’s reply mālō le tāpua’i makes it possible to identify the kind of interaction immediately. In Samoa, whenever you go past, or find yourself next to, someone acting to achieve a recognizable aim while you yourself are doing nothing, or at least not performing the same action, you greet them. This is a social dictate. To go past someone without saying anything, whether you know the person or not, is to behave “like a spirit” (aiatu), which is insulting since only “spirits” do not talk. To greet him, you say the word mālō (“well done and thank you for…”) and add the term designating the action being done: gardening, fishing, cooking, weaving, building, playing sport, etc. – and here, driving a vehicle. In all these cases, the person replies without fail: “well done and thank you for your tāpua’i”.

This word mālō is pronounced |maaloo| like the word meaning "victory", "victor", "government", etc. To say mālō to someone is to give him a message of welcome implying a certain submission on the speaker’s part, this position of submission being offered as a mark of politeness. The meaning is therefore close to the English "well done!" but with an added connotation of thanks. It is used to honour and to thank.

The other significant word in this verbal exchange is tāpua’i. This is in a way the action of saying a prayer, usually silently; it is a communication with the next world done by forming a sacred circle and therefore placing oneself under prohibitions (the "taboos", tapu, the basis of the word tāpu-ai). But it is more than a prayer, it creates the conditions for the success of the action being enacted.

The elderly remember actual rites based on this tāpua’i principle. A group forms a circle and everyone remains completely silent (other elements indicate that this is so that the divine and/or the spirits (aiatu) will take possession of their spirit) while another group goes to perform the action planned. This division of labour existed on different levels. For example, in the family, when a relative set out on a journey; or in the village, when the chiefs of extended families had to make an important decision and needed to find inspiration in this mystical communication; or when part of the village went to fish on the open sea. Or again, in the district, when part of it went to wage war: whole villages then did the tāpua’i while the others went to war. There are still the cases of a relative who has gone on a journey or a group that has gone to fish out at sea, but wars between districts ceased at the beginning of the century, with German colonization. The rite performed when taking an important decision lived on until about the 1960s. Coconuts, the symbolic container of the divine par excellence, were set out and all the blinds pulled down. This action was an invitation to the spirits (aiatu) to slip into the house and take their places in the coconuts: contact with the next world is invited, though everyone knows it is highly dangerous. This rite is known to everyone over sixty. But most of the young, those under the age of twenty, questioned in the 2000s, and even in the 1990s, were not even aware of it. We can therefore say that it practically no longer exists.

In the kind of verbal exchange which takes place in the bus, no rite is created but the same idea is made explicit. All relations, established by the fact of saying "hello" in this way, are hierarchical. The person who initiates this verbal exchange sees things as follows. When you go past a house or a garden and notice someone else busy doing something, to say mālō le (plus the word designating the activity you see being performed), is to say to them, in the form of a gift of courtesy: "you are above me (in the field you are occupying, in the activity you are engaged in) because you are doing it and I am not". We are then in the mental attitude of welcoming a "victor" even if it is a metaphor. And the other person, by saying "mālō le tāpua’i", replies in such a way that for the two people involved this asymmetry – this inequality – which is offered to him as a gift of courtesy, becomes a sacred >> profane hierarchy and not a power struggle. With his answer "mālō le tāpua’i" he says: "if I am superior in this field of activity, it is thanks to the fact that you have put yourself in another field where this time it is you who are superior, through your silent and spiritual support (tāpua’i). My action does not entail a power struggle with you. As a mark of courtesy, I will make the following proposition which I ask you to accept: my action is a product of your tāpua’i". By replying in this way to the person who has just greeted you – congratulating him and thanking him for a tāpua’i – you
are accepting the proposition of a mutual relation, by implying two basic and expected assumptions: 1) you are aware that he would have done the tāpua'i if he had known in advance of the action undertaken; 2) you accept placing yourself under his spiritual protection.

It is noteworthy that the reply "mālō le tāpua'i" is absolutely obligatory. The Samoans explain that to avoid making this reply is the height of "rudeness", the sign of a serious lack of "respect", fa'aaloalo (an omnipresent word in everything concerning hierarchical relations). There would therefore be a breach of relations of hierarchy if one failed to reply. As for knowing which of the two superiorities encompasses the other — and so reveals a hierarchy of levels — there are proverbs clarifying this which say (about fishing or, in the past, war) that "the action is never superior to the tāpua'i. In short, the power relation — typically an inequality — implied by the idea of mālō, must be put on a lower level with respect to the tāpua'i relation.

Of course, this inclusion of the power relation in the social relation is just as implicit as when Westerners shake right hands to say "hello". When we greet each other, we do not think about the fact that, in times past, proffering the right hand was a manner of showing that we were refraining from reaching for a knife or a sword. Similarly, most Samoans simply know that the verbal exchange in question is an obligation of "politeness", of "respect", and very few of them think of the old tāpua'i rites. But for the observer language is a valuable witness. Not only of the past, but of the implicit. The question is not of knowing to what extent Samoans today remember the tāpua'i rites. It is that this verbal exchange will last as long as the social relation is thought of as something which must contain and restrain or, more precisely, encompass power relations.

**The Bus, the Car and Sport**

The driver, by his reply, agrees to put himself in this tāpua'i/action relation vis-à-vis the passengers. The same verbal exchange takes place in a car, whether it be a taxi or a private car transporting a group of relatives or friends. It even occurs more often than on the bus, perhaps because, in a car, it is the passengers/driver relation which automatically takes precedence. For the possibility of status gradation of seats is much more limited than on a bus. Let us note that it does exist however, as far as is possible in a car. People never fail to give the highest ranking person in the group the front seat, next to the driver, while the others — three, four and sometimes five of them — squash onto the back seat.

The examples of traditional tāpua'i, but also the context of contemporary sport, indicate how hierarchy is oriented between the levels of relations. In the stadium, the spectators are the tāpua'i side, the players the other side, that of action; and there too it is clearly stated that it is not the second side which is responsible for the result because "it is not superior to the tāpua'i". It is the tāpua'i which is the matrix of the action or at least of its result. The spectators are thus much more than a sports club's "supporters". Without them, there would be no match, no result. They say they "are there to tāpua'i". Furthermore, this hierarchical tāpua'i/action opposition (here: spectators from the village/players in the village team, those who do the tāpua'i/those who perform the action) is always a very strong expression of the unity of a social group — in this case a village; all sports clubs are teams representing a village. Thus, it is really two whole villages that are present in a stadium. (That is why, taking into account the endemic rivalry between villages in the Samoan system, the atmosphere is electric after a tight or controversial match; a general brawl is never far off but it seldom breaks out (Clement, 2014).

**Generalization: Action is always the Product of the Tāpua'i**

Of course, it is known that, on a certain level, action exists by itself. A driver can drive an empty bus. But when you are acting, you cannot be at the same time position yourself in order to be "seated", nofo, under the divine gaze. You are alone. Similarly, prayer by itself is only a request, subdivided, in the Samoan form of church worship, into "thanks", "(a request for) forgiveness" and "requests (for things, for desires to be fulfilled, etc.)". But when the two — the fai and the tāpua'i, the action and
the prayer – are combined, by this ritual and hierarchical division of social work, the Samoans consider that life is under way. You are no longer alone, neither in the danger of action, for action is then the product of a tāpua‘i, nor in contemplative prayer because the action requested in the prayer is already being carried out. As can be surmised, it is the introduction of the Christian religion which in a way decontextualized the tāpua‘i to give the word the added meaning of “prayer” in the Christian sense; a prayer that can be termed contemplative because it is not organically connected to an action being done. But outside the church, the word regains its pre-Christian meaning, with the examples given.

It can therefore be said that the driver – more accurately: his action of driving – is what the passengers encompass, what the passengers’ imaginary tāpua‘i encompasses. Just as in Samoa all actions are encompassed by a tāpua‘i (at least the actions belonging to the realm of "day" (ao), unlike those performed in a "hidden" or "nocturnal" fashion). Action is always, explicitly or implicitly, the product of a supposed tāpua‘i.

To summarise:
1) The space inside the sacred circle is organized by the hierarchy of status. These are the passengers.
2) A space outside this hierarchy is imposed by the operational context of the bus. This is the driver’s space.
3) A relation between the two poles is established: the driver’s action is the product of the passengers’ prayer, tāpua‘i. The notion of tapu, "prohibition", is the mark of a hierarchical organization. When the driver acknowledges the passengers’ tāpua‘i, he acknowledges their group’s hierarchical character, the sacred character of the space they occupy. The verbal exchange that makes the relation explicit is initiated by the passengers. From their point of view, and therefore from the sacred point of view, the driver is encompassed by their tāpua‘i.

This model must now be developed further by observing how, in a limited space, the driver can nonetheless assert his autonomy.

The Driver and his Autonomy: Hierarchical Reversal

The Driver’s own Private Domain

The action is the product of the tāpua‘i but it has the particularity of retaining its autonomy on another plane where the idea that there is a sphere proper to the action itself is essential. This is a sphere with its own logic and, on this plane – on this secondary level to be more accurate – the relation between he who acts and he who is in a tāpua‘i state becomes the opposite of the one we have seen.

To begin with, we notice that the passenger must never make a comment to the driver about the way he drives or the route he takes. This is the case in a taxi too, and we have to accept the idea that, even if we are paying, we are not in the relation that is familiar to Westerners, that of a client who pays the operator to act. Of course, the idea that the taxi driver’s autonomy must be respected exists in the Western context because of the fact, although this is increasingly rare in large towns, that the taxi driver owns his vehicle. On this level, the driver can reverse the client/operator relation: if the client is in a great hurry and asks the driver to take every risk he can, the latter does not have to accept. But this dimension is exaggerated in Samoa. The driver can do as he likes with his vehicle and the passenger has no say. For example, the vehicle is often in an advanced state of disrepair. Moreover, the way of driving, “to save petrol”, is to stay in fourth gear all the time, even when the traffic or the road makes it necessary to slow down considerably, and the driver only changes gear if the engine is hiccupping and beginning to stall. Hence it is no exaggeration to say the driving speed is sometimes that of someone running. Nonetheless, it would be very rude for the passenger to make the slightest comment. This would be to encroach on the level occupied by the driver’s action and therefore, by putting different types of consideration on to one and the same plane, to create a
distinctive opposition in the form of inequality: "your car is incapable of... you are incapable of..." which implies: "if I were in your place, I would do it better". This is precisely, people explain, why such a remark would be "very rude"; you are usurping a place, imposing yourself "forcibly" (fiā mālosi). Here again we remember the power struggle context of the chief suddenly standing up in a ceremonial meeting to attempt to impose his point of view.

All this is encountered on the bus. The passengers will do no more than make little noises with their mouths when the driver, not long after having driven off, in stifling heat, remembers he needs to go and fill up with petrol although he could have done it before (but this would have entailed him making a short trip with an empty bus and wasting some petrol), parks in front of the pumps and even has a little chat. Or when the driver, departing from the market place in Apia, a very hot, dusty spot with ten or fifteen buses all trying to inch their way through the traffic at the same time, starts the engine, drives round for a bit and comes back again two or three times in the hope of finding more passengers to fill the bus before setting off, the passengers now impatient to get on the road when the vehicle will finally pick up a little speed and the air will start to circulate, making the heat less unbearable.

Moreover, no one will take the liberty of making a comment on seeing the driver, when he goes through a village or on the suburban part of his route, stop in front of the house of each passenger who gets on or off, sometimes every fifteen metres, with the unpleasant consequences this entails: loss of time, lack of air circulation and the jerks painfully felt on these seats made of planks. Or even worse, when the driver stops at his favourite shop, on the edge of town, to do his shopping in anticipation of his return to the village. Finally, it is impossible to complain if, on that day, for whatever reason good or bad on the part of the driver or owner, the bus does not run.

A Model with Two Levels of Relations

He who acts can impose his will on he who is in a tāpuā'i state. Superiority is reversed: the inferior person can become the superior one. But he becomes superior on an inferior level of practices with respect to the overarching ideology of relations. It is an inferior level for two reasons. First of all, the range of application is limited and predetermined by the existence of the first level. Second, the reversed superiority is not of the same nature as the initial superiority. What was a tāpuā'i/action encompassment, an almost divine/human relation, becomes simply an inequality. Here the driver's autonomy depends on the following inequality: owner (of the vehicle)/non-owners (the passengers), better at or more skilled in driving/worse or less skilled.

Within the hierarchy of status whose logic is that of the sacred, only one type of relation is at work. But the logic of the sacred/profane relationship requires two types of relations as well as a ranking of their levels: a hierarchy of levels. From the sacred point of view, the relation is that of encompassment. Our example shows the way in which action is the product of a tāpuā'i: the village sports team has no meaning, no social existence, if there are no spectators to tāpuā'i, whereas from the profane point of view, the action becomes autonomous and can assert its superiority, but in a secondary space.

This is what happens on the bus. On the principal level, the driver's driving is the result of the passengers' tāpuā'i. Once this has been established and acknowledged, the driver can impose on his passengers whatever stems from his superiority as the owner of the vehicle (or as the owner's delegate) and as a professional driver.

The Driver and his "Helper": A Confirmation

Samoans understand quite well that the action can exist by itself. People know that a driver can, physically speaking, drive a vehicle by himself. Yet it is very significant that no one in Samoa likes to be alone at the wheel of a vehicle. Whether the trip is a long or a short one, whether it is by bus or private car, the driver always asks to be accompanied, even when it is obvious that he will not need
any material help. This request is even more pressing if night has fallen. And yet there is no danger of his being attacked by highwaymen. So the fear is situated elsewhere: an action undertaken alone, without therefore the possibility of its being conceived as resulting from a tāpua'i circle, is meaningless or opens the door to all dangers (encounters with evil spirits).

This leads to a final point I need to discuss in order to complete the description of the seating system on the bus and one that confirms the ideology I have examined here concerning the order of seats.

The idea that for a given action the actor will have a "companion who helps", soa, is very common in Samoan life. The traditional action often cited is that of male tattooing, which is very dangerous because a little blood is spilled during the operation and the spirits, aitu, are hovering around ready to steal the soul. These practices involving the soa were still current in the 1960s. A chief's son who gets tattooed always has one or two soa, the sons of men of inferior status connected to the chief, who will also get tattooed and who, it is said, will be the first to experience the potential attack of evil powers. Another traditional example of soa is when they act as intermediaries in talks between an engaged couple's families: the boy takes one of his male friends and the girl one of her girlfriends. This is still done. The soa relation is called fesoasoani, "mutual aid". The concept of fesoasoani is constantly invoked in family, village and friendship relations.

Let us return to the bus. This horror of doing things alone means that the driver nearly always has a "helper", soa. He sits next to the driver, on the bench situated on the same level. So this bench is the one furthest forward, of course unrelated to the hierarchy of status/seats. The exception which applies to the driver's seat applies equally to this bench.

Note here a technical consideration already mentioned. Access to the bus is from just behind this bench. It cannot be otherwise as the first bench is situated over the front axle and, taking into account the height of the axle on this kind of truck, it is not possible for the passenger compartment to have an opening there. The status rules we have spoken about therefore begin with the benches situated behind this entrance. The bench right at the front, next to the driver, is placed outside the system. Yet this bench, like the others, has two seats. If the driver's companion occupies one of these, the other remains free. Who is going to sit there if the bus becomes very full? It is no surprise to see that a younger man can happily come and occupy the empty seat next to the driver's companion. This bench is not in front of the other benches, it is not a "front" (l luma) seat, it is not a high status place. Just like the driver's seat, it is situated outside the space organized by the hierarchy of status. So the "companion", soa, and a younger man may sit there. This seat is treated exactly like those situated at the back of the bus. And so, when the vehicle is very full, another younger man can sit on the lap of the one who is sitting next to the driver's companion, as is done in the seats at the back of the passenger compartment. (It is true that this place does have a few inconveniences. You only have the windscreen to press your hands against if the bus brakes suddenly—that is to say every time the driver brakes; moreover, you are above the engine and the floor is burning hot).

The soa is a companion for action; he helps morally or practically, and provides protection from danger. On the bus, as in the taxi, a driver who finds himself alone, on a long trip and/or at night, dreads—he is quite explicit about it—the danger of "spirits", aitu, just as much as someone who is tattooed with no companion does. There are many stories in circulation about such and such a taxi-driver who is said to have driven his taxi alone in the evening and picked up passengers who turned out to be aitu. Once they had got out, they tried to lure the driver out of his vehicle, but the driver was "strong" enough to resist their entreaties and drove away as fast as possible without asking for his fare. The driver is nearly always a man and these aitu are very often women who sexually entice the driver out of his vehicle. All those who tell this story had been "strong" enough, according to them, to resist—otherwise they would not be here to tell the tale.

The driver is thus surrounded by two types of protection: that obtained from the passengers' tāpua'i and that afforded by "a companion who helps" (soa). The passengers who manifest the tāpua'i or who at least represent the tāpua'i side offer protection of the first order. They are on God's side and cannot be "spirits" (aitu). As for the "helper" (soa), he is a comrade-in-arms against the spirits (the
relation with the evil aitu is often expressed in terms of war, the latter must be "fought against"): he offers a lesser order of protection.

The Passengers and the Stops. For Equality and Individualism

We have noted the manifestation of the driver's domination on a secondary level, in his individual capacity as the sole owner (or as the owner's delegate) of the bus and the only person with an official licence for driving vehicles transporting passengers. By placing ourselves on the passengers' side this time, we also notice behaviour which seems to reverse hierarchical etiquette on a secondary level. This attitude seems to be the height of individualism: stopping the bus, and therefore everyone on board, in order to be able to get off or on wherever it suits the passenger.

It seems that this extreme individualism can coexist with the kind of highly developed hierarchy that we have observed in the system of seats. Of course, this is not the moral and social individualism characteristic of Western modernity. Nevertheless, in comparison with the hierarchical etiquette present throughout Samoan society, this behaviour attracts the observer's attention – while for the Samoans there seems to be nothing to be surprised at or even worth commenting on.

There is no system of fixed stops in the way of signs in the streets or on the roads. Inside the vehicle, there is a rope above the benches, extending the length of the right hand and left hand rows. The passengers can raise their arm, grab hold of the rope and pull it. A bell rings near the driver who stops the bus without looking for a specially prepared part of the verge or a set stop as these do not exist. The most extraordinary thing for the observer is that this system has no limits. Sometimes you can actually see a passenger stop the bus, then another one, who had made no move, pull on the rope ten seconds later and get off ten metres after the spot where the first one had alighted, and then a third passenger do the same thing. Neither the driver nor the passengers say anything. The observer's astonishment continues: this system pays no attention to status. The bus stops ten metres further on and no one says a word even if the person who has requested the stop is a child. He jumps off nimbly and – the observer says to himself – could, therefore, have very easily used the stop requested by the former passenger and walked the remaining ten metres. It is true that the sun is at its zenith and you can really feel the back of your neck burning as you walk along, which means that three hundred metres more or less does count; but ten metres... It is exactly the same thing for the passengers who want to board. Positioned along the route, at the spot they have chosen, they just have to raise their arm and the bus will stop.

Of course, our interlocutors found a European system with enforced stops utterly "unjust" and "anti-Fa'aSamoa". When told that a Parisian bus driver, stopped at a red light, often refuses to open the door for passengers who want to get off or on at this point rather than wait for the official stop (and ignoring the question of insurance: if anything happens to the alighting customer, the driver and the transport company are fully responsible), they commented sadly on "this lack of alofa" which – for they have heard many other anecdotes recounted by their cousins who have emigrated to New Zealand, Australia or the United States about "the Papalagi's lack of alofa" – seems to them so characteristic of the Europeans' way of life. In fact, shortly after or just before independence, Western Samoa's local government had tried to put up bus stop signs; but everyone had ignored them which meant that the experiment was never repeated. So this practice really represents the height of individualism. Each passenger obliges the whole community of passengers to stop wherever it suits him. For the Samoans, there is no reason for complaint as this individualistic behaviour is egalitarian. This is the argument put forward in response to my astonishment, and so because this individualistic behaviour is egalitarian, it has no difficulty coexisting with the hierarchy of status.

Public Transport and Comparing Cultures

In summary, for the Samoans, the coexistence of such a hierarchy and of individualistic egalitarianism is not contradictory, however contradictory it may appear in Western terms. The Samoan configuration makes sense in the overall contrast with the Western manner of conceiving how relations may coexist. It is through this contrast that the observation becomes comparative and

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therefore anthropologically significant. In essence, the bus is both a means of transporting the village "sacred circle" and a taxi which stops on request in front of everyone's house. In addition, the comparison prompts us to look at the kava-drinking ritual, a ritual which precedes all formal meetings and constitutes the "sacred circle" \textit{par excellence}. Everyone sits around the circle. An officiant brings an enormous bowl containing the liquid and takes just one small cup (half an empty coconut shell). He gives a full cup to each person, in turn, following the hierarchical order of places around the circle. Everybody drinks from the same cup the same quantity, taken from the same bowl – but everyone drinks in turn. This intimate mixing of equality and hierarchy is, in contrast with Western thinking and practices, a characteristic trait of Samoan culture.

Through such a contrast, the specificity of the Samoan transport system can be made anthropologically significant. In Western societies, the bus and the coach are elements of a transport system defined on a different scale: that of the urban area or country-wide, with an urban or national transport authority to run it. The transport system will have fixed stops and a set timetable. But in Samoa the bus is a social microcosm. So it is a partial whole, an entity which is not at the service of a larger technical system. Hence the absence of fixed stops and the absence of a set, or even approximate, timetable. The hierarchy of seats is fundamentally alien to Westerners, class inequality is fundamentally unpleasant to Samoans. Lastly, equality is valorised to the extent, on occasion, of assuming a form in which the individual takes precedence over the community: everyone gets off wherever they want.

And let me raise a last point in the comparison. In the West, the passenger is a client. That is why he always pays at the beginning of his ride, on boarding. But, in Samoa, what happens is the reverse of this, and this fact may also be significant in the contrast we noted. In the village of L., a Westerner from New Zealand who was not very well-off, married a Samoan woman and bought a bus that he drove himself. At first the Samoans found this highly amusing, the Westerner being in theory a person of high status in Samoan representations; people expected him to take one of his wife's brothers as driver. When he started his operation, as passengers got on, the driver held out his hand and asked for payment much to the astonishment and displeasure of the passengers. He soon understood, as I was told, that “this is not done in Samoa”. If the passenger paid in advance, he would have the same kind of relation with the driver and the bus as a Samoan when he borrows, from a relative or a neighbour, an object which is not part of ceremonial circulation: a vehicle, a petrol-driven mower, a power-saw, etc.; he pays to borrow it, even from his cousin. Once money has been given, the relation can no longer be of the tāpua’i/action type. This is undoubtedly why Samoans find it contradictory and therefore improper to be asked to pay when they get on. It is not until he gets off that the passenger is no longer part of the sacred tāpua’i circle but becomes an individual defined by strict equality (as we saw in relation to payment) and by individualistic behaviour (as we saw in relation to stops) – with the possibility of acting on both levels (a chief getting off and, having spotted some relatives in the bus who will get off further on, giving the driver the fare for all of them, with a few words to enable him to identify them).

My analysis of Samoan practices in the everyday context of journeys by bus has shown that by avoiding the confusion of hierarchy and inequality and adding the distinction between them to the only alternative provided by Western ideology (equality/inequality), we are able to advance intercultural dialogue. The distinction enables us to understand that Samoans are shocked by a certain kind of differentiation they observe in Western countries, such as the inequality of “classes” in transport systems, and that this judgment is not in conflict with their own valorisation of inequality in the "positions" (tulaga) system in the village, the house… and on the bus. To make explicit our understanding of the non-contradictory character of these two Samoan judgments, it is useful to add another term to the notion of "inequality". Following Louis Dumont, I have chosen the word "hierarchy".
Notes

1. In this paper, I will keep the word "chief", although this common translation of the Samoan notion of "matai" is misleading. A matai is the head of an extended family, chosen by the whole group at each generation and ceremonially invested with the founding name of the family (usually the founding name of the initial ancestor), through a bestowal ceremony. In Western literature the family founding name was misleadingly presented as a "title" in a feudal system where matai would be a class of "nobility" or "chiefs", clearly separated from the "commoners", and indeed, as a consequence, the mistake was made of interpreting a hierarchy in terms of stratification (Tcherkézoff 2008a).

2. On the different aspects of historical and contemporary Samoan society, the reader will find an extensive bibliography of my publications in Tcherkézoff (2017).

Acknowledgements

The text is based on an initial analysis on Samoan “hierarchies” published in French long ago (Tcherkézoff 2003: chap. 5), before any prospect of a road switch, then enlarged and translated in English (many thanks to Deborah Pope) for a collective project that was not finalised, and again reworked in 2017 (many thanks to late Dr. Stephanie Anderson who had helped me many times over the years with translation and editing; see the homage to her work in www.pacific-dialogues.fr/home.php - the News). On the Dumontian notion of hierarchy in general, see Rio & Smedal (eds. 2009), Otto & Budbandt (eds. 2010), Robbins & Siikala (eds. 2014), Iteanu & Moya (eds. 2015), Bialecki & Daswani (eds. 2015), Barraud, Iteanu & Moya (eds. 2016). My contribution in Rio & Smedal (Tcherkezoff 2009) had already addressed some Samoan contexts ("chief” system, electoral system, gender relations, levels of lexicons in the Samoan language). The present paper develops in detail a single context not previously addressed: the seating arrangement in a Samoan bus.

References:


Evaluating the implementation of the National Information and Communication Technology Policy (NICTP) 2012–2017 in Sāmoa: A review of the literature.

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Introduction

Information and Communication Technology (ICT) is a powerful tool that helps organisations participate in the global market through promoting political accountability, improving service delivery and enhancing development. Its use is becoming progressively more widespread throughout the political, social, economic and cultural development of various countries (Purnomo et al 2010: 1). What better way in this new era and age to reach out to citizens through these technologies? This technological advancement has become a tool for empowering citizens by giving them access to information as well as enabling community participation. However, the development and implementation of policies to guide the advancement of this tool has been challenging. This paper will discusses these challenges and related strategies as stated in the relevant literature.

ICT policy development and analysis: a review of existing studies

Benefits of ICT and related policy development

ICT is a powerful tool intended to drive achievements of the Sustainable Development Goals 2030 Agenda. This is reflected in Article 19 of the Universal Declaration of Human Rights, which stipulates; “Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.” (FAIDP 2010: 2). The Framework for Action on ICT for Development in the Pacific—FAIDP (2010) stated the importance of drawing people into this declaration and effectively engage to reap the benefits of the future through the use of ICTs. Studies based on the experience of Asian countries indicate the benefits of incorporating ICT tools into education. For instance, Singapore’s advanced Master Plan for IT in Education (MPITE2) instituted a number of reforms in 2006, where changes were made to prepare students to be part of the country’s knowledge economy (Kozma 2008). With all the set goals any national ICT Plans may have, the economic growth and productivity depend on well articulation of specific ways to deploy ICT support. Stakeholders in Singapore have been called in to make use of such potential in ICT in education. Similarly, the Malaysian Ministry of Education, deemed a tool to revitalise learning in modern ways by looking at the main policies that encourage ‘the empowerment of learners’. Titled ‘Malaysia’s National Philosophy of Education’, it aimed at the same reform goals to enhance pedagogies and promote effective school structures as well as ‘using a phased approach’ in the Smart Schools project. India reshaped the curriculum for its schools by providing computers and professional development for teachers. This was vital to the implementation of ICTs. Teachers would act as facilitators of learning and help students become the best trainers and to think for themselves (Lallana 2004).

The increase in availability and accessibility of mobile networks in the Pacific region is providing social and economic opportunities in many Pacific islands. The increased liberalisation of the telecommunications sector in a number of these islands, over the last few years, has improved the reach, quality, availability and affordability of communication, especially mobile telephony services. Many mobile phone networks in the Pacific now have the capacity to leverage developmental progress, for example, providing rural financial services, assisting in disaster relief, fighting corruption and improving health services (FAIDP 2010: 3).
Challenges of ICT and related policy development

Evidence shows that the development of ICT has been challenging. Implementation status of ICT policies in education in various countries around the world showed challenges in implementation. A study in Namibia (Ngololo et al. 2012) stated challenges relating to literacy, which hindered peoples’ understanding of their ICT policy. A similar study looked at the status of ICT for education in Chile (Ngololo et al. 2012) which confirmed a quick implementation of its policy effectively which was framed around a results-oriented environment. A combined top-down and bottom-up approach strategy monitored the accessibility of rural schools to ICT expansion. Alinaghian (2011) believes that any ICT policy should be better aligned and compatible with national goals and aspirations. Another study in Ghana on implementation status of ICT concentration in rural schools also identified challenges such as computers not being well utilised. In the Asia Pacific region (Chacko 2004), one of the fastest growing in terms of ICT successes and growth, still have impediments on economic, political, cultural and social growth.

Some authorities have also indicated political and attitudinal constraints. Although e-government (Dwivedi et al. 2009) has taken off as the primary enabler for transforming the way government services are offered to citizens in developed countries, government officials still have a lot to learn in terms of crafting ICT policies and implementing ICT tools efficiently (Chacko 2004). There is little understanding, by some government officials holding decision making powers, of the significance of ICT in government and how ICT can be a cost effective way to implementing government processes. Consequently, they fail to embrace the opportunities that ICT presents and to meet the public’s ICT needs and expectations (Dwivedi et al. 2009). Another challenge facing governments is not being able to include relevant stakeholders in policy development consultations. Many national strategies are unrealistic and do not reflect public priorities (Chacko 2004).

Having ICT policies is necessary to the successful development of ICT in the Pacific region. Sāmoa’s NICTP reflects the government’s vision of ICT for all. This document is a framework pinpointing ICT priorities of various sectors and government and sets out five goals for the period 2012–2017. These goals are based on the key themes of accessibility, capacity and community (Ministry of Communications and Information Technology [MCIT] 2002–2017). Even though there have been achievements in meeting the target goals of the NICTP from 2012–2017, MCIT, which is responsible for the monitoring and evaluation of this policy, has also faced some challenges. Lack of adequate infrastructural support, inadequate human resource capacity and the high cost of internet are some of these challenges.

Evaluating ICT policy development: A way forward

The development of ICT continues to face challenges in many forms thus signalling the need for evaluating ICT policy development and implementation. Alinaghian et al. (2011) in a study argue that the lifecycle of an ICT policy serves as the central nervous system which has four components: development, implementation, monitoring and evaluation. The development phase outlines all the required processes in ICT policy formulation (Mashinini 2008). The implementation phase outlines all the necessary processes in ICT policy awareness raising, training or education, interfaces mediation or adoption (Kalika 2007) and enforcement (Alinaghian 2008). ICT policy monitoring outlines all the processes required in environmental scanning to ensure users’ requirements satisfaction and value adding. Monitoring helps measure ICT policy against defined goals and ensures that goals have been achieved. At this stage, the gaps during implementation are identified, which then results in making potential adjustments in order to address problems and close gaps.

The last phase of the ICT policy life cycle is evaluation (Alinaghian 2007). Evaluation processes measure and recognize internal and external elements that impact on the policy, such as changes in
political landscape, economic issues, social challenges, technological challenges and internal regulations and so on (Mashinini 2008). However, issues can arise at the implementation phase. In such cases, the implementation of an ICT policy may be unsuccessful. The literature also indicates that ICT policy monitoring cannot take place if an ICT policy has not been implemented. ICT policy evaluation is only achieved if ICT policy has been implemented and monitored. Thus, failure at the implementation phase stops the ICT policy life cycle. Additionally, a delay in ICT policy implementation might require policy amendment or re-formulation. Studies indicate that management of the ICT policy development life cycle provides insightful understanding of issues and risks and the situation be presented in a dashboard format enhancing interpretation and expediting decision-making processes (Mashinini 2008).

The Pacific Islands given its vast, and scattered geography are facing costly measures where strategic leadership and commitment are needed to integrate the social, cultural and political information to help people become proactive in their daily lives. In the same report by FAIDP (2010), a Communication Action Plan was noted alongside the PI ICT Policy and Plan and most recently the Pacific Plan Digital Strategy provide direction for this development. The PIs are not alone as the International Telecommunications Union (ITU) would lend a helping hand to make necessary assessments whether the application of ICTs are contextualised appropriately to such a vast and diverse region.

Conclusion

To conclude, ICT has played a significant role in transforming societies today as evident in the Asia-Pacific regions. However, the development of ICT has not been without challenges and as this paper has revealed, ICT policy development and analysis are crucial aspects of addressing such challenges. The role of government in ensuring participatory processes, offering infrastructural support and improving human capacity and awareness of the benefits of ICT is significant.

References


TUI’UMI: NA IA FASIOTI TAMAFAIQA

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Faamatalaga

O lenei tusitusiga e faamatalainai ai le faaumatia o le aili logologoā o Tamafaiqa mai le nuu o Manono, ma e faamatalaina ia mau mai faamaumauga a suli ma le aiga o Aiono Faapologaina i Matavai i Fasitoo-uta. O nei foi faamatalaga ua lagolagoaina e Tupua Tamasese Efi e le tusi o le ‘Su’esu’e Manogi,’ e faavae i faamaumauga ma faamatalaga lautele ma tala tuu-faasoalo ma mau a lenei aiga, e oofia ai foi mai isi tusitusiga ua mafai ona faamaunia. E faaopopo o ia faamaumauga, ua i ai foi ni isi o faaluga a le Faamasinoga o Faniau ma Suafa e lagolagoaina ai lenei tusitusiga. O lenei foi tusitusiga e faataua ai le sao a le tala faasoloipo to le tuau mai mai o Samoa o tala’aiga a le lotu Uesiliana i le 1828 ma le Lonetona Misionare Sosaiete i le 1830 lea na mua’i ta’ua o le lotu Toga mulimulim aue ua ta’ua o le Ekaelasia Metotisi ma le lotu Ta’iti lea ua iuga nei o le Ekaelasia Faapotopotoga Kerisiano i Samoa.

Upu ia matauina: fasioti, taupulepulega, fasiotia, Tamafaiqa

Faatomuaga

Ina ua mavae le tuumalo o Tafa’ifa l’amafana o Sa Tupua i le 1802, lea ua ta’ua e le tusitala o Kilisone (Gilson) e faapea ua faaoga ma faavevesi e Tamafaiqa mai le nuu o Manono, le aiga Sa Tupua ma le Aiga Sa Malietoa ma ia faatupu feeseesaa’iga, ae mulimulim anua maua lafaaia ona ia umia ma pulea le suafa Tafa’ifa. I ia feeseesaeiga, o i tauli lava na saofia ai ona fai ma Tamafaiqa lana pulega ma ia faaloia ai o ia o le Tupu Tafa’ifa o Samoa. O Tamafaiqa o se tagata lauiloia i na ona aso, e le gata o ia o se tagata, ae toe toe temoni, pe itulua foi. Sa lioa foi i le toatele o tagata Samoa o Tamafaiqa o se “aitu” ona ana faiga matautia ma ana pulega suafa. E le tele nā’uā ni faamaumauga o mauai lenei vaitaimai e faataua ia Tamafaiqa a’o le’i tuau mai Misionare, e le tele na’uā foi ni tusitusiga uiga i le fasiotia o Tamafaiqa.

O le tele o tusitusiga ua mafai ona faamaunia i lenei vaiitai o loo atagia ai e mafui tusitala i le faapea mai o le fasiotia o Tamafaiqa na afua i taupulepulega a tauli’e’a o Fasitoo-uta. A’o le isi tusitusiga o loo faapea mai o tauli’e’a lava o Fasitoo-uta na o latou fasiotia ia Tamafaiqa. Ae e i ai foi le le isi tusitusiga o loo faapea mai o Tamafaiqa na fasiotia e tauli’e’a o Fasitoo-Tai. I ia lava mau, e foliga mai e tasi le tusitala ae eseese ana faamaumauga, lea e fai mai le isi tusiga o tauli’e’a o Fasitoo-Tai, ae fai mai le isi tusiga o Fasitoo-Uta, ua fesiligia ai le sa’o o ia tusitusiga ona e le mau o loo faavae ai le tusiga lenei: o le suafa Aiono e mai Fasitoo-Uta, le na ia fasiotia Tamafaiqa o le tagata Fasitoo-uta foi, ma o Fasitoo-uta foi le nofoaga na fasiotia ai Tamafaiqa.

O le tele o ia tusitusiga e foliga mai o le fasiotia o Tamafaiqa o ni taupulepulega na fafai faatasi, a’o isi mau o loo faapea mai o taupulepulega fai faatasi a tauli’e’a o Fasitoo-uta ma tauli’e’a o Faleasiu. Ae fai mai isi tusitusiga, o tauli’e’a uma lava o Aana. O lono uiga, o le gagana lautele o loo molimau ai ia tusitusiga i le fasiotia o Tamafaiqa e tauli’e’a o Fasitoo-uta ma Faleasiu ma Aana uma. Ae peitai, ua le mafui lava ona faamatalainai mai i ia tusitusiga pe amana’ia foi le tautua malo, le salii malo lea ua mauai malo, e ala i le toa, le loto tele, le lē fefe ma le ositaulaga a le tagata tonu na amatamea e tapena le fasiaumatia o Tamafaiqa, le tagata tonu na fuaufuaina le osofa’ia o Tamafaiqa, le tagata tonu lava lea na ositaulaga i lona afafine ina ia tosina ma maileia mai ai Tamafaiqa, le tagata tonu lava lea na faatoato atoa le tapenaga o le osofa’ia ma le fasiotia o Tamafaiqa, i ia lava lea o Aiono Ma’ipipili, ua iuga foi o ia o Tui’umi. O lono uiga, o le mau a le tusitala, e ono fesiligia le sa’o isi mau, vagana ai le mau maumaututu ua manino nei, o Aiono Ma’ipipili o Matavai i Fasitoo-uta na ia fasiotia ia Tamafaiqa.

O isi tusitusiga e foliga mai e fesoatai le tulagaese o le fasiotia o Tamafaiqa aga’i i mau ua faapea mai, u aave a fasiotia o Tamafaiqa ma auala o le lē faalavelaveina o le galuaga tala’i a le Misionare LMS o Ioane Viliamu ma le Savali o le Filemu, ua mafui foi ia mau i le molimau o le Tala Lelei ma le faa-Kerisiano i Samoa, ae auna ma ni faamaumauga eafea’ina ai le tagata tonu na ogatotonugalemu i ai tapenaga ma le osofia, atoa ai ma le faamaumatia o le aitu saua o Tamafaiqa.

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O le tusitusiga lenei o le a taula’i tonu lava ia Aiono Ma’ipipili, ua igoa foi o ia ia Tui’umi, le tagata tonu lava lea na faia le tapenaga ma faatino le faaumatia o Tamafaiga. E sailiili foi leinei tusitusiga i faaumauuga o i ai i isi foi tusitusiga ua maea ona lolomiina ma tau faatusatusa ina ia mafai ona lagolagoina ma faaomania nisi mau a le Tuisitala, faapea nisi o mau faa le aiga, faatasi ma le nuu poo nuu foi ua ta’ua e mauaiafa ai ona manino leinei tusitusiga ma lona faamatalaina. O leinei foi tusitusiga o le a faasoa atu ai e uiga i le soifuga ma le talaaga o Tui’umi – le tagata tonu lava lea na ia fasioti ma faaumatia le tagata logologo—e aitu, a’o le tagata foi, o lona uiga e itulua, o Tamafaiga.

O ai na ia faaumatia Tamafaiga?
E sa’o faaumauuga o loo i le tuisi na tusia e Tuiatua Tupua Tamasese Taisi Efi ua igoa o le “Suesue Manogi” o loo ta’ua ai o Aiono Ma’ipipili na fastiotia ia Tamafaiga, ma o loo ta’ua ai le isi ona igoa o Tui’umi. O Ma’ipipili o le atalii o Folasaitu Ape Tapuvaelala o Fasitoo-uta, o le suli o le suafa Aiono mai le Itupaepae o Aiono Tuala i Matailili, o le isi lea fuaiala o le nuu o Fasitoo-uta. O le Tina o Ma’ipipili o Tātā, ma le nuu o Fogapoa. Na faa’e ilo le suafa Aiono ia Ma’ipipili ina ua ia talia ma ia ioeina le ‘anau atu a le nuu o Fasitoo-uta mo se fesoasaoani ona ua mapuitiga le nuu, ua ogaoga le o i ma le pologa talu le sauā o Tamafaiga. O Aiono Ma’ipipili le ulua’i Aiono Tuala na nofoia Matavai i le pitunonu ogatotonu o Fasitoo-uta ua igoa o Matā-avano. Ma o Matavai tonu lava lea na filifilia i Aiono Ma’ipipili o tosaa’mi ma faaumatia ai Tamafaiga.

O le faauigaina o le igoa o Ma’ipipili: o le ‘ma’i - toe pipili. O le talitonuga lautele lea o le uiga o le igoa Ma’ipipili i le mau a tagata o Fasitoo-uta faaepa foi ma tagata o le aiga o Aiono Tuala. Ua talafeagai le igoa pe a fuia i le taimi na panau mai ai Ma’ipipili o se pepe e matuā lapo’a tele lava. A e le gata i lea, i lona fanau mai, na manatu lava le toatele alologa a mafai ona savali leina pepe ona ua maoa’e tele le telē o lona tino ma lona umī nā’uā, ma e matuā tulaga ese lava. O popolega foi na i ai pe faamata e gafatia e ona vae ona tau’ave lona tino ua matuā telē lava, e tauau ina ola a’e e ma’i toe pipili. Ona o ia manutatunatuga i le tino telē toe umī o le pepe, atoa ai ma le tau le mafai ona savali ae o le totolo na mafua ai ona faaiga o o Ma’ipipili. Peita’, e sese uma lava ia manatu ma mafaufaupa. Aua foi, na ola a’e le tama o Ma’ipipili o se tamaati ola maloloina, tino telo, e tupa laulauā toe umī, lea e mafua ai le isi ona igoa valaau o Tui’umi, o lona uiga, o le umī e gata ai umī.

I tala faamaumauina, ona finagalo lea o Folasaitu Ape Tapuvaelala e faafoi Tātā i lona nuu o Fogapoa ona ua mafoana le mafutanga ma fia faivā i le isi foi tamaati A’ana o Taufaunaifoia’ana e fia ma ona faletua lona lua O lea na aloa’ia lelei ona toe momoli si fafina o Tata i lona aiga i Fogapoa e tusa o tu ma aga faa Aiono Tuala a le atunu Aiono Tuala i ia ona aso.

E iloga lava foi tu ma aga ona mamalu a Samoa e faatatau i usuga ma aumoega a Tupa ma Tamalii o Samoa, pe a finagalo e faafoi le toalua ae fia fai usuga i isi tamaati poo isio fai fafina. A olo lava i le taimi ua manao le Tupu poo se Tamalii ua fia sii lona faletua, pe fautuina foi e Tulafale a le Tupu poo se Tamalii le tatau ona fai se isi usuga, e ao lava ona momoli aloa’ia le faletua ua lē toe manaomia i lona aiga. E le momolona gūgū foi, auā o aga masani, e ao ina momoli faati ma faaloaloaga atoa ai ma oloa ina ia malu le va o aiga, faapea le va o nuu. O se tu ma se agau na tautaga tele lona faatinoina.

E talitonuina na malamalama lelei lava Tātā i aga ia a Tamalii o le atunu, lea foi ia ua liliu le finagalo o Folasaitu Ape Tapuvaelala e fia fia usuga i le isi tamaati ese mai lo i ia, ma ua alaga-tatau ai lava ona foi i lona aiga. Na momoli aloa’ia ai lava Tātā i lona aiga i Fogapoa i Savaii, faatasi ai ma lana tama o Ma’ipipili. Soo se tamaati Samoa i ia ona aso, sa manino ma malamalama lelei i faiva o faiga-usuga a Tupu ma Tamalii o Samoa, pe a finagalo lava latautu i fia le taitoalua.

I le toe faafoi ma le momolina i Tata i lona aiga i Fogapoa, na faaepa ona ola a’e ai ma Maipipili lana tama i Fogapoa lava. O Fogapoa foi lea na fe’au ai i le Sa’o le Aiga ma le nuu o Fasitoo-uta, le susuga a Aiono Tuala uai Ma’ipipili mo lona fesoasaoani ua moomia tele i lona nuu o Fasitoo-uta ma Aana uma ona ua maaoe’e tele le saiaina o le nuu e Tamafaiga, ae maise o osafa’iga a tagata Manono au matua ogotia le nuu ona ua leai lava se isi na te faafetaui lea malosi, ae maise ua leai se toa na te agaia le matautia o Tamafaiga ma tagata Manono. O le malosi o ia osafa’iga a Tamafaiga ma tagata Manono.
na i’u ai ina taa-vao, sosola le faole i le vao tagata o Fasitoo-uta, ona o faiga a Tamafaiga ma ana ‘au, soo so faafei e tao atu ai ua susunu, o mea toto ma mea faafafa ua faatama’ía, soo se tagata Fasitoo-uta poo Aana e tao atu ai e faasia lava pe faamaonia foi.

O Maipipili, o le suli moni o le suafa Aiono.

O Maipipili, o ia lava o le suli moni o le suafa Aiono. I faamaumauga o faaiga mamalu a le Faamasinoga o Fanua ma Suafa Samoa o loo mafai ona faamaonia ai le gafa o Aiono Tuala o Matavai o loo t’ua i ia faaiga e faapea:

- Folasaitu Ape Tapuvaelala o Matailiili/Fasitoo-uta na usu ia Tata o se tamaitai mai le nuu o Fogapoa/Savaii faae’e le gafa o Maipipili lea na igoa ia Tuiumi. O lona igoa o Tuiumi e mafua ma fesootoai ma lona umi tele, tino telé ma le maualuga.
- O le usuga lona lua a Folasaitu Ape Tapuvaelala na usu ai ia Taufaunainaioaiana le alo o Laumatiamanu o Matanofo/Falelatai ona faae’e lea o le gafa o Tuilava’i.
- O Tuilava’i na ola a’e lava i Matavai/Fasitoo-uta ma na usu ia Masu le alo o Touli i Saleiluali/Falealiili faae’e le gafa o Faapolagainia. O Faapolagainia lea na ia umia le suafa Aiono o Matavai ina ua tuumalo Aiono Maipipili.
- O Aiono Faapolagainia na usu ia Luisia le alo o Faagata i Fagatogo/Amerika Samoa faae’e le gafa o Siatiu, Ui, Faasua ma Maotua. O Siatiu na ia tauave le suafa Aiono o Matavai ina ua tuumalo Aiono Siatiu.

A silasila i le faasologa o nofo, o le uluai Aiono i Matavai o Aiono Maipipili i le usuga muamua a Folasaitu Tapuvaelala ia Tatà, ona sosoo ai lea ma Aiono Faapolagainia i le usuga lona lua a Folasaitu Tapuvaelala ia Taufaunainaioaiana le alo o Laumatiamanu o Matanofo/Falelatai, sosoo mai ai lea ma Aiono Siatiu, ma o loo tauave mai ai lava e suli o Aiono Faapolagainia auga nofo o le suafa Aiono i Matavai/Fasitoo-uta e oo mai i nei ona aso.

O le alii lenei o Maipipili.

Ina ua toe momoli ma faafoi Tatà i lona nuu o Fogapoa, na faapea ona ave atu ai faatasi ma Maipipili lana tama, ma faapea ona ola a’e ai ma tuputupu ane ai ia Maipipili i Fogapoa lava e le aiga lea o lona Tina. E ui i le toe foi ma nof mai ai i Fogapoa, ae sa fesootoai pea Maipipili i le aiga o lona Tama i Fasitoo-uta. I le ola tuputupu a’e o Maipipili i Fogapoa ua iloa ai o ia o se tagata tino lapo’a, umi toe maualuga lava. Na faaaaua pea lona igoa valau o Tuiumi e tagata o lona nuu ma lona aiga ona o lona umi tele. Ae o ia foi o se tagata e amio tauagafai, o se tagata ata mai tele foi, e le o se tagata na te faamata’u pe faafefe se isi i lona tino tele ma le maualuga, e agamalu fiai mo filemu lava o ia, ae le o se tagata e palai’ai. O le faatuesta o lona umi pe tusa o le 7 futu ma le 3 inisi.

O loo lagomau Aiono Maipipili i Matavai i Fasitoo-uta, ae na faamaonia le umi ma le tino tele ina ua laga lona tuugamau ina ua liutofaga i latou na lagomau i le fanua lenei o Matavai. Na finagalo le Sa’o o le Aiga i Matavai i le 1991 Susuga Aiono Faapolagainia Leulumoega Sfora o le a faausia se Maota fou o le aiga i Matavai, na polaiana ai le liutofaga uma o tagata o le aiga i luga o le fanua o Matavai ina ia maualafia le tulaga ua i ai nei lea maota. O le faatinoga o le liutofaga na vaai tino ai le toatele o le aiga i le auivi ma ponaivi o Aiono Maipipili o se tagata umi’i tele toe maualuga.

I le faatinoina o lea foi tu mamalu a Samoa i le lagaina o tuugamau ma le liutofaga, ma mataunina tu ma aga faa-Fasitoo-uta. E le aafia le aiga, ae o le tofi lea o tulafale o Fasitoo-uta lea e faaulupe o le Falefitu, o i latou ma tuaele’a o le nuu e lagaina le tuugamau, aua o Aiono o lo latou Ali’i lea. O le Falefitu na o latou tu’i le tuugamau, o le Falefitu na lagaina auivi ma ponaivi mai tuugamau ma momoli i le maota, ona sagai ane lea o tama’ita i le aiga (Sa Fuatinò) e fufulu ma faataele ponaivi uma, atoa ai ma le u’uina i le fagug’u. E tapu se isi o le Falefitu ona soli le maota, vlagani ai le tapauiaga ma le leinoa o le maota i fafo ane a’o alo Sa Fuatinò e fufulu ma faataele ma uina ponaivi uma, ma afifi loa i le siapo. O lenei foi tu ma le aga o le liutofaga e le se aganuu e taugofie, aua foi, a maea le liutofaga, ona alo lea o le aiga e faaaloaloaga mo le nuu ma faataunumafa le nuu ma tali-toga o le Falefitu.

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O le tapenina o le osofa’iga

Na talia e Maipipili le talosaga ma le augani a le Sa’o o le Nuu ma le Aiga o Aiono Lulu ona ua pagatia le nuu ma ua ola le nuu o Fasitoo-uta ma Aana i se olaga matata’u ona o le malosi o osofa’iga ma sauaga a le ali o lea lea o Fasitoo-uta ma Aana le matautia o Tamafaiga, a ua atili ai ona faaetele ana sauaga i le nuu, ua leai se toe po i le Tamafaiga, ua matua leai se alofa i le faatinoa i lona sau sauta matata. O le talia e Maipipili o le augani a le nuu o Fasitoo-uta, o lona uiga, toe pau foi lea o le faamoemo o le nuu, o lo latou ola ma le lumanai o Fasitoo-uta ua faalagolago uma nei ia Maipipili. Ae mai lea o lea tele talauga o pologa le nuu ma Aana, o lo latou toe faamoemoegia lea ina ia saoloto mai ai i pulega saua ma le alofa a Tamafaiga, o lo latou ola filemu ma le saoloto ona lima nei o Maipipili.

Ua iloa e tagata o Aana ma Fasitoo-uta ua le o toe mamao ona agai mai foi lea o le fuava’a o alia ma vaaval e Tamafaiga ma lana aumalaga mai Manono e agai atu i Laulii, ma e mautinoa lava i ei mai i le gataifale o Aana ma Fasitoo-uta ma na manatu lava e ono afea foi Fasitoo-uta. Na mautinoa lelei ma tagata o Aana ma Fasitoo-uta uiga leaga o Tamafaiga, e le gata o le saua i tagata, o le fasiaitia o tagata, susunu ma faaumiaitia fale o aiga, ae mai lea o le faatautala i ava a matai ma teine o nuu. Ua iloa lelei lava e le vaoia lava e se tagata se fafine, tama'aitai po o teine muli lava e manao Tamafaiga la te memoe, e le vaoia lava e se tasi. Soo se tagata e faafesele e le manao o Tamafaiga pe a oo i ona manaau tau tamaitai, o le tagata lava e faafesele, faaaumiaia ma fasiaitia ma faatasi.
tapena e Ma’ipipili ma tagata o Fasitoo-uta mo le fafauina o le fasiotia o Tamafaiga, o le faia lea o se po-ula tele lava, o faafiafiaga o pese, o siva ua felafoa’i faatasi ma Tamafaiga ma le aumalaga, ma faalaloa atu ai lava le po-ula i lena po atoa se’ia oo ina matuā tuneva le po. Ua faailoa foi ia Leuteifuiono le manao o Tamafaiga ia te momoe i lena lava po po ma ua tapena foi i ai le teine o Leuteifuiono. O lea lava ua foliga mai ua taoto lelei ma taoto i lagotonu fuafuaga uma a Ma’ipipili mo le faaumatia o Tamafaiga.

I le tuanai ai o le evaga o le po-ula, ua tuneva foi le po, ua vaivai foi Tamafaiga ma le aumalaga, ona mapu ato loa lea o Tamafaiga ma Leuteifuiono i le maota poo o le api sā o Tamafaiga i le maota i Matavaia. Ua mae’a ona teu lelei te la toa o le faie ma toso pupuni i siapo e si’o ai le tala atoa o le maota, ua fola foi fala o tofaga o Tamafaiga ma Leuteifuiono, aua o le faamoemoemo lava o lea po ia Tamafaiga, ia momoe faa’ufafagi o Leuteifuiono lea ua nanau i ai lona tu’inanau. O le s’i’ina o le tala o le faie i siapo ina ia malu le momoe faa’ufafagi o Tamafaiga ma Leuteifuiono, ae maualafa ai le osafa’i a Ma’ipipili.

Ua faatino le osafa’iga

Ua iloa lelei e Aiono Maipipili e le gata ua alu au le aso o malaga mai le fuava’a, sa momoe ma fai-aiga muamua i le afaiia ia Tamafaiga ma se tamaitai mai Falesiau, lea ua faaumiumi ona foi le faiiga-siva o le po-ula, a’o lea foi ua toe momoe ma fai-aiga faalua Tamafaiga ia Leuteifuiono i le tuneva o le po lava lea, o lona uiga, ua matua gagase lava, o gapele ma vaivai si alii o Tamafaiga. Ua mautinoa ai e Maipipili, a osafa’ia i le mae’a ai ona fai-aiga ma malie lona tuinanau ia Leuteifuiono, o le a faigata iia Tamafaiga ona tali pe a osafa’ia, auā ua alu le malosi i le faiga-aiga ma Leuteifuiono. Ua atagia ai le to’a tele o Ma’ipipili ae maise o le toa o lona loto ma lona atamai pe a fua i le tapenaga ia le osafa’iga faasaga ia Tamafaiga, ma ua faatalatili lava i le taimi sili ona tatau i faataunuu ai le osafa’iga.

I tua atu o pupuni siapo ua s’io ai le tala o le faie, ua uma foi ona fai-aiga Tamafaiga ia Leuteifuiono, ua na o le talitaliaga o le alli ma taotooto, ua taumanavanavava i le sela, auā ua alu le malosi i le mana’o tuinanau o le faiga-aiga, ae ua avea ai le teine muli o Leuteifuiono. A’o le taimi foi lea ua momoe vaivai le aumalaga uma auā ua alu le aso o malaga mai i le vas, ua alu le aso o faafaeo solo i lo latou alii o Tamafaiga, ua alu foi le po o dai le po-ula.

Ua fai mai le faailo Leuteifuiono ua ao i le taimi tatau o le osafa’iga, auā ua na o le talitaliaga o Tamafaiga ua gapele, ua vaivai lava. Ua osafai e Ma’ipipili le pupuni i le tala o le faie, malepe i lalo le pupuni siapo, velo sa’o loa le tao a Ma’ipipili ma tao tonu lava le itu tauagavale o Tamafaiga a’o ia taumfai i tu afe i luga. A’o le taimi foi lea, ua osafa’i i ma fafaia e taulae’ia o Fasitoo-uta le aumalaga a Tamafaiga a’o momoe vaivai i latou. E aunoa ma se isi na mamate o fafu ma taupu le ofofa’iga e faaaumia Tamafaiga.

O le faaumatia o Tamafaiga

E matuā tuga lava le mana’u o Tamafaiga ina ua taia tonu i le tao na velo ai e Ma’ipipili, ua alu le palapala o le mana’u, ae na ia mafai lava taumafi ase ma le faie e i i le tiga ogaoga o lona manu’a. O lona tiga tele ua aga’i ai i tai ma oso loa i le sami. Manatua foi o Tamafaiga o se tagata tino ese, o le le taimi lava na oso ai e le sami ona o ona tiga i lona manu’a na matua iloga ai ona pisi te te le sami, ma ua faaiga ai o Lepisi le vaega lea le o fanua o Matavai ina ua pisi tele le sami ina ua tofo i ai Tamafaiga e tau saili sona lavea’i. Na tuli tatau e Aiono Maipipili ma naua atu lava, e tiga le augei mai o Tamafaiga i le fiaola ona o le tuga o lona manu’a, ae e le i toe foi Maipipili, tasi lava le susau i le toe’i, alu ese mai ai le ulu o Tamafaiga mai lona tino. Ua faapea ona aumaia i uta lona tino ma ua alaala nini’iina ai.41 Ua faaumatia le fili, ua tagatavaleina ma fasiotia ia Tamafaiga. Ua a’e malo faiva o Aiono Maipipili, ua igoa foi o ia o Tui’umi, le toa o Matavai ua ola ai Fasitoo-uta ma Aana uma.
O le fanua ua igoa o Lepisi

I le tuneva o le po lea na fasiotia ai Tamafaiga, ona o lona tiga tele i lona manu’a na oso ai i le sami ma na matua iloga ona pisi tele le sami. O le fasi fanua la lea na oso ai i le sami ia Tamafaiga ua faaigoaina nei o Lepisi, ma o se vaega o le fanua o Matavai. O le avea ai o Lepisi o se vaega o le fanua o Matavai ua faaamoania e le Faamasinoga o Talosaga Toe Ilolo o le Faamasinogonga o Fanua ma Suafa o Samoa i lana faaiuga mamalu i le aso 20 Me 2009. O le mataupu autu (legal issue) sa sailia e le Faamasinoga mamalu poo ai tonu e ona le fanua, ma pulea le fanua o Lepisi e Fasitoo-uta.

O le faaiuga a le Faamasinogonga o Talosaga Toe Ilolo ua faaamoania ai o le igoa o Lepisi e afua mai i le pisi tele o le sami i le fasiga o Tamaafiaga. Ua faaamoania ai foi e le Faamasinogonga o Talosaga Toe Ilolo o le fanua o Lepisi o se vaeg o le fanua o Matavai ma e pulea e Aiono Faapologaina. O le Tusitala o lenei tusitusiga na taitai i le Itu Faamasinoga a suli o Aiono Faapologaina.

Upu Fa'ai'u

A fua i lona fanau mai, na mafua ona faaigoa ia Ma'ipipili ona o le tama e foliga e ma'i, toe pipili. Na fanau mai o se pepe lapo'a tele, ma na manatu lava le aiga ailoga e umi ni tausaga e ola ai ma avea o se tagata matua. Peitai, na sese uma ia manatu. Na ola mai Ma’ipipili o se tagata tino malosi, umi, lapo’a toe maualuga, na faaigoa ai foi o Tui’umi, o lona uiga, o le umi lava e gata ai umi. Na foi faaatai ma lona Tina o Tata i Fagapoa ina ua toe nonofo lona Tama ma le fafine Falelagatai.

A’o lona toa, e le fefe, faatasi ma lona loto nu’u na tali mai ai Ma’ipipili i le tatalo atu a lona nuu o Fasitoo-uta ina ua matua ila, lailoa ma mapuitlegiga ona o sauaga a Tamafaiga. E le i faatagā faia e Ma’ipipili le tapenaina o le faaumatia o Tamafaiga ina ia ola le nuu. O le upu moni, na sau lava e fai, ua ia fai lava ia mafai, ma ua mafai. O le faaumatia o Tamafaiga o se vaega taula tele o le tala faasolopito o Samoa auā ua faasaoina Fasitoo-uta, ua ola A’ana mai le pule saua ma le lē alofa e le aiutu itulua o Tamafaiga.47 Ua mate le tenvelo, ae ua maulafia ai le tala’iga o le Tala Lelei i Samoa. Ua faaumatia Tamafaiga, ae ua faasaoina Aana ma Samoa uma. Ua faaumauina nei le tala’aga o lē na ia faaumatia ia Tamafaiga na lona saua tele—o ia lava lea, o Aiono Ma’ipipili, ua igoa foi o ia o Tui’umi

Notes

1. Savali o le Filemu- O le igoa lea o le va’ā sa folau e le Misionare o Ioane Viliamu

2. O lenei talaaga sa faaamoania e le faaiga a le Faamasinogonga o Fanua ma Suafa - Gafa o Aiono and Ape: LC 815 P26 – P28 Mataupu: Suafa Aiono i Matavai/Fasitoo-uta. 26 April 2013.

3. O Matailiili I Fasitoo-uta lea e tupuga atu ai le suafa matai lea o Aiono lea sa taua o le ‘Paepae o Aiga’ ae e le I vaevaefa ina e avea ma ‘Itu Peapae o Aiga.’

4. O Taufaunaifoai’a’ana o le afafine o Laumatiamamanu Toleafoa o Safata ma Tuutumanu Tagaloa-Fasavalu o Falelagatai. Na taula I tala fa’asolopito o Falelagatai o Taufaunaifoai’a’ana sa soifua o ia I le vaitau o le 1600. O lona tama o Lilomaiava – le tama a le aiutu ma le tagata o Palauli – o Tuita’alili, o tuuā o le aiga Tuimaleali’ifano i Falelagatai. Sa soifua Lilomaiava mai le tausaga 1700 I le 1750.

5. Sa taua e Fofo liga Isofena Sunia I lana saunoaga autu I le faaalauloaina o lana tusi fou: “O Aumoega ma Usuga a Tamali Sāmoa’ i SSAB/Apia I le aso 27 o Februari 2017, o Usuga ma Aumoega a Tamali Sāmoa o se aganuu mamalu. E le gata e le tasi se aumoega, ae mafai ona sili atu nai le lua, ona o aga a tulafale, ae o le mamalu ina ia lautele ai gafa o aiga. O se isi vaega taua o le mamalu o le tele o usuga, o le toe momoli lele i e le tamaitei i lona nuu ma lona aiga.”

6. O Aiono Lulu o le matai Fasitoo-uta I le vaitaimi o pulega a Tamafaiga.

References


Faamasinoga o Talosaga, Faamasinoga o Fanua a Suafa Sāmoa. LC 5437 P1 – P7

Interview with Leusogi Taalo 09 September 2017. O Leusogi o le Tu‘ua o le Falefitu i Mata- Avano-Fasitoo-uta.

Interview with members of the Aiono Tuala family in Matailili/Fasitoo-uta

LC 5437 P1 – P7 ‘Ua faamaonia o le fanua ua finau ai o se vaega o Lepisi e pule ai le suafa Aiono Faapologaina.

LC 5437 P1 – P7 MATAUPU NA SUESUEINA: ‘E uiga i le pule o le fanua o LEPISI i Fasitoo-uta.


R. P. Gilson, 1970. *Sāmoa 1830 to 1900, the politics of a multi-cultural community*, Melbourne, OUP, 71


Vaega 4 (4.1) o Mafuaaga o le Faaiuga. ‘Ua matauina le mafuli o mau i le lagolagoina o le taofi e faapea faato’a maua ai le igoa LEPISI ma faaigoa ai le tolotolo lenei o loo ogatotonu i ai nei fefinaua’iga, ina ua uma le fasiga o Tamafaiga. LC 5437 P1 – P7
THE FA’ASÂMOA AND THE ELECTION LAWS

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Introduction

Allegations of vote buying during election times are common place in the Pacific region and Sâmoa is no exception. However, in Sâmoa confusion arises because these allegations are complicated by the assertion that gifts given during election campaigns are not bribery but payments that are required in customs. This has been the common defence raised in court in election bribery cases. In Sâmoa, all seats of Parliament can only be held by matai, and electorates are defined by districts and sub-districts. The potential for confusion about whether monetary payments are bribes or acceptable customary practice is magnified during elections because voters sell their votes and expect something in return from candidates. The problems of bribery lead Parliament in 1995 to amend the Electoral Act 1963 purposely to reduce the floodgate of bribery petitions. In 2005, Parliament again amended the Electoral Act 1963 intentionally to specify certain customary payments as not considered bribery.

The importance of Parliamentary control over the making of appropriate laws in relation to bribery cannot be over-emphasised. One may debate whether it is the role of Parliament to effectively control political procedures and the law, or, should Parliament put in place specific mechanisms in an attempt to control bribery at election times? It is generally understood that Parliament must do all within its power to ensure that all election laws are intact effectively and efficiently, is a fact no one would wish to debate. The paper examines the cultural and legal factors that have contributed to instances of bribery. It also discusses the Electoral Amendment Act 1995 which has been generally considered discriminatory, and the Electoral Amendment Act 2005 as failing to address the issue of bribery. The paper will also address the necessity to clarify distinctly the forms of payment that constitute bribery and the forms that do not. Moreover, discussions will also take into consideration the most recent amendments including the Constitutional Amendment Act 2013 and the Electoral Amendment Act 2015 in cognizance of the Sâmoan culture and the legislative framework guiding the elections.

The matai suffrage and the universal suffrage

After independence in 1962, the matai system was the basis of Sâmoa’s electoral system that governed the families, the villages and the whole of Sâmoa. The introduction of Universal Suffrage in the 1991 General Elections allowed all aged 21 and over, male and female, the right to vote in elections while restricting the right to stand as candidates for Parliament to matai. The change came into effect when the Human Rights Protection Party (HRPP) put to the test the question of universal suffrage by way of a national referendum in 1990 and was supported and approved by 52.6 percent of voters. Hence, the right to contest elections was restricted to individuals holding traditional leadership or matai titles. The preference and endorsement of this form of suffrage was based on the fact that the matai are representatives of the families (‘aiga) and likewise, constituencies because they are chosen by a decision of the extended family (‘aiga potopoto). However, the plebiscite of 09th May 1961 revealed a majority preference for a restricted form of suffrage wherein only matai could run for elections as well as vote.

In effect, the matai suffrage remains while at the same time posing a challenge to the democratic process and the validity of the system as in elections. With the establishment of universal suffrage, causing an escalation in the number of votes never before encountered, the potential for bribery also increased significantly compared to the times when only matai voted.
The common types of bribery allegations

Electoral corruption of vote buying and vote selling became extremely common during the period preceding any General Elections and allegations concerning such will only be heard by the Courts. The allegations are not necessarily criminal prosecutions but are election petitions which challenge the validity of a candidate’s election under section 12 of the Electoral Act: “where a candidate who has been elected is proved at the trial of an election petition to have been guilty of any corrupt practice at the election, his election shall be void.”

In the history of election petitions, conflicts have arisen over what constitutes bribery or corrupt practices as opposed to traditional concepts of giving gifts and chiefly obligations. No doubt, the courts have been put in an invidious position in their obligation to decide the applicable laws in the realisation that the ramification to the fabric of Sāmoa traditional society would be far reaching. Nevertheless, the most common acts of bribery during election times are the giving of food, gifts and money to induce voters. As determined by the courts and the allegations are proved, this will result in the successful candidate’s seat in Parliament declared void.

The cultural concept

The traditional culture in Sāmoa is still well respected and intact. Sāmoa remains a predominantly kin-based family oriented society. As a result, emphasis will continue to be placed on cultural elements, family connections, the chiefly system and so forth. The fa’asāmoa is essentially a traditional governance system serving social, economic and political functions, and a system based on closeness and affective ties. The fa’asāmoa further manifests itself in an institution known as the fa’amatai whereby the fa’asāmoa encapsulates all aspects of life in regards to social, economic and political functions and practices. Thus, it gives a clear view of the fa’asāmoa framework and an indication of the solidarity of the structure of matai (chief and authority) and ‘āiga (family). The matai is the head of the family, has the authority over land and is the voice and decision maker of his or her family.

During the election period, a candidate will present gifts, food and money to the matai or the head of a certain family. One can imagine the controversial issues arising out of such close and affective ties especially in times of election when this matai or head of the family gives the order that all members of his family are to vote for this particular candidate who provided him with gifts, and by doing so breaches Article 21 (3) of the Universal Declaration of Human Rights.

Parliament’s response to problem of bribery

The 1995 Electoral Amendment Act

Section 31 of the Electoral Amendment Act 1995 amends section 105 (1) of the principal Act by omitting the whole of section 105 and substituting a new subsection (1) which states as follows: “An election petition may be presented to the Supreme Court by one or more of the following persons: (a) A person claiming to have a right to be elected or returned at the elections; (b) A person alleging himself to have been a candidate at the elections; provided however that no petition can be filed by a person who polled less than 50% of the total number of votes polled by a person elected or returned at the elections.”

The validity of the Electoral Amendment Act 1995 was challenged and questioned in court in the case of Sia v Peteru. The applicant challenged that s31 of the Electoral Amendment Act 1995 was discriminatory and deemed inconsistent with Article 15 (1) of the Constitution of Sāmoa. The court ruled otherwise stating that the purpose of the amendment was self-evident, basically to reduce the
number of those who can petition the election results and does not infringe Article 15 (1) of the Constitution as argued by the applicant.

Not all agree with the decision of the court on the notion that Section 31 of the Electoral Amendment Act gives leeway to candidates with the resources and sufficient monetary support to continue bribing and buying voters with the intention that other candidates will not achieve the 50 percent mark thus disqualifying them from launching a petition. Effectively, this is a defect of the electoral system, as well as a violation of rights of the grieving candidate to pursue justice and that the winning candidate has succeeded through acts of bribery. Unfortunately, Section 31 of the Electoral Amendment Act 1995 clearly ostracises the grieving and the losing candidate to seek justice.

The 2005 Electoral Amendment Act

Section 7 of the Electoral Amendment Act 2005—Conduct of O'o and Momoli (Giving of Gifts) provides that: “Despite the other provisions of this Act, the traditional presentation of “O’o and Momoli” by a Member or Candidate for Parliament or a person acting on behalf of such Member or Candidate shall not be considered as treating, bribery or an illegal or corrupt activity or practice provided that the presentation is made within the period commencing with the 180th day and ending with the 90th day from expiry of the then Parliament at 5 years from the date of the last preceding General Elections.”

O’o and momoli according to the customary laws of Sāmoa refer to traditional presentation of food, money and gifts by a person in recognition of an important event like a Reverend (faifeau) called by a village parish to be their pastor, or a traditional presentation by a person who has been bestowed a paramount chiefly matai title.

One of the big debates in Parliament when amending the Electoral Act in 2005 was trying to arrive at a decision on the point relating to the issue of gift giving. It is an unnecessarily complex issue because gift giving is part and parcel of the cultural faasāmoa, meaning: its cultural system and its associated values. To uphold the complexity of the Sāmoan cultures and its values, Parliament eventually passed an amendment to the Electoral Act by providing a timeframe outside of which giving gifts will not be considered an illegal or corrupt activity by a Member or Candidate for Parliament.

It is interesting to note that the Electoral Amendment Act 2005 contradicts the decision of the Supreme Court in the 2001 case of Ah Him v Amosa where the court clearly emphasised that any such form of giving gift constitutes “bribery.”

For clarification, Section 7 of the Electoral Amendment Act 2005 does not address the issue of bribery. The amendment only provides a timeframe during which giving gift is deemed not illegal. In the case of Posala v Su’a the defendant miscalculated the 180th day and ending with the 90th day from expiry of the then Parliament, but argued that as a chief, he is duty bound according to the faa-sāmoa to provide for his constituency by giving a “o’o and momoli” a day later. His seat in Parliament was declared void by the Court. Again, it appears that Section 7 of the Electoral Amendment Act 2005 violates Article 27 (1) of the Universal Declaration of Human Rights.

The 2015 Electoral Amendment Act

In March 2015 the Legislative Assembly of Sāmoa passed the Electoral Amendment Act 2015 which had a number of implications on the 2016 General Elections involving cultural amendments, provision of monotaga and the conduct of O’o and Momoli, and most notably the Supreme Court ruling five candidates for the elections were ineligible under the amendments to the Act.
**Monotaga**

The most discussed amendments clarified and defined the eligibility requirements that candidates must satisfy: the three year residency requirement and the ‘village service requirement’ for the preceding three years, universally understood to mean the ‘monotaga.’ Under this amendment, *monotaga* is defined as ‘the compulsory service, assistance or contribution (such as contribution in form of cash, kind or goods) rendered for customary, traditional or religious activities, events, functions or similar purposes pursuant to the customs of a particular village.

There was strong support for the *monotaga* clause including the amendments although many were of the view that the *monotaga* amendments should have been implemented in the next elections 2021—and not applied retrospectively. The retrospective application of the law automatically disqualified people who had not made *monotaga* contributions from three years previously, as well as individuals who were bestowed *matai* titles within the last three years. Furthermore, the point was raised that the definition of *monotaga* under the law did not adequately take into account all the cultural complexities of this cultural practice.

However, the issue was raised by way of a legal challenge against a candidate who is a paramount chief and a holder of a *non-monotaga* title in the case of *Liuga v Alailima*. According to the customs of the village of Sili in the territorial constituency of Palauli le Falefa, the *matai* title Le Tagaloa is a paramount chiefly title and would not provide *monotaga* services but to receive *monotaga*. He was also a subject of an electoral petition based on the same clause in 2011 when the court accepted the customs of his village pertaining to his title and the *monotaga* issue and dismissed the petition against him. However, in 2016, the Court ruled in favour of the petition against him in light of the 2015 amendment clarifying the *monotaga* to be a ‘compulsory’ service to the village. As his title does not provide compulsory service to the village according to the amendment, the Court held that he was automatically disqualified notwithstanding the fact that he provides voluntary service to the village.

**O’o and momoli**

The legislative reform around the traditional practice of the presentation of *O’o* and *Momoli* under the 2015 *Amendment Act* is now generally accepted whereby it is now traditionally undertaken by Members of Parliament or candidates for elections to thank their supporters. It is noted that the line between cultural reciprocity and corruption are issues that other jurisdictions struggle with. Now, under the amendment to the law, the presentation of *o’o* and *momoli* is restricted to the 12 months period following the declaration of the election results. Any other presentation of *o’o* and *momoli* outside the 12 months restricted timeline is deemed not legal. This includes the provision of gifts including food and money.

Confirmed by the Office of the Electoral Commission (OEC), almost all elected Members of Parliament in the 2016 General Elections presented their constituencies with *o’o* and *momoli* before the 12 month period expired, according to the 2015 Amendment Act. However, some elected Members of Parliament opted not to present *o’o* and *momoli* to their constituencies. It cannot be confirmed whether any unsuccessful candidate of the 2016 General Election ever performed a presentation of *o’o* and *momoli*.

**Amendments to the constituencies**

One of the changes when the Electoral Act was amended in 2015 involved the changes in names and definition of the types of electoral rolls in Sāmoa. Previously, registered voters of non-Sāmoan’s and part Sāmoans for the two seats in Parliament were known as Individual Voters, but now renamed as “Urban Constituencies” under the 2015 *Amendment Act*. The ethnic electoral constituencies have also been renamed as ‘Territorial Constituencies.’

Candidates contesting the urban seats need only prove six months residency requirement in that constituency but having lived in Sāmoa for the preceding three years and only need to show proof of
providing some form of community service in the preceding three years as opposed to the three year monotaga requirements for the candidates contesting the territorial constituencies. Prior to the 2011 General Elections, candidates for the individual voters’ roll were not required to hold matai titles. However, the 2010 Amendment to the Electoral Act 1963 changed the eligibility criteria whereby all electoral candidates must hold a registered matai title.

The Constitution Amendment Act 2013

One significant change came into being when Parliament passed the Constitutional Amendment Act 2013 to provide for a minimum number of women representation in Parliament. The minimum number should account for no less than 10 percent of members of Parliament which is equivalent to five seats. This special measure will only come into effect if no women or fewer than five women are elected into Parliament. It is important to note that Sāmoa is the first independent country in the Pacific to introduce reserved seats for women at the national level.

Conclusion

All that has been said so far assumes that the people of Sāmoa desire to live a true democratic system and exercising their constitutional and fundamental rights at all times. Hence, the importance and emphasis that has been discussed so far points directly to the weaknesses of the electoral laws and the solutions to the electoral system. Needless to say, that some uncertainty remains in the fa’amatai and the fa’asāmoa that resulted in the many amendments to the Electoral Law. Sāmoa must not let go of its culture and traditions, but on the other hand should be considerate of the values of constitutional and fundamental rights, a system Sāmoa has adopted and adapted to.

Free and fair elections is one of the most vital organs of the democratic system, an organ which must not be allowed to remain static, for this organ is at the very heart of the system. Sāmoa can only succeed in having free and fair elections if our political leaders are keen enough and have the political will to initiate and introduce the appropriate electoral laws relevant to the social changes and relevant laws to protect the human rights of its citizens. Unless Sāmoa fully adapts to it, not partially, the system is threatened and can be determined of having no legal effect.

Notes

1. The basis of the fa’asāmoa is clearly the matai system of chiefly titles, where extended families live and reside under the leadership of one of their members whom they select to hold the family’s specific chiefly title. Fa’asāmoa is customary and traditional way of living.

2. Article 21 subsection 3 of the Universal Declaration of Human Rights “The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be universal and equal suffrage and shall be held by secret vote or by equivalent free voting process.”

3. Article 15 Constitution of Samoa. “Freedom from discriminatory legislation (1) “All persons are equal before the law and entitle to equal protection under the law.”

4. Article 27 (1) Universal Declaration of Human Rights: Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefit.

5. The term monotaga was not defined separately in previous amendments but was understood to be the ‘village service requirements. It is now defined in the clause as services a matai renders to his or her village in accordance with the customs of that particular village.
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Mataafa v Lole [2016] WSSC 6 (24 February 2016)

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Scripts of Inquiry Report into 2016 General Elections

Phone conversation with a Senior Officer of OEC 21 October 2017.
Robert Louis Stevenson will always be remembered as the world renowned author who chose the South Pacific, and Sāmoa in particular, as his final home and resting place ‘under the stars.’

Several authors have chosen to write on the life of Robert Louis Stevenson, but this book review focuses mainly on Joseph Farrell’s comprehensive account on the life of Robert Louis Stevenson in Sāmoa, and the influences that shaped his short life, which began with his birth in Scotland and ended with his demise and burial on his chosen place, a mountain top, on the other side of the world, in Sāmoa. The site of his resting place was probably selected as a reminder of the hills of his birthplace in Scotland.

In 1890, after sailing the seas of the South Pacific for two years, the well-known Scottish writer, Robert Louis Stevenson (RLS), arrived in Sāmoa and took up residence on the island of Upolu. The Sāmoans bestowed the name Tusitala, on RLS, which means Teller of Tales. In addition to his famous title, he also became a ‘defender of Sāmoan affairs’—an outspoken advocate for the country’s right to be free from external influence from outside countries, such as Britain, Germany and the United States of America (Farrell 2017). This did not win him many admirers, but it did demonstrate his independent views on political matters, even in a country not his own.

Stevenson’s reasons for leaving his homeland of Scotland were personal, mainly because of his various health issues, but also as Farrell suggests, “… a surrender to the appeal … in the contemporary European imagination of those elusive and imprecise factors … exoticism, charm, mystique, glamour, all treasured qualities believed to be located in the Pacific Islands” (Farrell 2017: 33). Chesterton’s comment for travelling was that he was “… partly an adventurer … and partly … an invalid…” (in Farrell 2017: 34). Some of RLS’ early publications were travel books. Among them are “An Island Voyage, Travels with a Donkey, and The Amateur Emigrant, … while those on “journeys on land and sea are intrinsic to the plot of such novels as Treasure Island, Kidnapped, The Master of Ballantrae, and St. Ives.” (Farrell 2017: 34–35). However, in spite of his ailments, Stevenson has left a lasting legacy on the world, with his writings on a variety of topics, penned while on land as well as on the sea. One admirable trait is that he was not afraid to express his views as he saw them, even if he offended others.

In his book on Stevenson, Farrell gives his audience a detailed insight into the aspects which may have influenced RLS’ life. For example, Farrell comments that RLS had “acquired Calvinist instincts from his father and from his nanny, Cummy, although these instincts were more deeply rooted than he then believed.” (Farrell 2017: 35). (The church was later referred to as the Presbyterian Church.) Another example of ‘persuasion’ was RLS’ marriage to Fanny Mathilda Van de Grift Osbourne. At first, Thomas and Margaret Stevenson objected to the relationship, “they made no secret of their dismay at his affair with a married woman” (Farrell 2017: 48). However, in May 1880, when the couple decided to get married in San Francisco, RLS’ parents, “… changed their minds and wrote to him promising him an allowance of L250 pounds a year. … his staunchly Presbyterian parents took to Fanny and relations between Stevenson’s mother and wife remained generally harmonious for the rest of their lives.” (Farrell 2017: 49–50). Margaret Stevenson remained devoted to her son and after the onset of widowhood, “… the staid, dutiful, Presbyterian, Victorian bourgeois wife, … showed her true mettle and demonstrated a wholly unpredicted independence of attitude” (Farrell 2017: 56–57). RLS’ mother also joined her son in the Pacific. While much has been said about Fanny’s relationship with her husband, Robert Louis Stevenson, evidence shows that while she tried to ‘control his life’, she was
Robert Louis Stevenson and his family arrived in Sāmoa December 7, 1889 and after deciding to reside in Sāmoa, Harry J. Moors, an American resident and trader, assisted RLS with the purchase of land and construction of a permanent residence. After adjusting to life on the island, RLS began writing about his concerns in Footnote, for the period 1883–1892,—approximately eight years, (Farrell 2017: 128). In his adopted country, he was able to observe the dynamics of politics at play. While he was critical of Imperialism and felt that islands like Sāmoa should not be influenced by any foreign power, (viz. Britain, Germany or the United States of America), (Farrell 2017: 142), he did comment on the dynamics of local life, affairs of state and opinions of the local population. “To access their beliefs, one approach was to seek out parallels between their history and Scotland’s, but that could only take him so far” (Farrell 2017: 148). It is clear that RLS compared and contrasted his Scottish clans to the Sāmoan matai (chiefly) system, as the former was the one with which he was familiar, and so he would have been able to make suitable comparisons. His comments on the two structures included social systems, etiquette, dress, and public protocols among others. He even played politics at times, as seen when he expressed his choice of chief as Mata’afa Iosefo instead of Malietoa Laupepa, (Farrell 2017: 170–171) which may have been a ‘brave and bold move’ to take for an ‘outsider.’

There is no doubt that all of Robert Louis Stevenson’s writings will always have a place in the sphere of world literature, in the South Pacific, and especially in Sāmoa. “His productivity over the Sāmoa years was indeed astonishing in quantity and variety, even if the quality varied. ... estimated to have written some 700,000 words in the four year period of his residence on the island’ (Farrell 2017: 291). For example, between November 1890 and October 1891, RLS completed both “The Beach of Falesa” and The Wrecker (Farrell 2017).

In conclusion, Joseph Farrell’s Robert Louis STEVENSON in Sāmoa is well-researched and offers its readers a balanced view of the Scottish author’s life—ideals, realities, hopes and disappointments. In addition, its audience is also able to understand the events which helped shape the world at that period in time. While Scotland and Sāmoa were on opposite sides of the globe, Stevenson was able to identify the events and analyse the possible outcomes, which would have affected almost every country on every continent on the planet. It is a book worth reading.
Sāmoa’s ceremonial exchange is the craft of art, combining highly developed oratory, a complex system of gift giving, and reciprocal relationships between chiefly titleholders and families. Its sophisticated system has intrigued many researchers including the Japanese anthropologist Matori Yamamoto who has studied Sāmoa’s ceremonial exchange and chiefly system for the last 40 years. *Globalized Reciprocity: Expanding Sāmoan World and Chieftainship* is Yamamoto’s new book written on this topic in the Japanese language. In this review, I will summarise some of her findings and analysis. The book analyses the power and reciprocity involved in Sāmoan ceremonial exchanges in both Sāmoa and in its diaspora community abroad. It examines transitions in the *matai* system since 1970s to the present through looking at the changes in the usage, quality, commercial value, type, and meaning of fine mats or ‘ie tōga in the ceremonial exchange that helps sustain the *matai* system. Yamamoto looks at the internationally expanding Sāmoan communities and examines the dynamics of ceremonial exchanges of ‘ie tōga based on her field research in Sāmoa, New Zealand, Hawai‘i and the US mainland since 1978.

The book consists of seven chapters and a conclusion. Chapter 1 conceptualizes gift exchange and the system of reciprocity in Sāmoan ceremonial exchanges in light of studies by Mauss, Lévi-Strauss, Sahlins and others who examine the usage, value, and exchange pattern of ‘ie tōga in the historical and cultural context in Sāmoa. She refers to Linnekin, who looked at the commercial value of ‘ie tōga during the colonial period, while Schoeffel examined the traditional role and meaning of ‘ie tōga in ceremonial exchange. Yamamoto broadens her study to look at both the commercial and ceremonial values of ‘ie tōga within Sāmoa’s system of gift giving and reciprocity, both past and present.

Chapter 2 examines the Sāmoa’s *matai* system that governs ceremonial exchange and details the roles of *fa‘alupega, fono*, and the *ali‘i*-tulafale relationship using the data from the author’s fieldwork in the Faleata district. In Yamamoto’s opinion, unlike other Polynesian societies where chieftainship is organized along the lines of ramage (a descent group of individuals who share the same ancestor), Sāmoa’s *matai* system is a complex village-based political system maintained through power and reciprocity as illustrated in oratory, *fono* seating arrangement, order of *’ava* distribution, and the *ali‘i*-tulafale relationship. However, the system of ranking titles is also based on the reciprocal balance between titleholder families that allows plural titleholders to hold almost coequal levels of authority. A feature of the *matai* system, according to Yamamoto, may motivate titleholders and families to outdo each other in their generosity.

Chapter 3 describes the fundamental structure of exchange system and analyses the flow of ‘ie tōga at different rites of passage such as weddings, celebrations of birth, bestowal of chiefly titles, funerals of *matai*, and church dedications. In the past, *ie tōga* were made for high *ali‘i* by mat weavers and passed onto *tulafale* for ceremonial use. In recent years, however, new ‘ie toga belong to the family of those who wove them and thereafter are exchanged between families through their *matai* of all ranks at various ceremonies. Within the current system, the number of ‘ie tōga collected for a ceremony does not necessarily reflect the power and status of *ali‘i* or *tulafale*. This change, according to Yamamoto, has somewhat influenced the equalization status among chiefs of different traditional ranks.

Chapter 4 analyses changing trends in items of exchange that included *oloa* (items belong to male property) and *tōga* (items belong to female property) and the impact of an expanded market economy. Traditionally, *oloa* exchange items included pigs, crops, weapons, tools, and boats. In recent
years, some of these items have been replaced with cash and imported goods such as corned beef or salted beef. On the other hand, the exchange of siapo has become no longer practiced although it may be replaced by bolts of imported cloth, and 'ie tōga has become the only tōga exchange item in recent years. This change has accelerated the commodification of 'ie tōga and eventually resulted in reducing the quality of mats due to the lack of supply and cost of those of the finest, most labor-intensive type. Yamamoto contends these transitions are a result of the expansion of a market economy in Sāmoa. At the same time, purchasing large quantities of import goods now used in exchange has helped expand the market economy in Sāmoa. Nevertheless, she argues that, although the exchange items have changed, the fundamental cultural principles underlying of ceremonial exchange has not been altered.

Chapter 5 focuses on Sāmoan communities in New Zealand and the United States. It looks at the history of Sāmoan migration and the role of remittances in ceremonial exchanges both in Sāmoa and abroad. Cash remittances flow from overseas relatives to the families in Sāmoa while the flow of 'ie tōga is the other way around. Yamamoto attributes these flows of remittances and 'ie tōga to the sense of reciprocity by the Sāmoans in Sāmoa who feel obligated to do something in return of receiving remittances. She also argues that gifted 'ie tōga have become an important means by which families in Sāmoa could ask their overseas relatives for sending them money in return. As a result of such transnational exchange, 'ie tōga has become an important “currency” of the Sāmoan World, a sociocultural entity built upon Sāmoans in Sāmoa and abroad.

Chapter 6 examines the impact of the proliferation of matai titles on the roles of titleholders. Yamamoto argues that the need for cash in ceremonial exchange has contributed to the proliferation of matai titles. This proliferation was once attributed to the former electoral process that gave only titleholders a vote. However, Yamamoto looks at the role of titleholders living in urban areas and overseas to identify the motivation behind splitting titles to confer them on multiple holders. She argues that by bestowing matai titles on Sāmoans living outside their village, those chiefs who bestow the titles can acquire greater access to cash for ceremonial exchange. Consequently, the responsibilities of matai have been divided by the titleholders’ residential location. Matai living in the village associated with the title govern the family and village matters, while their town and overseas counterparts take care of financial matters.

Chapter 7 looks at the evolution of different types of 'ie toga; the coarse mats popular in 1970s to 1980s and the reintroduction of much softer and more finely woven mats or 'ie sae in the mid-1990s. Programmes initiated by Sāmoa’s non-governmental organization Women in Business Development (WIBD) not only encouraged the revival of the art of finer weaving, but also helped weavers regain pride in their art and enhanced the quality of fine mats. In the meantime, the WIBD project allowed women to earn cash income by weaving mats. The government also supported the effort to enhance the quality of fine mats. Even though the 'ie sae has not been as popular as expected due to the long weaving time and high market costs, larger fine mats or 'ie tetele have become a key item of exchange in ceremonies. Yamamoto concludes that, despite changes in the type, size and quality of fine mats, the ceremonial exchange connects Sāmoans at home and abroad, and maintains reciprocity and cultural values.

Overall, this valuable book provides detailed descriptions of Sāmoa’s ceremonial exchange and the matai system, and how they have changed and how they have retained traditional continuity. Its analysis could have extended to apply Sāmoan cultural values as well as reciprocity. As Yamamoto argues, despite the tidal wave of changes faced by Sāmoa, the fundamental structure of the longstanding tradition—ceremonial exchange—has been maintained. According to her, the power and reciprocal relationships between titleholders that sustain the matai system are maintained through ceremonial exchanges. However, Sāmoan principles such as love, mutual respect, mutual support, and sharing also underline the bestowal of titles and ceremonial exchanges. Love for the family, in particular, explains why Sāmoans commit themselves so firmly, even take out loans, to

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participate in ceremonial exchanges. Love and reciprocity play are key in the Sāmoan migration-remittance chain and support the continuation of ceremonial exchange and the matai system.

The book *Globalised Reciprocity: Expanding Sāmoan World and Chieftainship*, written in Japanese, has many useful insights and theories about the changing landscape of Sāmoa’s ceremonial exchange. An English translation of the book would make it accessible to a wider audience and stimulate further discussion.
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EDITOR’S NOTE

In the Journal for Samoan Studies Vol. 8, 2018, there was a missing citation in the shorter communication “Collecting Memories”. Rev. Dr Latu Latai should have been credited with the Fig 3 (map), 10, 11 and 12 in the article, and his doctorate dissertation Covenant Keepers: A History of Samoan of Samoan (LMS) Missionary Wives in the Western Pacific from 1839 to 1979. PhD Thesis Australian National University should have been cited. The editors apologize for this omission.