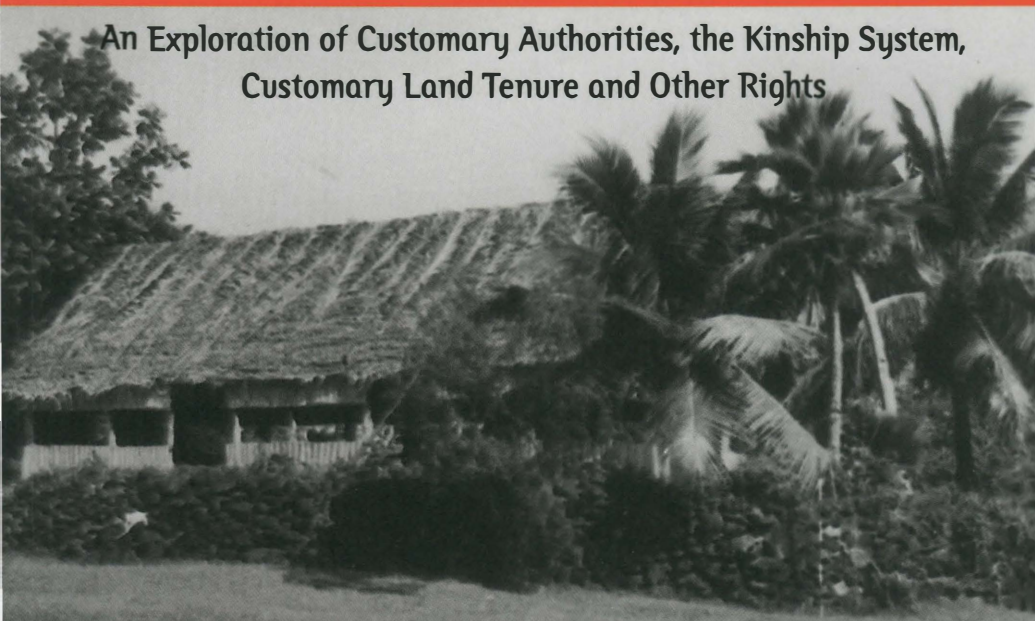
ROTUMA

Custom, Practice and Change

An Exploration of Customary Authorities, the Kinship System, Customary Land Tenure and Other Rights



AUBREY L. PARKE

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Preface

The main part of this book results from an exploration of customary authorities, kinship and social organisation, customary land tenure and other rights as generally recognised by Rotumans in the mid-1960s and explained to me, and from my observations, when, in 1964, as the District Officer I spent a few months on the island of Rotuma.[1] It aims, first, to identify certain practices in these same fields which diverged from custom, and secondly, where possible, to suggest some features of the dynamics associated with such changes.

The second part aims to provide some wider context to the situation in Rotuma. It describes and comments on, in varying degrees of detail, the situations, in particular in relation to land tenure and social organisation, in some of the neighbouring territories with which Rotuma would appear, from oral tradition and early written accounts at least, to have had contact. This should stimulate comparative studies in such fields as well as in linguistics and archaeology, and lead to a better understanding of the situation in Rotuma as an island albeit remote but related to its neighbours.

Titifanua and Churchward (1995) entitled their collection of Rotuman legends *Tales from a Lonely Island*, and a glance at the map shows that Rotuman is an isolated speck in the vast Pacific Ocean. Ieli Irava (1991a: 7), however, observed that Rotuma stood at the crossroads of Polynesia, Micronesia and Melanesia, 'and most probably had some contact with them all long before the first Europeans ever reached the Pacific ... Contact with other

cultures became more frequent after the arrival of Europeans when the flow of people continued to and from Rotuma. Today many Rotumans can trace descent from numerous islands of the Pacific: from Fiji, Tonga, Samoa, Futuna and Wallis, the Gilberts and Tuvalu, the Solomons, New Hebrides and Papua New Guinea.' Such physical connections can be evidenced by oral tradition, early written accounts, linguistics and archaeology, and can be seen to influence such fields as social relations and systems of land tenure. Future research can usefully investigate these connections and the extent of their influence on such fields.

This has been prepared deliberately as a descriptive rather than an analytical monograph, concentrating on the brief period of my residence there. It concerns a small (less than 3,000 people), essentially rural society on a remote and tiny island (less than 45 square kilometres). Rotuma is becoming increasingly recognised as a potentially rewarding area for archaeological, linguistic, anthropological and geographical research, as evidenced by the 900 or more entries in the 1996 Bibliography of Rotuma which was published by the Pacific Information Centre and Marine Studies Programme, at the University of the South Pacific, Suva. In particular, it is an ideal place to investigate custom, practice and change in a small rural community which is remote yet liable to be subjected to outside influence. In the 1960s Rotuma had been in contact with other Pacific communities for perhaps one thousand years; and with European visitors since at least 1791 (HMS Pandora) or perhaps as early as 1606 (de Quiros), as well as missionaries. The first missionary was John Williams who left behind two Samoan teachers in 1839, followed by resident European missionaries. The Methodists arrived in 1845 and the Roman Catholics in 1874.

A problem in investigating change is to determine benchmarks for assessing such change. This book aims to provide a benchmark for future investigations into customary change occurring in the changing circumstances of the rural community of Rotuma.

Perhaps, in any so-called traditional society, what may be regarded as 'customary' may be based on a general degree of acceptance of an organisation, authority or right within a continuum. This continuum may be seen as comprising first, what is hallowed as 'tradition' — based on a considerable time depth, with perhaps some divine authority; secondly, what is recognised as 'custom' — based on a significant time depth, with general recognition; and thirdly, what is accepted as 'practice' — based on need and practicability as circumstances arise, without significant divergence from 'custom'. The degree of acceptable change will depend on the flexibility of custom, and on its ability to respond to conflict.

In investigating, in 1964, what was then regarded in Rotuma as 'custom', I explored first, the extent to which custom was flexible and liable to be affected by change and conflict; secondly, the extent to which practice was acceptable when it diverged from custom; and thirdly, the stage at which divergent practice came to be accepted as custom. No attempt has been made to give definitive answers, except to suggest that some of the principles of social organisation, authority and land and other rights categorised as 'customary' in the context of 1964 may well not have been regarded as customary in the late nineteenth century as described by Gardiner in 1898 or of the 1920s as described by Hocart and McGregor. Indeed some of the accepted practices regarded in 1964 as divergencies from recognised custom may very well come to be seen as customary in the context of the 1990s.

It needs noting that, while I have used the term 'rights', it is not an entirely satisfactory term. But the alternative 'privilege' is also unsatisfactory, because a Rotuman claimant for land rights based his claim on stronger grounds than did a person requesting a privilege but on less absolute grounds than a person demanding his rights.

The last decade has seen the publication of three books about land tenure and associated topics in the Pacific. These are *Land Tenure in the Pacific* (Crocombe, 1987a), *Land Tenure in the Atolls* (Crocombe, 1987b) and most recently *Land Issues in the*

Pacific (Crocombe and Meleisea, 1994). The thrust in this upsurge of interest in Pacific land tenure reflects an appreciation that traditional systems of land tenure as understood — or, if France (1969) is correct in the case of Fiji, as misunderstood, — have been re-shaped partly by new needs of the societies concerned and partly by external sources. It oversimplifies the situation to say that Pacific societies have been and are still generally faced with a conflict between traditional principles of communal land tenure and imported principles of individual land tenure. At the same time, traditional forms of social system and authority have been and are still being modified under the influence of these sorts of new needs and external forces. The general question here is how such traditional forms of land tenure, social system and authority have managed to adapt without a loss of the essential elements regarded by those involved as characterising traditional societies.

Rotuma has been comparatively neglected; and it is hoped to raise here some of the questions and suggest some of the answers to problems with which Crocombe and Ward (personal discussion) were generally concerned in the Pacific, but in the context of this tiny island which, though remote, has traditional external associations especially with Samoa, Tonga, Fiji, Wallis and Futuna, and Kiribati and Tuvalu. I have concentrated on the mid-1960s, because I then had the opportunity to base my investigations on first-hand enquiries.

At that time accepted practice sometimes diverged from recognised custom, in order to meet current needs and practicalities. Such divergence was apparent in the exercise of general powers and responsibilities by customary authorities. Customary authority had been diminished with the imposition of external spheres of authority such as the Fiji Government since 1881 and the Missions, in particular the Methodists since 1847 and the Roman Catholics since 1874. The usurping of customary authority by central government was exercised through the ordinances of the Fiji Legislative Council, the administration by government officials such as the district officer, and the decisions

of the statutory Rotuma Island Council. The Council included not only the district chiefs but also representatives of the six districts who were nominated by the district officer.

So long as the district officer and the Council exercised their authority and carried out their responsibilities with tact and fairness and in consultation with the customary authorities, chiefs and the people generally accepted the situation, provided that it did not diverge too far from custom. The chiefs may have lost some of their customary authority to the central administration and to other outside authorities, they nevertheless sometimes exceeded their customary authority by taking decisions which were generally regarded as the prerogative of lesser chiefs, of title holders and their families. Such practice was, however, not generally opposed unless the district chief was unfair or took a very unpopular decision. In such a case the district officer might have been asked by the people to act as conciliator. Ultimately the Governor had statutory powers to depose a district chief but such powers had never been used although the chief might have been asked to resign.

Divergence of practice from custom was especially apparent in land administration. Absenteeism in Fiji sometimes made customary principles of land tenure impractical or inappropriate, as did the introduction of a cash economy based on the development of cash crops and the sale of such products as copra. Again such divergence of practice from custom was accepted, provided that the *pure* responsible for the administration of land was considered to be fair and did not diverge too far from recognised customs. If he did, people might complain to the district chief and, if satisfaction was not obtained from the customary authorities, they might come before the district officer as conciliator, and ultimately to the land court to arbitrate disputed land claims.

FOOTNOTE

1 After a series of interdistrict wars in which the Methodist and Roman Catholic churches became involved, the chiefs of Rotuma

asked Britain to annex the group. Cession took place on the 13th May 1881 and Rotuma was administered as part of the Crown Colony of Fiji, the latter becoming an independent nation on the 10th October 1970. Rotuma is now part of the Republic of the Fiji Islands. The District Officer Rotuma was in 1964 responsible for the administration of Rotuma and for coordinating the activities of Fiji government departments on the island. He was also the magistrate. He was responsible to the Commissioner of the Eastern Division (of which Rotuma formed a part) based in Levuka, the old capital of Fiji on the island of Ovalau. The Commissioner was in turn responsible to the Governor of Fiji, through the Chief Secretary, for the administration of the Eastern Division.

Acknowledgements

My descriptions of the social organisation, customary authorities, kinship system, customary land tenure and rights of access to other communal facilities as pertaining in Rotuma are based mostly on information I recorded in 1964 from Rotumans of all walks of life and from all parts of Rotuma. Those who were particularly patient and helpful in discussing such matters and answering my endless questions were Sgt. Ieli Irava, the Sergeant of Police; A.M. Konrote, the Sub-Accountant; Mama'o Managreve, a Secondary Schoolmaster on leave at the time; Tomoniko Vaurasi, Agricultural Assistant; the Rev. George Nakaora, Methodist Minister; as well as the seven district chiefs, Gagaj Fakraufon of Noa'tau, Gagaj Kausiraf of Oinafa, Gagaj Far of Itu'ti'u, Gagaj Tua' of Malhaha, Gagaj Vuan of Juju, Gagaj Aufau of Pepjei and Gagaj Fasaumoea of Itu'muta.

Since then, I have been able to study published material as well as unpublished records held in the Fiji Government Archives. I have also talked and corresponded with the late Dr H.S. Evans, the late Fred Ieli, M.B.E., Colonel Paul Manueli, Mr Fred Gibson and Mr Josefa Rigamoto, M.M., each of whom had been District Officer for Rotuma, as well as the late Mr R.H. Regnault, Director of Lands, Mines and Surveys in Fiji, the late Dr Lindsey Verrier of Fiji, the late Mr Bruce Palmer, Director of the Fiji Museum, the late Dr Rusiate Nayacakalou, then of the University of Sydney, and Professor Alan Howard of the University of Hawai'i, Honolulu.

I am grateful to all who helped to provide the material on which this work is based, or who made suggestions for its improvement.

The orthography including ' representing the glottal stop is based on that devised by the late Dr C.M. Churchward who also discussed with me many points relating to this work. It omits other diacritic marks used by Churchward (1940:13).

I am especially grateful to Professor R.G. Crocombe, then of the University of the South Pacific, Suva, to Professor R.G. Ward, then of the Division of Human Geography, Research School of Pacific and Asian Studies, The Australian National University, Professor Alan Howard, and Dr D. Scarr, then of the Division of Pacific and Ancient History, Research School of Pacific Studies, The Australian National University, for advice and assistance in the preparation of the final manuscript. I am grateful to the Humanities Research Centre of The Australian National University for appointing me a Visiting Scholar for the period it took to complete most of the final version. I acknowledge my thanks to Miss H.L.D. Sewak of Suva and Miss Jenny Groser for assistance in typing preliminary material; and to Mrs Melba Nichols and Mrs Jan Mattiazzi of Canberra for their infinite patience in preparing the final manuscript.

Finally I should like to express my infinite gratitude to Dr P. Guinness of the School of Archaeology and Anthropology, the Faculties, The Australian National University, for his advice and assistance in the development and presentation of the material, and for his continual encouragement of this and other works of mine about the islands of Rotuma, the existence of which he was hitherto probably unaware.

Aubrey L. Parke

Editorial Note

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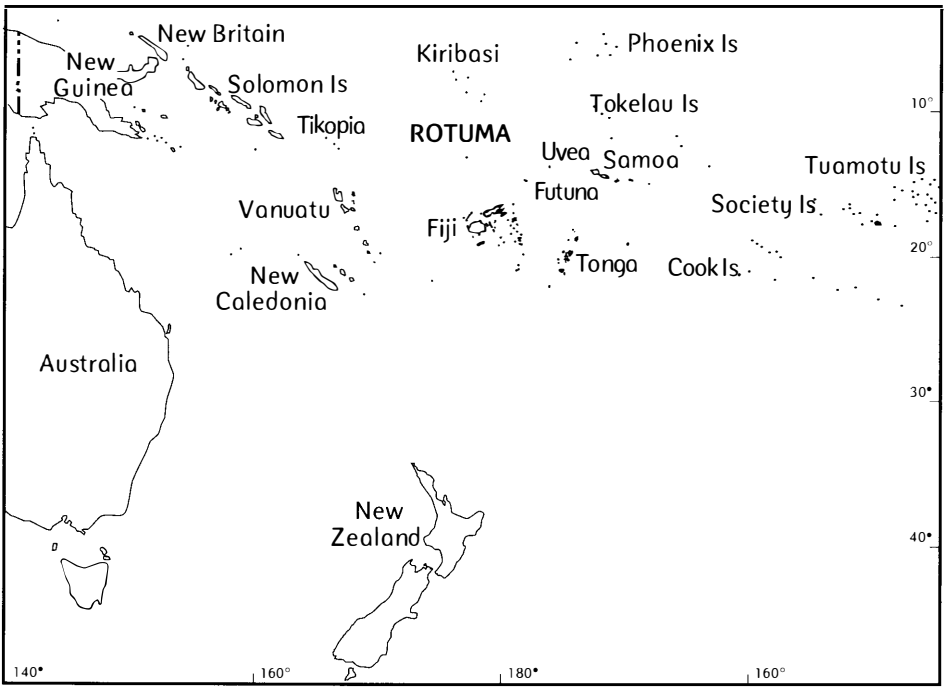
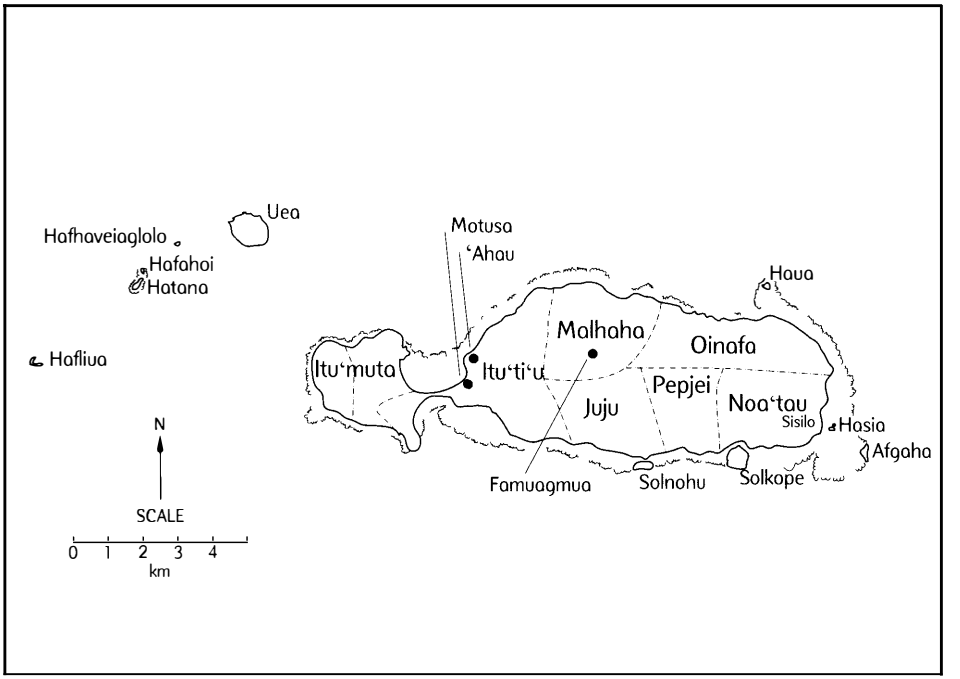


Rotuma: a speck in the Pacific Ocean



Rotuma's seven districts and off-shore islands

CHAPTER 1

Setting the Scene

Rotuma lies about 528 km north of Fiji. Though about 14.4 km long and 4.8 km wide at its widest, it narrows to an isthmus about 200 metres across which connects the two main parts of the island. The interior is hilly, rising to 280 metres; there is a flat strip of land between the hills and the sea, some beautiful white sand beaches, and a protecting reef which lies generally about 500 metres off-shore. The hills are volcanic, the soil very fertile, the rocks generally porous, and there is one stream. The land area is 4,387 hectares. There are a number of off-shore islands.[2] None of them was permanently inhabited in 1964, although they were visited from time to time by copra-cutters and picnic parties from Rotuma.

Rotuma and these off-shore islands were administered, in 1964, as part of the British Crown Colony of Fiji, but the language, customs and people were significantly different from those of Fiji.

In addition to the 3,235 Rotumans living on Rotuma in 1966, 2,550 were living in Fiji and twelve on ships.[3]

Rotuma[4] is a volcanic island, and the soils are very fertile. During the mid-1960s, the average annual rainfall was 559.48 mm with an average of 247 wet days. The original bush was then limited in extent and found in patches in the centre of the island and on the main rocky areas of the districts of Malhaha and Oinafa. The rest of the island was more or less under coconuts which in places were very concentrated with up to 73–89 palms per hectare, but

Two giant yams — symbols of fertility

in other places, particularly in the interior, with as few as 6–9 per hectare. Secondary bush had *fau* (*Hibiscus tileaceus*) as one of its dominants. Lantana was the dominant weed. One of the most striking features of Rotuman agricultural practice was the absence of burning which was reflected by rich secondary undergrowth.

The coconut was the one major economic crop, frequently mixed with oranges, breadfruit, bananas, root crops, and trees and bushes useful for firewood. The total area of land was over 4,370 hectares. Of this, in 1964, 1,317 hectares were fully under coconuts, 2,779 hectares were underplanted with coconuts but suitable for development and 111 hectares were used for settled areas and compounds. The only areas where coconuts were not grown at all were so rocky that they were also unsuitable even for forestry development. Copra production was then 4,369 tons, and an additional 394 tons of copra could have been produced, if the nuts had not been used for feeding pigs, drinking, making *tahroro* (the special Rotuman relish) or for food for the the inhabitants. The tonnage dropped to 2,968 tons in 1965 because of a hurricane in 1964, and continued to drop to a low of 2,206

tons in 1967. After that it rose and in 1969 about 2,657–2,205 tons were being handled by the Rotuma Cooperative Association and 452 tons by the Rotuma Development Cooperative (90% was first grade). Fortunately the island had still escaped from the ravages of the Rhinoceros beetle.

Root crops were predominantly taro, yams, cassava and *papai* (Cyrtosperma) and '*apea* (*Alocasia*). Bananas, pineapples and breadfruit were also grown, and indigenous sugar cane (*fohu*) was used for domestic purposes. Kapok was grown for mattresses and pillows, and live boundary posts. *Kava* (*Piper methysticum*) was being grown as a cash crop on a small scale.

There was a large number of pigs, kept in rather primitive surroundings, which were fed on coconuts rather than on root crops or meal.

Agricultural holdings ideally comprised plots of garden land, coconut land, a patch of swamp land for *papai* and bush land. A census of agriculture in Fiji including Rotuma which was undertaken in 1968[5] showed that 23% of those on Rotuma with agricultural holdings had 2.2 hectares or less, 28% had between 2.43 and 4.05 hectares, 40% had between 4.45 and 10 hectares, and 9% had between 10.5 and 20 hectares. The average size of a holding of several plots was 4.6 hectares, of which an average of 94% was in use. Of the number of plots in a holding, 26% of the holdings had from 4–5 plots, and 53% had 6 or more plots of land. Of the total number of people in Rotuma, 72% were living on an agricultural holding. The average size of a household was 7.2 persons. Of the holders of an agricultural holding, 37% were engaged in an occupation additional to agriculture (probably most were employees of the Rotuma Cooperative Association). The land was mostly worked by the men, as at least 75% of the women of households associated with agricultural holdings did not work on the land.

The enumerators said that 1,469 hectares of land were under cultivation. They calculated that there were 1,320 hectares of coconuts on 1,166 plots, 92 hectares of bananas on 192 plots,

65 hectares of taro on 520 plots, 50 hectares of *papai* on 197 plots, 29 hectares of cassava, 8.5 hectares of yams and 1.5 hectares of *kava*. These plots included pure and mixed plots.

The enumerators also calculated that the average size of a coconut plot was 1.29 hectares. and that 241 persons were growing coconuts on an average holding of 5.46 hectares. They counted 170,944 coconut palms, 18% of which were not yet bearing, 59% were bearing, and 23% past bearing. There was an average of 16.5 trees per hectare. The average number of nuts maturing annually per tree was 35.9. The average weight per nut was 1.77 kg, much higher than the Fiji average of 1.24 kg; and the average yield per tree was 69.2 kg, compared with the Fiji average of 39.2 kg.

The enumerators also counted 298 cattle on 101 holdings[6], 146 horses on 118 holdings, 690 goats on 607 holdings, 1,380 pigs on 245 holdings, and 6,299 poultry on 363 holdings, as well as 1,661 pawpaw trees, 10,812 breadfruit trees and 8,520 citrus trees. The number of cattle slaughtered in 1969 was 123, and of pigs 333.

A holding might comprise several plots of land and over half the number of holdings comprised six or more plots. Such plots would not necessarily be contiguous but were more likely to be scattered over various parts of Rotuma. Thus problems of land shortage could be overcome. For instance, although the population was fairly evenly divided throughout the island, it was relatively dense at Motusa and Noa'tau. However, in these areas the land was less fertile. So people living there who were faced with a land shortage might go and plant in some other area where the land was more plentiful and fertile. This meant that some planted outside the district where they lived. They might plant on land over which they had customary rights of usage of usufruct or where they had simply asked permission (*far te*).

There were 33.6 km of Government-built and maintained roading on the island,[7] 56 km of feeder roads built and maintained by the Council, 23 stores and 43 copra driers.

The Rotuma Cooperative Association had developed into an organisation of such influence on the economy of Rotuma that a brief account of its activities is relevant here. The Association[8] was a multi-purpose primary cooperative society with branches all over Rotuma and a membership in 1969 of 809. Formed in 1957 as a union of eight primary village consumer cooperatives and additionally operating a copra marketing branch that served individual producers, the Association was converted in 1964 into a large primary society with branches in order to increase efficiency by centralising control and to effect economies in operations.

The tonnage of copra for the Association during the financial year ended 31 August 1970 was 1,437 tons (compared with 2,259 in 1969) valued at $F.216,960 (compared with $F.281,469 in 1969). The turnover on consumer goods was $F.303,000 (compared with $F.319,000 in 1969). The Association's trading affairs affected the economy of Rotuma, as did the employment it provided for members and employees in both its copra division and its merchandise division. In the copra division, in 1969, wages paid out in the production of copra were $F.34,882, and on administration, including the wages of truck drivers, book-keepers and clerks, $F.9,509. In the merchandise division, the wage packet for headquarters was $F.5,646, for the branches $F.11,220 and for administration, $F.2,276. The total expenditure on wages and salaries was $F.63,523.[8]

For administrative purposes, in 1964, Rotuma formed part of the Eastern Division of Fiji. The District Officer Rotuma was resident at the Government Station at 'Ahau in Rotuma and was responsible to the Commissioner Eastern Division, whose headquarters were at Levuka on the island of Ovalau. The Commissioner was responsible for Rotuman affairs to the Chief Secretary and so to the Governor of Fiji. The local government element in the administration of Rotuma was vested in the Council of Rotuma. The origin of this body lay in a proclamation published in the November 1880 *Royal Gazette*, providing for a temporary constitution of Rotuma. In the proclamation, it said that:

> A Council of Chiefs is to be set up, consisting of the Resident Commissioner (as he was then) as Chairman and the Head Chief and one Councillor of each District, but the Resident Commissioner is not bound to act on their advice.

This constitution continued in force until the Rotuma Ordinance came into force on 18th March 1882. The 1882 Ordinance provided for the establishment of the Rotuma Regulation Board, consisting of the Commissioner and not more than ten and not less than five Rotumans appointed by the Governor. The statutory duties of the Board were:

> to consider all such questions relating to the good government and well being of the natives as may be directed by the Governor or may seem to them to require their attention and the Board shall have power to make regulations upon any subject which may have been considered by them.

All Regulations so made were to be laid before the Legislative Council of Fiji, for approval. However, the Council of Chiefs was not formally dissolved by the Ordinance, and it continued as an advisory body without legal recognition or legislative powers. Indeed the influence of the Council remained so strong that the Board merely made formal regulations from what had been agreed to by the Council.[9]

Although the Council was not recognised in the 1927 Rotuma Ordinance which replaced the 1882 Ordinance, the Board itself finally gave legal recognition to the Council when in 1939 it made the Rotuma (Council) Regulations. These Regulations provided that there should be a Council of Rotuma, consisting of the District Officer (the title changed from Resident Commissioner in the 1930s) who shall preside, the chiefs of each of the seven districts and one representative for each district to be nominated by the District Officer and the Assistant Medical Officers working on the island. The statutory duties of the Council were to consider and advise the District Officer on any matter communicated or submitted to the Council, but the District Officer was not bound to act on the advice tendered.

In 1958 major changes in the administrative machinery were brought about by amendments of the 1927 Ordinance. The amendments were included in Ordinance No. 4 of 1958. The Rotuma (Council) Regulations were revoked, the Rotuma Regulation Board was abolished and provision was made in the Ordinance for the Council of Rotuma consisting of the District Officer who shall preside, the Chiefs of the seven districts, an elected representative of each district and the Assistant Medical Officer with the longest record of Government service. Matters for deliberation by the Council were to be decided by majority vote, with the District Officer having a casting as well as an original vote. The duties of the Council were to consider all such questions relating to the good government and well-being of the Rotuman community on the island as may be directed by the Governor or may seem to them to require their attention.

The Council was empowered by the Ordinance to make regulations to be obeyed by all members of the Rotuman community in Rotuma, relating to the peace, order and good government of the Rotuman community. It duly made a series of regulations, approved by the Legislative Council. The regulations in force in 1964 concerned such subjects as public health, primary schools, coconut planting and gambling.

The Council was also empowered to administer the Rotuma Development Fund and, in 1964, the Rotuma Agricultural and Industrial Loans Fund; and to levy a cess on copra which was paid into the Development Fund. In 1970 an amendment of the Rotuma Ordinance was enacted which empowered the Council to elect its own chairman[10] and made the District Officer, the senior Medical Officer and the senior Agricultural Officer advisory members of the Council without any voting powers.

Apart from his statutory duties, under the Rotuma Ordinance, as the Chairman (and, post-1970, as advisory member) of the Council and as the magistrate, the District Officer was required among his general duties to deal with disputes. Many would involve land administration, especially when customary methods of settlement had failed. He would endeavour to settle these land

disputes when they came before him, either in his civil capacity as a magistrate or acting as an independent arbitrator as part of his general duties as administrator of the island of Rotuma. The Resident Commissioner was required, under the 1917 Rotuma Lands Ordinance, to give written approval to any sale, lease, disposition or agreement by any Rotuman relating to any land held 'according to ancient custom'. He was empowered to examine witnesses on oath respecting the right, title or interest of any person in the land in question. These powers were wide and vague, and successive Resident Commissioners and later district officers interpreted them in a variety of ways. Also, the Rotumans could use the lack of specific statutory provisions and principles to manoeuvre the law to suit their own purposes. The 1917 Ordinance was replaced by Ordinance No. 13 of 1959, also entitled the Rotuma Lands Ordinance. This Ordinance provided for the establishment of a Lands Commission which was empowered to settle disputes about the ownership of blocks of customarily held land.[11] However, when the Commission started their investigations, just after the Ordinance had come into force, the people noted that what they considered to be their customary rights to land use were considerably restricted, and they would not cooperate. The Commission then withdrew, and the Ordinance became ineffective. There was thus in 1964 no statutory machinery for the settlement of disputes, and the District Officer could only deal with disputes as an independent arbitrator.

FOOTNOTES

2 The main ones are 'Afgaha, Solnohu, Solkope, Hafliua, Hatana, Uea and Haua. Hafliua is the furthest away, being 7.2 km from Rotuma. Uea is the largest (5.25 hectares) and the highest (286 metres), and has a stream. They were referred to in the Letters Patent relating to the Annexation of Rotuma as 'Dependencies'. See Letters Patent at p. 3288 of Volumes of Laws of Fiji 1967, Revised Edition.

3 Tables 1 and 5 of Report on the Census of the Population 1966, published in Council Paper No. 9 of 1968. At the time of the Census, 12 Rotumans were recorded as being on ships.

4 The following account of the agricultural economy of Rotuma is based on information provided for me personally in writing by the Fiji Department of Agriculture in 1970.

5 The report has been published as Legislative Council of Fiji Council Paper No. 28 of 1969.

6 Under a development plan first initiated in 1964, a new cattle scheme began in the early 1970s on 13 plots, involving 380 cattle.

7 Eason (1951: 90).

8 This account is based on information provided for me in 1970 by Mr. Sharda Nand, the Secretary and Registrar of Cooperatives in the Fiji Ministry of Commerce, Industries and Cooperatives.

9 Eason (1951: 82).

10 The first elected Chairman of the Council was Chief Maraf of Noa'tau.

11 Daniel Fatiaki (1991: 113 *et seq.*) described at length the Rotuma Lands Ordinance 1959.

CHAPTER 2

Customary Authorities

There were in the mid-1960s four categories of customary authorities, the district chiefs, the sub-district chiefs, the holders of *as togi* (chiefly titles) and the *pure*. The first three categories will be considered now. The fourth category, the *pure* or person responsible for the administration of land, will be discussed in Chapter 4 which refers to customary land tenure. An exploration of the procedures for the election, duties, privileges and symbolism of district chiefs and sub-district chiefs and for the appointment of holders of chiefly titles indicates the degree and tendencies of divergence of present practice from recognised custom, especially in the context of change from traditional to colonial and post-colonial government. In the late nineteeth century two island-wide authorities, the *sau* and the *mua,* existed; these are very imperfectly understood but appear to have had spiritual and ceremonial responsibilities and privileges.

2.1 ISLAND-WIDE AUTHORITIES: THE *SAU* AND THE *MUA*

In the mid-1960s, there was no paramount chief for all Rotuma, although there was a recognised order of precedence, especially for instance for drinking kava at a formal ceremonial occasion when all the district chiefs were gathered together. The drinking order was Noa'tau, Oinafa, Itu'ti'u, Malhaha, Juju, Pepjei and finally Itu'muta.

Until the second half of the nineteenth century, however, there was an institution known as the *sau*. The holder apparently had island-wide duties and privileges.[12] He was appointed by each district in turn, for a period of six months (that is, the Rotuman year or *tafi*) or at an earlier time for as long as he liked or so long as he could get together the masses of food he had to provide. It is not clear who chose him or how, or from whom he was chosen. Thurston spent nine months rambling on Rotuma in 1864, and Scarr (1973: 32) referred to Thurston's description of the *sau* as 'the titular, ceremonial chief of the whole island whose annual or biennial election he [Thurston] later described as "the root of the principal customs and usages of the island". The *Sau* was a pivot of ceremonial...; he was nominated from untitled men by one of the chiefs.' Even Gardiner who visited Rotuma in 1896, and wrote a full and good account of many aspects of the island, and acknowledged a special obligation to Marafu, the chief of Noa'tau who had himself been the *sau*[13], is not very helpful. About all of significance that Gardiner said is:

> the *sau* was a spiritual chief ... who really had little to do with the government of the island, and who lived wherever he was placed by the other chiefs ... The duty of the *sou* [sic] was simply to see after the proper performance of the various feasts, all of which had some religious rites ... First-fruits from all the districts had to be presented to him.

The *sau* had a special table known as *'umefe 'on sau* at which he sat at feasts. There is a specimen which I brought back and at the request of the Rotuma Council, left in the Fiji Museum. The office of *sau* was abolished in 1869 or 1870, after a war between those who were Christians and those who clung to the old religion.[14] People on Rotuma told me that they had heard of the *sau*, but they had only the vaguest idea as to who they were and how they were appointed, for how long and what they did. But they did know that some were buried in the traditional cemetery of the *sau* at Sisilo, Noa'tau.

Information about the *mua* was equally vague. Gardiner said that the chief priest of the *sau* was known as the *mua*. McGregor

seems to suggest (nd) that the ***mua*** may have been of at least the same importance as the ***sau***, but with particular responsibilities for ensuring good harvests of crops. The traditional cemetery of the ***mua*** was at Famuagmua in the middle of the island.

Ladefoged (1993: 143–54) discussed at considerable length these pan-Rotuman positions, but their origins, inter-relationships and responsibilities remain problematic.

2.2 DISTRICTS AND DISTRICT CHIEFS

The area of responsibility of a district chief is subject to a geographical boundary, but the choice of a such a chief depends partly on descent, partly on rotation and ultimately on restricted election.

2.2a Districts

Rotuma and the off-shore islands were in 1964 divided into seven ***itu'u*** or districts.[15] They were the major formal geographical areas of social and political importance, and lay in two parts known as Ututemua ('the Eastern end', comprising the districts of Noa'tau, Oinafa, Juju and Pepjei), and Ututefa' ('the Western end', comprised of the districts of Itu'ti'u, Malhaha and Itu'muta), which formed the basis for teams for such competitions as ***hula*** (wrestling) or ***tika*** (dart throwing).[16] The number of Rotumans living in each district in 1966 was:

Table 1. Population in West and East Rotuman districts in 1966

A. UTUTEMUA		**B. UTUTEFA'**	
Noa'tau	483	Itu'ti'u	1135
Oinafa	410	Malhaha	385
Juju	383	Itu'muta	229
Pepjei	210	**Total for Ututefa'**	**1749**
Total for Ututemua	**1486**		

There seems to have been considerable inter-district rivalry and fighting, especially during the nineteenth century (Parke, 2001: 134–142). Gardiner, who visited Rotuma in 1896, referred[17] to

the so-called 'great Malhaha war', in the course of which Noa'tau, Oinafa, and Malhaha fought against Faguta, Itu'ti'u and Itu'muta. The brunt of the fighting fell on Noa'tau and Faguta. Later wars were connected with rivalry between Itu'ti'u and Malhaha, or Malhaha and Oinafa, or between Christianity and the old religion[18] or between Methodism and Roman Catholicism. The basis of these wars was evidently the old rivalry between Noa'tau and Faguta which continued to have a strong influence on island socio-political relations, and merely awaited opportunities for open hostility. These district rivalries sometimes split Itu'ti'u, where the two parts known as Hapmak (the north side) and Hapmafau (the south side were sometimes on opposite sides. These rivalries were manifested in 1964 as the basis of the competitions referred to earlier as well as in other more subtle political, social and religious ways.

2.2b Choice of chief

Each district contained a number of inter-related ***mosega*** or chiefly families, members of which claim to be able to trace descent from a common ancestor, sometimes claiming descent from the *'atua he'o* or chief spirit of the district. There was a customary chief of each district who was known as the *fa 'es itu'u* or *gagaj 'es itu'u* (the latter being more commonly used). He should, by custom, be elected by members of all the chiefly families in the district from among those members of each chiefly family in turn. The choice usually fell to the oldest effective male.[19] His choice should be formally approved at a ceremony which can be attended by commoners living in the district as well as by members of the chiefly families.

The district chief was installed as such at a ceremony known as *joliag ne niu he ta* (picking of the coconuts), the organisation of which usually rested with a ***mosega*** whose special responsibility it was. Describing to me a ceremony at Malhaha in which he had participated, Chief Kauturiaf (then, a school master in Suva) said that the third highest chief of the district had announced the ceremony at which all members of the district who wished to

attend had gathered. The person to be installed then came out and sat on a *paega* (seat) of *apei* (fine white mats), which had been specially prepared. Two women from the *mosega* of the chief which was organising the ceremony then came forth, one placing a *tefui* (garland) around the new district chief's neck, the other anointing (*nau*) him with scented coconut oil. This was the end of the installation ceremony. The chief was then granted the *as togi* (section 2.4) of Fatafes, the senior in the district, and after the ceremony Chief Kauturiaf spoke. He welcomed the new district chief Fatafes to his post, thanked the subchiefs and people for preparing the ceremonies, and advised the chief on how to carry out his duties and responsibilities. Then the *mafua* (master of ceremonies) announced that all was ready for the *koua* (feast baked in an earth oven) and the kava ceremony. The kava ceremony took place first, with Chief Fatafes drinking the first half coconut shell of *kava*, followed by the sub-chiefs of the district. Then the feast was held, in the course of which Chief Fatafes spoke, thanking the people for his installation and appointment, and for the feast.[20]

No commoner should be chosen to be, or should take part in the choosing of a district chief; and no chiefly family should retain for its members the post of district chief, which should be rotated from *mosega* to *mosega* in turn. But in practice disputes about the succession of district chiefs had not always been settled strictly according to these principles. Such departure from these principles had been criticised by the older people and by those who were unsuccessful candidates, not least on the grounds that the 1958 Amendment of the Rotuma Ordinance provides that 'District chiefs shall continue to be elected in accordance with native custom as heretofore'. This requirement would appear to be reasonably easy to interpret, provided that those administering the provisions of the Ordinance were clear about 'native custom'. However, circumstances had arisen which necessitated or resulted in adjustments of custom in the interest of current needs and practicalities.

It might be that the chiefly families could not agree as to which *mosega's* turn it was to put up a candidate for district chief. For instance, in the mid 1960s, the district chief of Noa'tau retired, and because of such a disagreement, each *mosega* put up a candidate, including the *mosega* of the retiring chief; and it was the latter who was elected, contrary to the principles of rotation of *mosega*. It might also be that the families sometimes deliberately ignored the principles of rotation. In the early 1960s the chief of Itu'ti'u died, and the first candidate put up by the *mosega* whose turn it was, would not accept nomination. The second candidate was considered by the other candidates to be too weak. So each *mosega* decided to put up its own candidate, until another group of people claiming to be a *mosega* appeared on the scene and put up their own candidate. The other three *mosega* resented this and then put up their own joint candidate against the candidate put up by a group which they regarded as having no standing. The joint candidate who won came from a *mosega* other than the one whose turn it was. There was also the case, at about the same time, of the new chief for Itu'muta. In this instance, the District Officer, himself a Rotuman, noted that the people could not agree among themselves as to who to choose or how to settle the matter. So he put the question to a secret ballot, involving commoners as well as members of chiefly families.

2.2c Role of chief

The role of the district chief in the olden days was described[21] by Gardiner as follows:

> The power of the *gagaja* (district chief) in his district was not arbitrary; he was assisted by a council of the possessors of the *ho'ag* [sic] (sub-district) names, which might reverse any action of his. Conflicts between the chief and his council were rare so long as his decisions were in accordance with, and he did not infringe, the Rotuman customs.
>
> He was called upon to decide disputes about land between *hoag*, or within a *hoag*, if its *pure* could not settle it; disputes between

> individuals of different *hoag* were referred to him. He could call out the district for fish-driving, war, or any work in which all were interested, and had the power of fining any individuals who did not come. If the walls or paths of his district were in disrepair, he ordered out all the *hoag* interested, to do the work; he had further to keep a watch to see that a proper number of coconut trees were planted, and that all the *papoi* [sic] (edible kind of gaint arum) land was cultivated. Any one receiving the *hoag* name had to be recognised by him on their election before they could take it. As a set-off to these, he received to some extent first fruits and a present of food from each of the parties to any suit, which might have been held before him in his district.

The district chief customarily organised activities in his district, was arbitrator in disputes, and participated in the ceremonial life of the district. He was honoured by precedence in kava drinking and the presentation of first fruits, although, unless he was a *pure*, he did not exercise the powers of allocating rights over land. Although he and members of his family could hope to trace descent from the *'atua he'o* or chief spirit of the district, the political powers of the district chief were not based on the supernatural but rather on the fact that he was awarded an *as togi* from which he derived his authority. It was not the fact of his blood alone which gained him this title. It was the choice of his *mosega*, although the choice was based on certain generally accepted principles. Since he could be selected for the *as togi*, and since the holding of the title was tied up closely with his appointment as district chief, he could be deposed if he got too far out of line. This was done through the chief's *mosega* who had the right to take away his title, and hence the basis of his authority, and allocate it to another. Further, the whole basis of the relationship between the district chief and his sub-district chiefs was not one of closer relationship with a spirit or some other inherent form of seniority of personalities. Rather it depended on seniority based on an institutionalised hierarchy of titles.

In the mid-1960s the district chief retained his responsibilities for the settlement of disputes and land disputes, although his powers had been somewhat eroded by the administrative and statutory authority of the District Officer. It depended on the extent to which the district chief was content to pass these disputes on to the District Officer, and the District Officer was prepared to hear them or refer them to the district chief, and the extent to which the parties preferred to put their problems to the District Officer rather than to the district chief. Fred Ieli, District Officer before me and a person with a particular interest in the maintainance of custom, told me that he frequently acted as arbitrator. If people came to me to settle a dispute involving customary behaviour or customary land tenure, I usually referred them to the district chief.

The district chiefs were also, by custom, generally responsible for the welfare of their people, although the Government had by 1964 taken on many aspects of such responsibilities by providing assistance for schools, a hospital, technical advice and assistance for communications, especially roads, and economic development, particularly agricultural and veterinary officers, and financial assistance through subsidies for clearing and maintaining coconut plantations.

The chiefs were in 1964 still expected to participate in the ceremonial life of the island, at births, deaths, weddings, the appointment of people to *as togi*, the welcoming of visitors (*mamasa*), the celebration of recovery from sickness, and even the welcoming back of someone from gaol (*hapagsu*).[22] They expected to be told about forthcoming proposed marriages and to be asked for their blessing, before the notice of intending marriage was put up at the District Officer's office. Then in the mid-1960s they had new duties too. Rotuma had a five-year economic development plan, and the district chief was expected to coordinate and assist in implementing the plan, especially in road building, water supplies, agriculture and coconut plantations, and education. District chiefs who received a modest salary from the government were *ex officio* statutory members of

the Council of Rotuma, and they had statutory responsibilities for reporting births and deaths, examining dead bodies, giving prior approval before a house was built and checking that the site was satisfactory from a public health viewpoint, ensuring foodstuff was planted on the scale laid down by regulation and consulting about the extent to which green vegetables should be grown in their districts.[23]

A district chief was expected to be a man of generosity, humility and consideration for others.[24] With the increasing influence of the administration, the role of the chief became less important administratively and his influence grew less. It was then problematic whether the role of the district chief would be maintained at the level at which he would continue to have influence in settling disputes but it was expected that he would probably continue to have an important part to play in the ceremonial life of Rotuma. With the introduction of the elective principle in the Council of Rotuma, the powers of the elected members, especially if they were better educated and richer than the chiefs, could well have increased and their influence in the Council and in the administration of Rotuma could have overtaken that of the chiefs. This does not appear to have happened, because by 1970, as explained above, the statutory duties and responsibilities of a district chief had been increased and as an *ex officio* member of the Rotuma Council, he had been given decision-making powers. No longer did the district chief, as a member of the Council, merely act as an adviser to the District Officer. As Alan Howard said (1991: 234), 'His position increased in attractiveness, and competition for chiefly titles has intensified.' The position of district chief seems to have increased in importance with his new powers, while the better educated and richer members of the Council may pay him respect so long as he carries out his statutory duties effectively and fairly.

In order to assist him in the running of his district, the district chief had certain customary officials such as the *faufisi*, the second highest chief in the district, who acted as deputy district chief or his chief executive officer. For instance, the district chief

of Noa'tau worked through the *faufisi* to the sub-district chiefs. Also there were the *mafua* or master of ceremonies, the *tonu* or messenger, the *tautei* or fishing leader and, earlier, the *taki* or war leader. The holders of these offices used to come from special families.[25] Ideally, the holders of these offices still come from special families in the district, but in the 1960s although the *faufisi* was still usually a man of high rank and was usually the second highest title holder, the *mafua* or *tonu* might be any person whom the district chief chose.

2.2d Termination of office

A person continued to be district chief until he died, retired of his own free will (as in the case of Fakraufon, chief of Noa'tau) or was pursuaded to retire, or was removed from office by the Governor, under sub-section 12 (2) of the Rotuma Ordinance. Before the 1958 Amendment of the Rotuma Ordinance, there was no specific statutory procedure for the removal from office of a district chief by the Governor. Eason (1953: 91) recorded the dismissal of Albert, chief of Itu'ti'u, in 1888, for attempting to undermine the influence of the Resident Commissioner. In 1900 the Resident Commissioner suspended the chief of Noa'tau because he had 'got his district into a state of rebellion, through having attempted to exalt his brother over the heads of the petty chiefs who formerly took precedence on him'.[26] Reconciliation efforts were unsuccessful and the whole district, except his father-in-law, expressed their distrust in him as a chief, upon which he resigned and his resignation was accepted by the Commissioner. In 1925 the district chief of Malhaha had his appointment terminated by the Commissioner on the grounds of adultery, according to current verbal accounts. I can find no surviving correspondence to confirm this. In 1944 the district chief of Itu'ti'u was apparently said to have been on probation as a chief, but his appointment was not confirmed, when he proved to be too demanding of his traditional rights from the people.

After the 1958 Ordinance came into force, a recommendation was made by the District Officer in 1960 that the chief of

Itu'muta should be removed from office by the Governor, as being too old and infirm to attend Council meetings but refusing to retire. The Governor asked for the matter to be reconsidered, and the District Officer persuaded the old man to retire, two months before his death. In 1968 the district chief of Malhaha spent a night in prison and his people were so upset that they passed a vote of no confidence in him, whereupon he resigned. If he had not, a recommendation would have gone to the Governor, seeking his removal from office. At any rate until 1964, the Governor did not have to use his statutory powers to remove a district chief, and either the District Officer or the people dealt with situations which led to the resignation of a district chief.

2.3 SUB-DISTRICTS AND SUB-DISTRICT CHIEFS

The area of responsibility of a sub-district chief is subject to a geographical boundary, but the choice of a such a chief depends partly on descent, partly on effectiveness, but mainly on choice by the district chief who may or may not consult others living in the sub-dustrict.

2.3a Sub-districts

Each district was divided geographically into *ho'aga* or sub-districts, the number of which varies from time to time. In 1964 there were 39 *ho'aga* recognised as being in effective existance but this number is known to have varied. For instance, the late Dr. H.S. Evans who was at one time District Officer and Medical Officer in Rotuma told me that he collected over 100 names of *ho'aga* in 1950. As people living in a *ho'aga* died or moved to another sub-district, the number of people still living there might have become so small that the *ho'aga* might cease to be regarded as having an effective separate existence and might merge with an adjacent one. On the other hand if a sufficiently large number of people came to live in a part of a *ho'aga* which was formerly recognised as a separate one, then this area might regain its

former status and might be recognised once again as a separate *hoʻaga* with its own name and its own *fa ʻes hoʻaga* or sub-district chief. Whether or not a *hoʻaga* was regarded as being in effective separate existence with its own name and own *fa ʻes hoʻaga*, rested largely on whether or not there were sufficient men living in the area to form a *kaugarueaga* or working gang (section 3.4d), although an element of local pride was also a determinant.

Within a *hoʻaga*, there might be one or more areas with more or less definite boundaries, where one or more adjacent dwelling houses had been built and occupied. Such an area was known as a *hanua noho* or inhabited area. Those living in such an area were known collectively as *kaunohoaga*. In 1964 all persons lived near the coast, although deserted house sites could still be seen in the interior of the main island and on the smaller, adjacent islands. The name given to a *hanua noho* might be that of an old *hoʻaga* (that is, one that has ceased to be recognised as a separate sub-district) or of the land where the houses were built.

The 1966 Census did not record the number of Rotumans living in each *hoʻaga*. Instead a record was made of the number of persons other than Fijians and Indians living in each 'village'. A 'village' appears to correspond to a *hoʻaga*, except that in one or two cases, such as Motusa, the 'village' of Motusa comprised several *hoʻaga*. The total number of persons who were living in Rotuma was 3,344. The total number of Rotumans was 3,260. So Table 2 should give a very close indication of the number of Rotumans in each *hoʻaga*. Several *hoʻaga* are bracketed together under a name by which they were known collectively.

Table 2. Population by districts, ho'aga and households,1966

A. NOA'TAU

Ho'aga	Individuals	Households	Collective name
Fafaisina		56	7
Fakeioko		65	8
Maragteu	Else'e	93	16
Matuea		101	17
Ututu		56	6
Kalvaka	Elsio	112	17
Remainder		11	2
	Total	**494**	**73**

B. OINAFA

Ho'aga	Individuals	Households	Collective name
Paolo		59	9
Huo	Lopta	109	17
Lepi		49	10
Paptea		47	7
Sauhata		39	8
Utmara'e	Oinafati'u	38	6
Remainder		69	8
	Total	**410**	**65**

C. ITU'TI'U

Ho'aga	Individuals	Households	Collective name
Feavai		39	4
Lau		60	9
Savlei		162	21
Tuakoi	Hapmafau	69	15
Losa	Losa	146	18
Mea		47	7
Melsa'a		26	4
Salvaka		57	9
Ropure	Hapmak		
Else'e			
Uanheta			
'Ailala		388	51
Mofmanu			
Fapufa	Motusa		
Remainder		137	16
	Total	**1131**	**154**

D. MALHAHA

Ho'aga	Individuals	Households	Collective name
Else'e		141	18
Pephaua	Else'e	111	14
Solsese'i		43	6
Upu	Elsio	60	8
Remainder		33	5
	Total	**388**	**51**

E. JUJU

Ho'aga	Individuals	Households	Collective name
Haga		72	12
Islepi		85	11
Koheati'u		33	5
Tuai		62	11
Utheta		84	9
Remainder		60	10
	Total	**396**	**58**

F. PEPJEI

Ho'aga	Individuals	Households	Collective name
Av'ave		50	10
Uanheta		60	9
Ujia		102	12
	Total	**212**	**31**

G. ITU'MUTA

Ho'aga	Individuals	Households	Collective name
Keua (Lopo)		118	18
Maftoa		106	15
Remainder		5	1
	Total	**229**	**34**

2.3b Choice of sub-chief

The customary chief of each sub-district is known as the *fa ʻes hoʻaga* or *gagaj ʻes hoʻaga*. The former expression is the more common.[27]

There used to be a *mosega* or chiefly family in each *hoʻaga*, although some of these families had become extinct by 1964. By custom, where there was a chiefly family in a *hoʻaga*, the eldest effective male member should have automatically become the *fa ʻes hoʻaga* and the district chief should not object; but where there was no such family, the district chief might consult the elders and appoint an effective person living in the *hoʻaga*, who was acceptable to the others living there. In either case the appointment should be formally confirmed by the district chief at a gathering of all living in the *hoʻaga*.

In more recent times, however, the district chief might appoint someone else to be *fa ʻes hoʻaga*, without following customary procedure. This person might be a member of the chiefly family of the *hoʻaga* (if there was one), or he might be chosen solely on his special suitability for the post or because he was specially favoured by the district chief, who might or might not have previously consulted those living in the *hoʻaga*.

There was no special ceremony for the appointment of a *fa ʻes hoʻaga*. The district chief simply presented the newly appointed sub-district chief to a gathering of the people, and announced the appointment. If the district chief appointed a person of his own choice, he merely gathered together the elders of the *hoʻaga* and told them of his decision. This decision was likely to be accepted without demur, out of respect by the people for the district chief. But people might object to the chief's decision, as happened in one case at Itu'ti'u and one at Juju during my tour. Complainants came to me but were advised to take their complaints first to the district chief. The district chiefs would normally leave such grumblers time to cool down. If they persisted and they were in a majority and their complaints seemed justified, the chief might

then try to find a suitable alternative sub-district chief acceptable to him and the people of the *hoʻaga*.

No government or other record was kept of the appointment of sub-district chiefs, who received no salary or statutory recognition from government. There was unfortunately no official record in Rotuma or in the Fiji archives for the first instance of this recourse to an appointive principle without following customary procedure. Since ideally the sub-district chief was not merely the eldest male of the chiefly family but also had to be effective, this principle allowed a certain amount of flexibility of choice based on such factors as the strength of personality and the social influence of the individual because of personal characteristics such as his consideration for others, his generosity and his humility. Wealth had not been a particularly weighty point to influence a decision whether a person should be the sub-district chief. However, I did hear of accusations against a district chief who appointed some to be his sub-district chiefs because they were convivial drinking partners.

2.3c Role of sub-chief

The sub-district chief had certain customary rights and responsibilities relating to the *hoʻaga* and was generally responsible to the district chief for the running of his *hoʻaga*. Sub-district chiefs were known collectively as the *toko* or props of the district chief. Their most important responsibility was to lead the *kaugarueaga* or working gang composed of persons living in the *hoʻaga*, which was the basic unit of communal work in Rotuma.

The duties and responsibilities of the sub-district chiefs were similar to those of the district chiefs but were restricted to the sub-district. Like the district chiefs, they were responsible for the welfare of the people in the area, for the settlement of disputes about land and other matters, and for participation in the ceremonial life of the sub-district. For instance, the sub-district chief usually undertook collective responsibilities for organising the funeral of someone who lived there. The sub-district chiefs

A working gang clearing an old fuag ri *(house mound)*

had no statutory powers but as leaders of the *kaugarueaga*, they had special responsibilities for the clearing of coconut plantations, which was organised on a sub-district basis in 1964. Otherwise the sub-district chiefs expected to be called by the district chief to undertake whatever responsibilities he allocated to them for communal duties.

2.3d *Kaugarueaga*

Ideally, the *kaugarueaga* was a communal working gang composed of people living in one *ho'aga* and led by the *fa 'es ho'aga* of that sub-district, but sometimes in the mid-1960s a working gang might include persons living in more than one sub-district. For instance, if certain individuals living in a *ho'aga* did not like the *fa 'es ho'aga* and had tried unsuccessfully to persuade the district chief to appoint someone else, such people might continue to live in that *ho'aga* but might ask the sub-district chief of another *ho'aga* if they could work in his gang. Also, because of death or movement to another *ho'aga*, the number of people living in a *ho'aga* might become too small for them to form an effective working gang, but they might wish,

as a matter of local pride, to retain their separate identity and their own sub-district chief. So their working gang might be combined with that of a neighbouring *hoʻaga* to form a conjoint *kaugarueaga*, and the district chief would appoint one of the sub-district chiefs to be the leader of the gang.

Normally messages and instructions from the district chief were passed by his *tonu* or messenger to each *fa ʻes hoʻaga* in his district. But the procedure might be slightly different in the case of conjoint working gangs, or where two or more *hoʻaga* retained their separate sub-district chiefs and working gangs, but were grouped together into one area[28] for administrative convenience, and one of the sub-district chiefs was chosen by the district chief to have responsibilities over that whole area. In such cases, the messages from the district chief were passed by his *tonu* to the sub-district chief appointed to lead the conjoint gang or chosen to have responsibilities over the area comprised of two or more *hoʻaga*. This sub-district chief was then expected to pass on the messages to the other sub-district chiefs of the people in the conjoint working gang or in the *hoʻaga* comprising the area for which he was generally responsible.

2.3e Termination of appointment

The sub-district chief held this post until he died, resigned or was deposed by the district chief (who might or might not act in accordance with the advice or wishes of those living in the *hoʻaga*).

A sub-district chief, appointed to the post by the district chief, could be dismissed by him. Also later on, if either such a person or a sub-district chief who had been appointed in any other way proved to be unacceptable to the *hoʻaga*, the people might discuss his dismissal and might suggest a successor. Such action in the past would have been virtually unthinkable. A representative would then inform the district chief who might agree or disagree. If he disagreed, the matter usually rested there. But the people might try and insist on a sub-district chief's dismissal, and might refer the matter to the District Officer for settlement. Once all was agreed, the people might then prepare a feast at which the

decision to dismiss a sub-district chief was formally announced. If the sub-district chief did not agree to his dismissal, he might complain to the District Officer. In the past, he would merely have accepted his dismissal. In the old days, when the sub-district chief was appointed and awarded an *as togi* or chiefly title, he could be effectively removed from the post if the family awarding the *as togi* was prepared to take away the title, because the holding of the title was the basis of his authority as sub-district chief.

2.4 *AS TOGI*

As togi are chiefly titles associated with particular families rather than with geographical areas. Essentially symbols of prestige for the holders rather than the basis of administrative authority, they may have been created by a district chief as a reward for some particular service.

2.4a Conferral of titles

The holders of *as togi*[29] or chiefly titles comprise a third category of chiefs. At least one *as togi* and usually more are associated with each *ho'aga*. Some *as togi* belonged to certain families and members of the family would have been responsible for choosing a successor to whom the title should be given. The choice would then require the formal approval of the district chief at a gathering of the family. Other special *as togi* were created by the district chief as a reward for some special service to the chief or as a symbol of prestige for a person (probably a relation) whom the district chief might have sent from one *ho'aga* to be sub-chief of another, or at the request of a family as a reward for outstanding service by a person to the family. This was known as *a'gagaj'akia* or uplifting a person to the status of a chief.

In cases where the district chief created an *as togi*, the district chief would be responsible for choosing the successor, subject to the formal approval of the family descended from the person to whom the title had originally been given. By 1964 some chiefs considered that successors to all *as togi* should be chosen by the district chief, subject to the approval of the family to whom the

Chief Tokaniua and granddaughter, Kia'a

title belonged, at a gathering of members of the family at which the district chief was present. This tendency towards central control raised the problem of balancing central against local power. The procedure for appointing a successor to an *as togi* and approving the appointment throws light on the political processes of decision-making and the selection of leaders.

A person to be appointed to an *as togi* was formally appointed at a ceremony known as *huliag ne ʻumefe* or turning over the table. At the beginning of the ceremony, this person sat to one side of the gathering. He was then called forth by his new *as togi* by the *mafua* or master of ceremonies, and took his place before the people. A feast then took place preceded by a kava ceremony. There was no anointment with oil.

In the case of the appointment of a successor to an *as togi* by a family, the district chief might point out objections to the successor and suggest to the family that they should reconsider the appointment. In the event of the family insisting on the successor of their choice against the views of the district chief, it was doubtful if the district chief would have forced his views on the family and withheld his approval except on very strong grounds of unsuitability. However, in fact the family would generally be anxious not to offend the district chief and would accept his views, and so almost certainly agreement would be reached on the successor. In the case of the appointment of a successor to an *as togi* by a district chief and its subsequent approval by the family, it was virtually inconceivable that the family would have wished to offend the district chief by raising objections to the appointment. However, the family might politely draw to his attention the successor's character defects, and the district chief might reconsider the appointment. If the matter could not be resolved by agreement, the family could not force its views on the district chief.

If a district chief appointed a successor to an *as togi* where the appointment should have been made by the family to whom the title belonged, it is doubtful if the family would have raised strong protests lest by so doing it offended the district chief.

The process of approval of appointments might be negative rather than positive, as the district chief might not call the family together but might rather assume that it approved unless a member or members initiated positive action to signify that they objected.

2.4b Ranking of titles

Some *as togi* were regarded as more senior than others. In each *ho'aga*, one title was recognised as the senior one, and the holder would, if he was effective, be the usual choice for *fa ʻes hoʻaga*. Similarly, one title was recognised as the senior one in a district, and again the holder would, if he was effective, be the usual choice for district chief, subject to the practice of rotation among the *mosega* of the district. A person might hold one of the lower titles at first, and later succeed to a more senior one. The holder of any *as togi* had certain customary rights and responsibilities which increased with the seniority of the title. For instance, he could eat at a *ʻumefe* or table, and he would have certain rights over a block of land set aside for use of the title holder and known as *hanua ne as togi*. A person who was offered a title more senior than the one he held at the time of the offer, might refuse it not only because he did not wish to take on additional customary responsibilities but also because the *hanua ne as togi* associated with the senior title might be less extensive or less valuable than the one associated with the junior one. The holder of an *as togi* would also have a special place at a meeting or ceremony, especially a meeting to discuss the affairs of a district which the district chief might call and to which he might summon either all in the district or just the title holders. At such a gathering, the district chief would be flanked by the title holders from throughout the district. When so flanked, the district chief was described as *gagaj ʻes ituʻu ma ʻon ʻumefe* — the district chief and his eating-tables.

The awarding of the senior *as togi* in a district was the privilege of the members of the chiefly families of that district, and would be made to one of them. But they might decide not to award the title for a while either because no-one might be considered worthy of it, or because its award might cause serious dissension in the chiefly families. Although in the old days it was usual for the senior *as togi* of the district to be awarded to the district chief, the senior title of the district or indeed any title was not in the mid-1960s automatically awarded to a district chief.[30] If the

district chief held no title at all before his appointment, he was likely, on appointment, to be given a title. Similarly, if he held a less important title before appointment, he might, on appointment, be awarded a more senior title or indeed then or in the course of time the most senior title of the district. The new chief of Noa'tau was, in the mid-1960s, given the senior *as togi*, Maraf, on appointment as district chief, although till then he had not held any title. The holder of the senior *as togi* would, if energetic and well educated, be the normal choice for district chief. However, the district chief, if he did not hold the title before appointment, might not be awarded the senior *as togi* on appointment because the title was already held by someone who was worthy of the title but too old or insufficiently educated to be district chief. Even if the senior *as togi* was vacant, it might not be awarded to the district chief. This might be because he had not yet satisfied the families involved that he had shown himself to be worthy of the title, or because the granting of the award might cause serious dissension among the families.

2.4c Termination of titles

The person chosen to hold an *as togi* continued to hold it until he died, retired, succeeded to a more senior title or was deposed by the family or by the district chief who, by the mid-1960s, might have acted in accordance with or contrary to the wishes of those responsible for making the choice or for approving the choice by the district chief.

In the case of deposal from an *as togi*, the family whose privilege it was to award the *as togi* and appoint someone to the title, might perform the ceremony of *hofak'akiag ne 'umefe* or turning upside down of the table. This was the ceremony for dismissing from an *as togi* someone whom the family considered to have proved himself unworthy of it.[31] In this case, a *koua* or feast baked in an earth oven might be prepared and the district chief who had already been told about what was proposed would be invited to attend the feast when the formal announcement would be made that the person was to be dismissed from the title he

held. Alternatively, the district chief might be told of what was proposed, and the ceremony of ***hofak'akiag ne 'umefe*** might be the mere announcement of the dismissal of the person by a senior member of the family in the presence of the members. This ceremony might be followed immediately by the ceremony of ***huliag ne 'umefe*** or setting up of the table at which the new holder of the *as togi* was appointed, or the latter ceremony might be postponed.

Mention has already been made of the powers of the Governor to dismiss a district chief, and of the powers of persuasion of the people to induce a district chief in whom they had lost confidence to resign. There was another way of removing a district chief from office, that is, by removing his *as togi*. If the district chief had also been appointed to hold an *as togi* and if, as was probably the position in the old days, his authority derived from the fact that he held such an *as togi*, then the members of a district who had lost confidence in the district chief, could approach the family which awarded the *as togi* and try to persuade them to ***hofak'akiag ne 'umefe*** or upset the table of the *as togi*. This would have the effect of stripping the district chief of the basis of his authority and so effectively of removing him from his office.

The procedures for the appointment of holders of *as togi* or chiefly titles have been changing in interesting ways, illustrating tendencies to centralise power from individual families to district chiefs.

2.5 CHIEFS – RANKS AND TITLES, SYMBOLISM, NORMS OF CONDUCT

2.5a Ranking and titles

A series of ranking *as togi* or titles was associated with each district or sub-district. Ideally the district chief held the highest *as togi* in the district and the sub-district chief held the highest title in his sub-district. When a chief was awarded a title, he was normally referred to and addressed by that title. When he was granted another title, he was known by that new title. For

instance, the district chief of Oinafa was called Jione. He was duly awarded the title of Nomfag. Later, during my time in 1964, he was awarded the more senior title of Kausiraf. The children of a title holder were not called by the title as though it was a patronym. Hence the son of Tokaniua, *as togi* of Oinafa, was not known as Josefa Rigamoto Tokaniua, but as Josefa Rigamoto, and another person had been given the title of Tokaniua. The holder of the senior *as togi* was ideally the district chief, and the holder of the second senior *as togi* was ideally the *faufisi* or chief executive officer or deputy district chief.

By 1964 a person might hold the high post of district chief, but might not hold the senior or, as in the case of the recently appointed chief of Malhaha, Jotama, any *as togi*. However, it was very rare for the district chief to hold no high ranking *as togi* just as it was rare for a sub-district chief not to hold an *as togi*. It was usual for the district chief to hold a title senior to those of his sub-district chiefs. But at that time in Malhaha, the sub-district chief of Pephaua, Tua‘, held the second highest title of Malhaha, whereas the district chief, Jotam,[32] held none. This would have caused all sorts of complications before, when the authority of the district or sub-district chief was derived from the *as togi* of which he was a holder. But by the mid-1960s the authority of the district chiefs was derived not only from their *as togi* but also from the backing that they expected from the Government which paid them, and eventually from the Governor. It was usual for a newly appointed district chief to have his appointment formally approved by the Governor or one of his senior officers. A district chief's relationship with the sub-district chiefs depended, in theory, not so much on any inherent seniority based on blood or closest descent from an ancestor as on the hierarchy of titles. He was not so much the individual who could show by his genealogy that he was thereby senior to others. Rather he was the person chosen from a group of others for appointment to a title which was a more senior one to that held by others. As senior title holder, he had more authority derived from the title, than others holding less senior *as togi* and hence having less authority.

2.5b Symbolism

Certain articles of dress and regalia were worn in the old days particularly by chiefs or by members of chiefly families. Gardiner referred[33] to girdles made of pandanus leaves worn over a fine mat, and a kind of apron made of a fine mat and almost completely covered with red feathers. He also referred to necklets of beads made of whale's tooth, sometimes round, sometimes oval but flattened at the ends. He says that these objects, known as *lei* or when worn around the neck, *tefui lei*, were greatly prized, and were generally buried with their owner as constituting one of his most valuable possessions. Gardiner also referred to English beads as well as to another chiefly article known as *tiaf hapa*. This was a breastplate made of half a pearl shell with three holes pierced near the hinge, and suspended on the upper part of the neck. Such *lei* and *tiaf hapa* were certainly known in 1964. I found some in the course of my explorations and was given others. A *tiaf hapa* I found in a grave in the cemetery known as Tamuret 'on Kiakia was exactly as Gardiner described it. The *lei* I found were round balls or oval shaped ornaments with flat ends, made of whale's tooth or giant clam shell, or were the pierced pointed ends of whale's tooth. I also found yellow and blue glass beads in graves. There were other symbols of recognition of a chief. In the old days, Gardiner said[34] that if a chief came into the home, some paint made from *mena* or turmeric was mixed with coconut oil and smeared on his left breast. Chiefs had a special sort of fan made of fan palm. Some say that the *feu* (fly whisk) was part of the regalia of a chief but in 1964 not only chiefs would use one.

Articles such as these were not generally worn as items of chiefly regalia in the mid-1960s, although the pointed end of a whale's tooth might be worn by a person of chiefly rank or a member of a chiefly family, male or female, during a dance. Also a chief might be buried with a *lei*.[35] Chiefs wore the same sort of clothes as commoners either during ordinary or ceremonial occasions, taking pains to show that there was no great difference between them, lest they should be considered by the people to be showing

off. Indeed with marriage, the chiefly and non-chiefly families were tending to get more and more mixed, and there were probably few people who could not show blood connections with at least one chiefly family.

2.5c Standards of living

When it was usual that the district chief held the senior *as togi* of the district, and the sub-district chief the senior *as togi* of the sub-district, those two categories of chief probably had a generally higher standard of living than the people of the areas for which they were responsible. This was the more likely to be true if the *mosega* were closely united with the chief and people gave him customary support in providing personal services to him. In 1964 most of the district chiefs had good wooden or concrete houses, and in addition to their salaries from public funds (the sum of $F648 was provided in the Fiji 1970 Estimates, for the salaries of all seven chiefs), they received income from their copra plantations and, in several cases, salaries from the Rotuma Cooperative Association by which they were employed. They also enjoyed first-fruits from people living in their districts. But although their standard of living was generally higher than that of the majority of people in their districts, there were others, such as school teachers, doctors and other civil servants, ministers of religion and energetic farmers, who enjoyed a higher regular income than the chiefs and a standard of living comparable to theirs.

The standard of living of the sub-district chiefs varied. In 1964 the majority probably had permanent houses, whereas many other people still had thatched houses. Generally houses of sub-district chiefs were not so good as the houses of the district chiefs. Sub-district chiefs did not receive an income from the Government but some of them were employed by the Cooperative Association and also earned money from the sale of copra from their plantations. The sub-district chiefs had no statutory powers to demand personal services.

The standard of living of a person who was awarded an *as togi* might improve, especially if there were rich coconut plantations associated with the title as *hanua ne as togi*. However, generally the obtaining of such a title led not to an improvement in the standard of living of the title holder but rather to an increase in his prestige in the community.

2.5d Ceremonial and socio-political conduct

District chiefs, sub-district chiefs and holders of *as togi* sat at special places at a *kato'aga* or ceremonial gathering. The district chief sat in the middle of the long side of the *ri hapa* or shelter erected for the ceremony or in the middle of the long side of the house. At a feast, these chiefs, by virtue of their *as togi*, would eat from a *'umefe* or low table, which was the symbol of an *as togi*. If a district chief or sub-district chief did not in fact have an *as togi*, it would be understood that he should be treated as if he had one, so he would eat from a *'umefe*. Before a feast, a kava ceremony was held.[36] Only chiefs drank at the kava ceremony and then in order of precedence. No-one could leave a feast until the most senior chief had finished eating. As a matter of consideration, the senior chief would watch the rest of those sharing in the feast and make sure they were having enough to eat. Even if he had had all he wanted to eat, he would continue to nibble or pretend to eat, until he was satisfied that all had finished. When he stopped, the *mafua* would announce '*Re sor*' or 'wash hands', and this was a signal that the chief had finished eating and all should cease.

At home, a chief might eat by himself, and might eat at his *'umefe*. This depended on his own inclinations and the attitude of the people in his household towards him. At a feast, there were special parts of the chicken and the pig which were allocated to the chief. The chiefly parts of the chicken were the *tiok ne sag* (thigh), *fuag reu ne moa* (flesh of the tail) and *pof ne moa* (gizzard). The chiefly parts of the pig were the *arag iko* (hind leg) and the *filo' ne puaka* (pig's head). The pig's head was presented in a special way, with part of the liver spiked onto the

back of the head with the midrib of a coconut leaf (*no'o*). This was known as *'ef ko* or pierced liver. The chief was expected to cut off a small piece of this presentation and eat it out of respect and consideration for those who organised the feast. If the feast was a marriage feast, the chief was given a basket of food including pork to take home. This was known as *te 'eiat*. The district chief might also expect to be given *pu'aki* or first fruits especially of yams and taro, by planters in his district, as well as the first baskets of the fruit of *fava* (*Pornetia pinnata*), known as *fu'u*, picked at the beginning of the *moea fava* or *fava* harvest. A district chief in the old days would expect to be presented with a turtle or a *ka'iri* or trevally, if someone caught one while out fishing. There was a kind of bird, a land rail, called *kalae*. In the old days only chiefs were allowed to catch these birds and train them to assist in enticing other *kalae* to be caught. For this purpose the trained bird would be tied by the leg in an open space in the woods and would call so others would come to the call. They could then be caught by the chiefs who would be hiding in the bushes.

At ceremonies, chiefs would not participate in dancing, but they might dance during less formal occasions, in which case they would expect to be placed in the middle of the front line of the group. Indeed if the daughter of a chief was put in a position far away from the middle of the front line, the organisers of the dance would be severely criticised. Gardiner said[37] that during wartime, chiefs fought personally, usually in the centre of the army, among the club-bearers. If a commoner met a chief, he would be expected to *a'el'ele* or lower himself. He would do this by lowering his body but he would not usually squat on the ground, although very occasionally an old man or woman might sit on the ground when meeting a chief. If a person was riding a horse or a bicycle, he would dismount. If he was wearing a hat, he would remove his headdress on greeting the chief or until he had passed by. If he was smoking, he would remove his pipe or cigarette from his mouth. A chief would be greeted by the expression '*Noa'ia ko gagaj*', *Noa'ia* being the actual greeting,

gagaj being the shortened form of *gagaja*, or chief, shortened because it was being used as a respectful vocative, and *ko* being a respectful particle.

The use of an *as togi* in preference to a personal name might depend on the circumstances under which the person was addressed. For instance, in private conversation, a wife might address her husband by his personal name but at a gathering by his title. She might do this out of respect for her husband, or in order to emphasise in public the importance of her husband (and hence perhaps herself) by calling attention to his title. She might always address her husband by his title, either because she was not of chiefly rank or out of respect for her husband, particularly if he held the title before their marriage. If she addressed him by his personal name before he was granted a title, she might or might not continue to address him so, at any rate in private, or she might always address him by his title. The same principles applied to other relatives of the same generation.

If a commoner wished to see a chief, he would enter the back door of the chief's house and sit down near the threshold in silence. When the chief appeared, he would greet the chief as detailed above, and then wait for the chief to speak. The chief might then say to him '*Tes moit ʻae laʻlaʻi e pa ʻese?*' ('What do you want?'). Only then would the commoner explain what he had come about. He would use no special vocabulary in speaking to the chief, except that he would use the chiefly form of the affirmative ' *ʻo*' instead of the usual affirmative ' *ʻi*'. If a person was addressing a group of chiefs, he might use the very respectful form of '*Se teʻ me ʻon gagaj ne miaʻmiʻaen*', literally, 'the chiefs of the red appearance'. All these norms of behaviour were described to me as *ag fakgagaj* or chiefly customs.

2.5e Personal services from dependants

The district chief might call upon as many of the people living in his district, or as many of his *kainaga* or blood relations living outside his district, as he could feed and reward for the carrying out of such services. Services in this case might be for

housebuilding or repairing, work on the chief's coconut plantations or gardens, and mat-making. During the early 1960s these privileges had been sanctioned by legislation, but the Regulations relating to personal services were revoked in 1968.

There was no provision in the legislation for personal services for the sub-district chief or the *as togi*, but both would be able, under custom, to call on dependants to assist in *garue ne kainaga* or family obligations, as could the district chief as well. This was known as *faksoro* or making a request for a service. Any of these chiefs could call on the services of as many of their *kainaga* or blood relatives as they could afford to feed and reward. Such assistance could be called on for tasks such as family weddings, housebuilding, preparation of gardens or mat-making. However, the *as togi* had no special areas of responsibility similar to that of

Chief Toaniu of Haga leading a farewell dance performed by the people of Juju and Pepjei for the author

the district or sub-district chief. He only had special connections with the family which awarded him his *as togi* or with his *kainaga* generally. Hence he had no responsibilities for *garue ne hanua* and therefore did not call on people of an area for assistance but rather depended on his *kainaga* to assist him with such work as he may have needed on his house or gardens or coconut plantations.

It is very difficult to give any indication of the actual number of people on whom a chief could depend or who depended on the chief. As far as *garue ne hanua* was concerned, the population of each district and sub-district was indicated in Tables 1 and 2. However, as far as *garue ne kainaga* was concerned, it is difficult to say at any one time how many *kainaga* a chief might have had. He could in theory have called on any number of people who were *kainaga* or blood-related to him wherever they were living, provided that he could feed and reward them.

2.5f Support for dependants

The extent of the responsibilities which chiefs were obliged to fulfil for dependants could be considered from three points of view — the number of people actually living in their houses or dependant on them for daily sustenance; the number of people liable to come to them with requests for, for instance, the cost of a passage to Suva, school fees or pigs for a feast; and the number of people a chief could depend on, first, for providing the personal services to which he was entitled and, second, for assistance in carrying out his communal duties and responsibilities.

The number of people dependant on the chief for daily sustenance was in 1964 generally smaller than one would expect in an Oceanic community. The dependants were usually the wife and children, perhaps the parents and unmarried sisters and brothers unless they lived with their parents. A grandparent and a namesake (*sigoa*) might complete the fairly small household.[38] There was seldom a second married couple living in the house, rarely after they had started to have children. People came to the

chief for advice, but very few came to ask for practical help by way of money or valuables. The practice of *far te* or asking for things from a chief was rare and difficult unless he happened to be a close relation. People in Rotuma asked for things not from the chief but from a *kainaga* or blood relation. So a chief by virtue of being a chief would not have had many dependants in this category. This was different from the practice in Fiji, where the practice of *kerekere* or requesting goods or assistance from a chief is a fundamental part of the reciprocal relationship between a chief and his dependants who, when called upon to do so, provide him with goods and services.

2.5g Communal work and responsibilities

The question of the number of dependants gets more complicated when one considers to whom a chief could turn when calling on people to assist in *garue ne hanua* or communal work, or in *garue ne kainaga* or family obligations. If there was a large project, such as the building of a new church or school or road or the carrying out of repairs, or the provision of a feast for the members of the Council of Rotuma, or the organising of a *mamasa* or ceremonial welcome for some visitor such as the Governor or the Archbishop, the district chief would call together the sub-district chiefs and would apportion responsibility. Each sub-district chief would then call a meeting of those living in his sub-district and would discuss and decide how their apportionment of the responsibility was to be carried out either by individuals or by the *kaugarueaga* or working gang. Hence in the case of a district-wide task, the district chief could call on all those living in the district to help. He would be expected to feed and reward them.

In the case of essentially sub-district communal responsibilities, such as a funeral, the sub-district chief would call together all living in the sub-district and apportion responsibility. The work would usually be carried out by the *kaugarueaga*.

Feast with Council Meeting House behind

2.6 TENDENCIES TO CENTRALISE POWERS

Although the ***sau*** and the ***mua*** evidently had overall powers in Rotuma, such powers were apparently in a limited, religious field. But the ***sau***, at least, appears to have provided a common but loose bond of union between the chiefs, as well as giving them precedence over the district chiefs in a kava ceremony; they also presided at certain dances, when the ***'atua*** or spirits were invoked. Secular power in Rotuma rested generally with the district chiefs and there was scant centralisation of powers.

With the arrival of the missionaries however, there was a certain incipient centralisation around the Methodist ministers (or *fekau*) and the Catholic priests (or *fa ha'a*). Then with the cession of Rotuma in 1881 and the arrival of the representatives of the British Government in the person of the Resident Commissioner, many of the powers of the district chiefs, which they had exercised in the administration of the districts and in the settlement of disputes, passed to the Resident Commissioner and Native Magistrates, who were recognised in the 1880 temporary Constitution. In the ṭwentieth century, other factors, unknown in the traditional system of administration, began to influence Rotuman affairs and to cut across district boundaries. The Council of Rotuma, and earlier the Rotuman Regulations Board, had statutory duties and responsibilities for all Rotuma, as already described. In the time since cession, other government officials and church officials were stationed on the island and had influence over areas larger than the districts, but only in their respective fields. In 1964 the civil servants included a doctor and nurses, policemen including a police sergeant, a postmaster, agricultural officers, meteorological observers, a prison warder and a sub-accountant. There were two ordained Methodist ministers at the centres at Noa'tau and Motusa, and ordained Catholic priests at the Catholic centres at Sumi and Upu. There was also a S.D.A. (Seventh Day Adventist) pastor at 'Ahau.

Another non-traditional influence of pan-Rotuman significance was the Rotuman Cooperative Association which had branches throughout the island. This organisation was founded in the 1950s and under the guidance of Wilson Inia (see below) became so powerful and successful that, by the end of the 1960s, it had succeeded in driving out the local branches of the two Fiji-based commercial firms of Burns Philp (South Seas) Co. Ltd. and Morris Hedstrom Ltd. The monopoly of the Cooperative Association was later broken by the Rotuma Development Cooperative, an organisation which was set up in 1967 and registered as a company in 1969, but which did not achieve the numerical or economic influence of the Cooperative. For

instance, the amount of copra handled by the Association in 1969 was 2,204 tons, whereas the Development Cooperative handled only 450 tons.[39]

In the 1960s a leading figure was emerging on Rotuma — Wilson Inia, founder of and adviser to the Rotuman Cooperative Association, headmaster of one of the main schools on the island, an elected member of the Council of Rotuma, the Treasurer of the Rotuman Circuit of the Methodist Church (known as the Tui Rara, the same term as used in Fijian), a Justice of the Peace, a Member of the Order of the British Empire and in 1970 elected by the Council of Rotuma to be a member of the Senate or Upper House of the Fiji Parliament. Wilson's achievements came about even though he had no chiefly title. His forebears held chiefly titles on both his father's and mother's sides, and he too could have claimed a title, had he wanted to. Alan Howard said (1994: xv, 11) 'he never aspired to chiefly status, perhaps because he felt it would restrict his service to the community rather than facilitate it'. In Alan's introduction to his biography of Wilson, he considered that Wilson 'was a man of high ideals and great integrity, a worth hero. His leadership did more to shape Rotuma's destiny during the 20th Century than that of any other human being. The issues he struggled with were at the core of Rotuma's political, economic, social and cultural existence'. Whenever I tried to discuss with Wilson the present and future position of chiefs, he was never very forthcoming on the matter. He would always emphasise the importance of education and achievement, rather than traditional status. I found that Wilson was a man of drive and purposefulness, and had a quietly forceful personality. His influence was very wide and strong although he doubtless suffered from accusations of being a slave driver and dictator. He died on 25 August 1983.

With the appointment of the Resident Commissioner (later the District Officer) and the establishment of other centres of influence in the Government, the Church and the Cooperative, and with the widening of the membership of the Council of Rotuma to include a number of elected representatives of the

districts as well as the district chiefs, the powers of the chiefs might have been siphoned off, in some respects, to these central authorities. Nevertheless, after 1970, the chiefs as *ex officio* members of the Council had decision-making rather than advisory powers under revised Rotuma legislation, and so they retained an important role in the administration of Rotuma. They also had an important role in the ceremonial life of their districts, and where they might have lost some powers of administration, conciliation and arbitration to the District Officer, they had gained by taking upon themselves the power to appoint sub-district chiefs. People had not often raised serious objections to this centralising of powers previously retained by custom in chiefs. However, it might well be that the people would grumble about some appointments of sub-district chiefs, if their appointments were not satisfactory. They might then refer their complaints to the District Officer, and the District Officer could arbitrate and reverse the appointments. Similarly, with an increasing sophistication and improved level of education in the districts and sub-districts, people were more likely to refer any sort of complaint against the district chief or the sub-district chief to the District Officer, the Divisional Commissioner or even to their Member of Parliament.

FOOTNOTES

12 Chapter XIV of Gardiner (1898).

13 Gardiner (1898: 396).

14 Gardiner (1898: 475) and Eason (1953: 149).

15 The districts were Noa'tau, Oinafa, Itu'ti'u, Malhaha, Juju, Pepjei and Itu'muta, sometimes called Itu'mutu.

16 Tradition has it that at one time Rotuma was divided into three parts — Ututefa',Ututemua and Faguta; that it was then divided into five districts — Noa'tau, Oinafa, Itu'ti'u, Malha'a (to use what I was told was the old name), and Faguta; and that later Itu'muta was separated from Itu'ti'u and became a separate district. Then Faguta (or Faguat Rua, as it was also known) was divided, and Juju

and Pepjei were formed into separate districts, although they are still known collectively as Faguta or Faguat Rua. My informants gave an account different from that recorded by Ieli Irava (1991a: 8).

17 Gardiner (1898: 473).

18 Rotumans differentiated between *'aitu* (spirits not associated with deceased ancestors) and *'atua* (spirits associated with deceased ancestors). See Ieli Irava (1991a), Parke (2001:23–31).

19 There is a tradition that Rak, a chief of Itu'ti'u, was a woman. But this is not agreed to by all.

20 Gardiner described (1898: 429) the ceremony as follows: 'The *gagaja* was generally installed on the first day of the new moon. Presents of food had to be brouqht to him by the whole district, and the *kava*, after bowls had been poured out to the *'atua* and dead chiefs, was first handed to him, to be poured out by him to the last chief, whose spirit then entered him.'

21 Gardiner (1898: 430).

22 The *hapagsu* is primarily a feast provided by someone who has recovered from a serious illness. Ieli Irava described (1991b: 57) the ceremony as a 'ritual of driving away an evil spirit'.

23 Rotuma Regulations made under the 1927 Rotuma Ordinance by the Council of Rotuma and approved by the Legislative Council of Fiji.

24 Howard (1963: 67). The form *ho'ag* or *hoag* (misspelt) in the shortened form of *ho'aga* (see Churchward 1940:13–14).

25 Ieli Irava included (1991b: 40) the *majau* (the head carpenter) as an office of importance. I did not come across this use of the term which I found to refer to any expert including a carpenter. Churchward recorded (1940: 256) the term as having this general meaning.

26 Howard (1966: 71).

27 Ieli Irava suggested (1991b: 33) that a sub-district chief who holds an *as togi* (title) is referred to as *gagaj 'es ho'aga* but one who does not hold a title is referred to as *fa 'es ho'aga*.

28 Such as Motusa, Hapmak and Hapmafau in the district of Itu'ti'u; Oinafa and Lopta in Oinafa. There was no generally recognised term used especially for such an area, although Oinafa was sometimes described as a *'pureaga'*.

29 In Rotuman, most words have two forms — a longer and a shorter one. Where there are two forms of a name, it is generally possible to tell from the form whether it is a personal name or an *as togi*,

because the shorter form is always used in an ***as togi***. Examples of ***as togi*** are Hanfakag, Far, Tua' and Vuan, all being shorter forms of names, the longer forms of which are Hanfakaga, Fara, Tu'a and Vuna. This is not an absolute guide, because the shorter form of a name is also used, when a personal name is being used in the vocative or as a form of politeness.

30 Jotama was appointed chief of Malhaha but was given no ***as togi***. However, his name was changed to Jotam, as the respectful, shortened form which is characteristic of an ***as togi***.

31 Ieli Irava suggested (1991b: 31) that a person is not born a ***gagaja*** (chief), but made one. Similarly a ***gagaja*** can cease to be a chief either voluntarily or when forced to cease to be one by his ***mosega*** or by the family who made him a chief.

32 The full form of the name Jotama was reduced to the shortened form Jotam, as a matter of politeness (see also footnote 30).

33 Gardiner (1898: 412).

34 Gardiner (1898: 413).

35 Chief Tokaniua (see page 30) gave me a ***lei*** with which he was otherwise going to be buried. For other symbols of power, see Howard 1992.

36 Described by Gardiner (1898: 424), Nilsen (1991: 82) and Howard (1992: 90).

37 Gardiner (1898: 472).

38 The average for the island was 7.2 people per household (Fiji Council Paper No. 9 of 1968).

39 Figures provided for me by Mr. Sharda Nand, the Fiji Registrar and Secretary of Cooperatives.

CHAPTER 3

The Kinship System

The authority, privileges and responsibilities of district chiefs and sub-district chiefs and of the holders of *as togi*, as described in Chapter 2, were in 1964 generally based not only on geographical factors but also on principles of kinship. Reference was made earlier to communal work based on residence (*garue ne hanua*) and work based on family obligations (*garue ne kainaga*). Later chapters relating to various forms of customary land tenure indicate a systematic interconnection between kinship, most forms of land tenure and a category of chief known as the *pure* (one who settles claims to land). It is generally on the basis of this system that persons claim rights of usufruct over customarily held land, although, if there are multiple claims to rights over the same land, other factors may be involved in the actual allocation by the *pure*. It is therefore considered appropriate, first, to give some account of the overall kinship system of Rotuma, and then to explain the relationships which are particularly relevant to an understanding of the basis of land use claims. I will now describe the kinship terms of reference, and then discuss the reciprocal and more general terms which relate to the systems of both land tenure and the exercise of customary authority. In the next chapter, I will discuss forms of customary land tenure and the position of the *pure*.

The language of kinship in Rotuma generally included terms with multiple references (see Table 3). Only one term with a single

Table 3. Kinship terms

Male speaking

ma'piga grf.b.	ma'piga grf.sis.	ma'piga=ma'piga grf. grm.		ma'piga grm.sis.	ma'piga grm.b.
o'a=o'hani f.sis.h. f.sis.w.	o'fa=o'hani f.br. f.br.w.	o'fa=o'hani f. m.		o'honi=o'fa m.sis. m.sis.h.	o'fa=o'hani m.br. m.br.w.
sasigi=hamfua e.br. e.br.w.	saghani=mae e./y.sis. e./y.sis.h.	sasiga=hamfua y.br. y.br.w.	VAVANE=haina h(ego). w.	mae br.in l.	hamfua sis.in l.
le'e e.br. s/d.	le'e sis/ybr. s/d.	le'e le'e s. d.		le'e br.in.l. s/d	le'e sis.in.l. s/d
ma'piga s/d.	ma'piga s/d.	ma'piga ma'piga s/d.s. s/d.d.		ma'piga s/d.	ma'piga s/d.

Female speaking

sasigi=hamfua e.sis. e.sis.h.	sagavane=mae e./y.br. e/y/br.w. sasiga=hamfua	y.sis. y.sis.h.	HAINA=vavane w(ego). h.	mae sis.in l.	hamfua br.in l.
le'e e.sis. s/d.	le'e br./y.sis. s/d.	le'e br./y.sis. s/d.	le'e le'e s. d.	no special term	no special term

referent was recognised by the society. It was *vavane* — husband. Rotuma could therefore be said to have a classificatory system of relationship. The main features of the system were the grouping of relationships under a single kinship term and grammatical devices for distinguishing between specific relationships within a group. Such a distinction could be achieved through grammatical construction or through the qualification of kinship terms by suffix. The overall scheme of the kinship system of Rotuma was fairly simple, and involved only nine basic terms of reference and a number of derivative terms as well as terms of address.

3.1 TERMS OF REFERENCE – CONSANGUINEOUS

3.1a *Ma'piga*

Consanguineous relatives (male and female of both the male parent's and the female parent's sides) of both the second ascending and second descending generations or, following Firth in *We, the Tikopia* (1936), kinship grades, were grouped together under the single term ***ma'piga***, the plural form of which was ***ma'ma'piga***. There was no distinction between paternal and maternal relatives, although direct and indirect relationships could be distinguished by using the term in different grammatical constructions. For instance, a person could refer to a grandparent using a nominal construction *'oto ma'piag ia* (literally my grandparent he/she), or to a granduncle or aunt using the verbal construction *gou ma'piag'ak ia* (literally I granduncle/aunt him/her). Similarly one could refer to a grand child as *'oto ma'piag ia* (literally my grandchild he/she), or to a grandnephew or niece by saying *gou ma'piag'ak ia* (literally I grandnephew/niece him/her).

A distinction in terms did not go beyond the second generation ascending or descending, although the term ***ma'piga*** could be used for more remote ancestors or descendants. The degree of remoteness of generation could be specified by the addition of qualifying numeral terms to the short form of ***ma'piga*** — that was ***ma'piag***. For instance, the third generation could be termed ***ma'piag 'on rua*** (great-great grandparent or uncle/aunt, or great-great grandchild or nephew/niece). *'On rua* means 'second'. At any rate in theory, the fourth generation could be termed ***ma'piag 'on folu*** — *'on folu* means 'third'.

3.1b *O'i*

Consanguineous relations (both male and female of both the male parent's and the female parent's sides of the first ascending generation or kinship grade) were grouped together under the single term *o'i* (the plural form of which was *o'o'i*). There was no distinction betweeen maternal and paternal relations. The gender

of individual relations could be distinguished by the addition of the qualifying terms *fa* (male) or *hani* (female) to *oʻ*, being the short form for *oʻi* — that is, *oʻ fa* (father) or *oʻ hani* (mother).

Direct and indirect relationship could be distinguished by using the term *oʻi* in different grammatical constructions. For instance, a person could refer to a parent, using the nominal construction *ʻoto oʻi ia* (literally my parent he/she) or, explicitly, *ʻoto oʻ fa ia* (my father he) or *ʻoto oʻ hani ia* (my mother she); or to the siblings of the parents by using the verbal construction *gou oʻak ia* (literally I uncle/aunt him/her). Similarly one could distinguish the male siblings of one's father or mother by using the verbal construction *gou oʻfaʻak ia* (I refer to him as my uncle) or the female siblings of one's father or mother by using the verbal construction *gou oʻhaniʻak ia* (I refer to her as my aunt).

3.1c *Sasigi, sasiga; saghani, sagavane*

Terms for consangineous relatives of one's own generation or kinship grade distinguished between those of one's own gender and those of the opposite gender. Those of one's own gender were further distinguished between those who were older and those who were younger than oneself. Direct and indirect relations could be distinguished by the use of similar kinship terms in the same sorts of different grammatical constructions as were referred to above.

Elder siblings or cousins of one's own gender were referred to by the term *sasigi*, and younger siblings or cousins of one's own gender were referred to as *sasiga*.

All siblings and cousins of the opposite gender, be they older or younger, were referred to by a male as *saghani*, and by a female as *sagavane* (another form of this latter term was *sagvavane*). These two terms comprise the morpheme *sagi*, qualified by the term *hani* (female or wife) or the term *vavane* (husband).

Direct and indirect relationship could be distinguished by using the terms *sasigi*, *sasiga* and *sag(hani/vavane)* in different grammatical constructions. For instance, a man might refer to his

younger sibling of the same gender, or a woman might refer to her younger sibling of the same gender as *ʻoto sasiag ia* (he or she was my younger brother or sister, as appropriate). In order to contrast this direct relationship with indirect relationship, a person might refer to someone of the same gender but younger by saying *gou sasiagʻak ia* (I refer to him or her as my younger cousin), or to a person of the same gender but older by saying *gou sasigʻak ia* (I refer to him or her as my older cousin).

Similarly, a woman might refer to her older or younger siblings of the opposite gender as *ʻoto sagavane ia* (my brother him); or to a son of a sibling of her father or mother by saying *gou sagavanʻak ia* (I refer to him as my male cousin). A man might refer his older or younger sibling of the opposite gender as *ʻoto saghani ia* (my sister she); or to the daughter of a sibling of his father or mother by saying *gou saghanʻak ia* (I refer to her as my female cousin).

3.1d *Leʻe*

Consanguineous relations (both male and female of both the male parent's side and the female parent's side) of the generation or kinship grade below one's own were grouped together under the term *leʻe* (child), the plural form of which was *leleʻa*. There was no distinction between the children of a man and of his siblings or between those of a woman and of her siblings. The gender of a relation could be distinguished by the addition of the qualifying terms *fa* (male) or *hani* (female) to the shortened form of *leʻe*, being *leʻ* — thus, *leʻ fa* (son or nephew) or *leʻhani* (daughter or niece).

Direct and indirect relationship could be distinguished by using the term *leʻe* in different grammatical constructions. For instance, a man or a woman might refer to a son or a daughter as *ʻoto leʻe ia* (my child he/she). In contrast, one could refer to the children of one's own siblings or of one's spouse's siblings by saying *gou lelea'aki ia* (I cousin them or I refer to them as my cousins).

Leʻe was used as the general term for children irrespective of whether or not they were related to the speaker. A distinction was recognised between children generally and little children from an

age point of view.The latter were referred to collectively as *le'riri'i*. *Riri'i* was the plural form of the qualifier *mea'me'a* (little). *Le'e* is also used a general term for people.

3.2 TERMS OF REFERENCE – AFFINAL

3.2a *Vavane, haina*

Vavane was the term for husband. It was the only kinship term of reference which was specific and individual in its application. *Haina* was the general word for female but when it was prefaced by a possessive pronoun such as *'oto* (mine), the noun phrase *'oto haina* was specific and individual in its application to the speaker's wife. A person spoke of no other woman than his wife as *'oto haina*, just as a woman spoke of no other man than her husband when using the term *vavane*. The term for a married couple, *'inoso*, referred in 1964 to both a couple legally married (*'inoso a'lele*) and to a couple merely living together (*noh fak'inoso*).

3.2b *Hamfua, mae*

Terms for affinal relations of one's own generation or kinship grade other than the spouse, distinguished between those of one's own gender and those of the opposite gender. The former were referred to as *mae* and the latter as *hamfua*. Ieli Irava said[40] that *mae* literally means 'shame' or 'be ashamed of', and pointed out that the spouse must always show respect to the *mae*. *Hamfua* means *ha'a* or tabu, and it was tabu for a spouse to show any sexual interest in the *hamfua*.

3.2c Other relations

There was no distinction between direct and indirect relations which included spouses of one's own siblings and siblings of the spouse. There were no special terms for other affinal relations of generations other than one's own. Such relations could be referred to by individual detailed descriptions, or by name or title.

3.3 TERMS OF ADDRESS

When addressing a relative, it was usual to use the personal name or title of the relative, except in the case of grandparents and parents and members of their generations. Grandparents and members of their generation were usually addressed by the term of reference *ma'piga*, but might also be addressed as *hamua* (literally old person), out of respect or affection. One's parents and members of their generation were usually addressed as *o'fa* or *o'hani* (the terms of reference). A modern practice was developing for some children to address their parents as Ma or Pa, but these were derivative terms. Some might address their parents as *hamua*.

Consanguineous and affinal relations, including one's spouse, were usually addressed by personal name or title (see Chapter 2). One might address one's spouse, or indeed refer to him or her, out of affection as *hamua* (compare the English expressions 'my old man' or 'my old woman'). Although it was usual to address affinal relations by name, spouses of siblings who were treated with circumspect and respect might sometimes be addressed by the terms of reference, *hamfua* or *mae*. There was no bar against using the name of any relation of one's own generation.

Consanguineous and affinal relations of the first and second generation descending were usually addressed by their personal names. A grandchild might be addressed by the term of reference *ma'piga*. A child or grandchild might be addressed as *filo'montou* (a term of politeness, the literal meaning of which I could not determine) when being thanked or congratulated.[41] A child who was especially loved by his or her mother might be addressed (or referred to) as *'oto finae pupu* (a piece of my intestine).

3.4 RECIPROCAL RELATIONSHIPS

I have so far referred to kinship terms which indicate the one-way relationship between individuals. The use of the reciprocal prefix *hai-* can indicate a reciprocal relationship between two or more

people. For example, it might be used with the kinship term *sasigi*, elder sibling or cousin or one's own gender. *Haisasigi* could refer to reciprocal relationships between two or more consanguineous relations of the same generation, being of either the same or the opposite gender. It could also refer to relationships between siblings having the same father and mother or the same father but different mother or the same mother but different father, as well as cousins.

A distinction could be made between cousins (*haisasigi* without qualification) and siblings (*haisasigi pu*). *Pu,* according to Churchward (1940: 288), refers to two or more persons having the same father and mother. I was told that *pu* referred to persons having either the same father or the same mother, and that a further distinction could be made between such half-siblings (*haisasigi pu*) and full-siblings (*haisasigi pu pau*; *pau* meaning 'precisely'). The qualifying phrase *pu pau* when applied to *haisasigi* refers only to siblings with the same father and mother.

The prefix *hai-* could also be used with the general kinship term *kainaga* (a consanguinial relation). *Haikainanaga* could refer to the linked relationship between all persons who could show or be shown through genealogical evidence that they were descended from the same ancestor. It can therefore be said to include people who could also describe their relationship as *haisasigi.*

The wider term *haikainanaga* may be used, in theory, to link two or more consanguineous relations of the same or different generations of kinship grades. It is however usual, in practice, to use the more restrictive term *haisasigi,* when linking two or more consanguineous relations of the same generation. In the same way, all of the same generation descended from a common ancestor might in theory be termed *haisasigi*, irrespective of the number of generations which separated them from the common ancestor. In practice, however, the common blood between those of the fourth or successive generations descended from a common ancestor was considered to be too thin to justify them all being linked as *haisasigi.* Instead they are referred to by the less specific term *haikainanaga.* An understanding of the concept

of ***haikainanaga*** is particularly important in any exploration of the Rotuman systems of land tenure and customary authority. As far as land tenure is concerned, those who can show a relationship of ***haikainanaga*** with the ***pure*** or administrator of an area of ***hanua ne kainaga*** or customarily held land can claim rights of usufruct over that particular land. As far as customary authority is concerned, district chiefs and sub-district chiefs could call on the services of as many of those with whom they have a ***haikainanaga*** relationship as they can afford to feed and reward.

Just as the collective kinship term ***haikainanaga*** is important in indicating a relationship between a category of people — those who claim to be the ***kainaga*** of the ***pure*** of ***hauna ne kainaga*** — and the land in question, similarly there is another collective kinship term, ***'on tore***, which is important in indicating a relationship between certain people and certain land known as ***hanua ne 'on tore***. The term ***'on tore*** refers collectively to the direct descendants of a person who had held an area of ***hanua pau*** or customary freehold and who had died intestate. These direct descendants, the ***'on tore***, were considered to be the owners of the land. There was disagreement in the mid-1960s as to whether it was appropriate to continue to distinguish between the ***'on tore*** and the ***kainaga*** after three generations from the original owner. Some said that the common blood of those of the fourth of later generations had become so thin, and that these descendants had become so remotely connected to the original land owner, that it was inappropriate to continue to call them ***'on tore*** of a person who died so long ago. The land should cease to belong exclusively to these descendants, but should revert to being ***hanua ne kainaga***, to which anyone who had a ***haikananaga*** relationship with the original owner could claim right of usufruct from whoever was appointed to be ***pure*** of the land. There are parallels between this explanation and that of people who, as explained above, distinguish between ***haisasigi*** and ***haikainanaga***, when the blood is said to become too thin after three generations.

FOOTNOTES

[40] Ieli Irava (1991b: 51).

[41] Churchward (1940: 201).

CHAPTER 4

Customary Land Tenure and the *Pure*

This description of land tenure on Rotuma and the off-shore islets only refers to land held under customary tenure without registered title. Most of the land on Rotuma and the islets is held under customary tenure but there is a very limited amount of freehold land. There are 93 hectares of land held in fee simple by the Roman Catholic Mission under six Crown Grants, the titles of which are registered under the Fiji Land (Transfer and Registration) Ordinance, Cap.136 of the 1955 Edition of the Laws of Fiji. There are also 5.7 hectares of land held by the Crown as Crown Freehold, comprising the Government Station at ‘Ahau. Four of the acres making up the Government Station were transferred from individual Rotumans and one was compulsorily acquired. These figures were provided for me in the late 1960s by Mr. R.H. Regnault, then Director of Lands, Mines and Surveys for the Fiji Government. The Rotuma Lands Ordinance, 1959, attempted to define three systems of customary land tenure, namely *hanua ne kainaga*, *hanua pau* and *hanua ne ‘on tore*. The following descriptions are based on these three definitions but modified where appropriate.

4.1 *HANUA NE KAINAGA*

In each *ho‘aga* or sub-district, there were a number of *fuag ri* or house-foundations on each of which might be built one or more

Fuag ri flanked with stones, with Rotuma-style dwelling house on top

dwelling-houses. Each *fuag ri*, which might be either natural or man-made, was given a name. Associated with each *fuag ri* was one or more blocks of land[42] which were not necessarily adjacent but which included land suitable for planting foodcrops and coconuts as well as valuable swamp land or *rano*, where *papai* (*Cyrtosperma*) and *'apea* (*Alocasia*) were planted as an emergency food crop. Such land was known as *hanua ne kainaga* and each block was named and had definite boundaries (*tofiga*) sometimes marked by a *pa hafu* (stone wall) or by certain trees such as *'ifi* (*Inocarpus*), *fava* (*Pornetia*) or *hifau* (*Calophyllum*), or by coconut palms planted together or marked with a cross. Such boundaries were often the subject of disputes. The boundaries of land bordering on the sea were recognised as extending out to the reef opposite the dry land.

Tradition had it that each *fuag ri* or house-foundation was established by a recognised person who built on it a dwelling-house for himself and his spouse (*'inoso*), who together with their children formed an *'ese* or family. Each child on marriage might remain on the *fuag ri* of his or her parents or might move to that

of the spouse's parents or might establish a new ***fuag ri*** (provided that there was land available which could be associated with it).

Gardiner, writing of the nineteenth century, said[43] that it was usual for a boy, on marriage, to move to the ***fuag ri*** of his wife's parents. In the mid-1960s this was still the preference, but if the girl wished to go to the ***fuag ri*** of her husband's parents, strong objections were not usually raised. The decision as to where the newly-married couple should live was based on such factors as where the best available coconut plantations were, where the best house was, whether one house was more overcrowded than another and whether, for instance, the boy's mother was widowed, weak or living by herself.

Similarly, each grand-child might live on the ***fuag ri*** of the parents or the grandparents or, on marriage, the spouse's parents or grandparents, or might, if land was available, establish his own ***fuag ri***. All persons descended bilaterally from a common ancestor were, so long as they could show such descent, however remote, described as ***haikainagaga*** or blood relations. ***Hanua ne kainaga*** means literally 'the land of blood relations', and any person might claim rights to use the ***hanua ne kainaga*** or family land associated with any ***fuag ri*** or house-foundation, if he or she could show descent bilaterally from the person who originally occupied the house-foundation.

A person might, by custom, claim rights to use the land associated with the house-foundation of either parent, by virtue of the blood relationship, but if, on marriage, he or she went to the ***fuag ri*** of the parents of the spouse, he would have no automatic personal rights[44] over the blocks of land associated with it, unless he was a ***kainaga*** of the spouse's parents. Otherwise only the spouse would have automatic personal rights, as would the children who would also have rights over the land associated with the ***fuag ri*** of the other parent.

Similarly, the grandchildren could claim rights over land associated with the ***fuag ri*** not only of either parent but also of all maternal and paternal grandparents or indeed of all the great

grandparents, if they could remember who they were. In view of this possible multiplicity of claims of rights over a block of ***hanua ne kainaga*** associated with any particular ***fuag ri*** or house-foundation, some machinery was necessary whereby decisions could be taken on the allocation of land to those eligible to enjoy such rights. This was provided by the appointment of a person who was known as the ***pure*** (literally, decide).

4.2 THE *PURE*

4.2a Basis for appointment

There should be, by custom, one ***pure*** for all the blocks of land associated with each ***fuag ri***. The ***pure*** would in theory be the first-born child (male or female, if there was no effective male) of a first-born parent who was descended from the original occupant of the ***fuag ri*** of the land with which the ***fuag ri*** was associated, and who lived in a house built on that ***fuag ri***.

The post of ***pure*** was especially important if it related to land associated with a ***fuag ri ne kainaga***, being that of a forebear regarded as an original occupant of the ***fuag ri***, particularly if that ancestor had an ***as togi*** or was a member of a chiefly family or ***mosega***. This was due not only to the prestige but also because such ***fuag ri*** were generally associated with more valuable and more extensive land. Ideally, by custom, the ***pure*** of the land associated with a ***fuag ri ne kainaga*** should be the first-born child of the first-born parent descended from the original occupier of the ***fuag ri***.

The post of ***pure*** of land associated with the ***fuag ri*** of a child of an original occupier who did not live on the ***fuag ri ne kainaga*** but established a separate ***fuag ri*** with its own associated ***hanua ne kainaga*** and started his own ***'ese*** or family, was less important in terms of both prestige and land. Ideally by custom, the ***pure*** of land associated with a ***fuag ri*** separate from a ***fuag ri ne kainaga*** should be the first-born child of the first-born parent who was the direct descendant from the original occupier of that separate ***fuag ri***.

The ideal qualifications of the ***pure*** were those of blood relationship, primogeniture and residence, with a male having strong priority over a female. There was no evidence that it ever did have the female precedence on the male, even in pre-contact times. Thus, in theory at least, the first-born child of a first-born parent would have status priority even if of a younger age.[45]

However, in practice these qualifications were not always the only factors in determining who should be ***pure***. For instance, the first-born child of a first-born parent (male or female, if there was no effective male), among the blood relations or ***kainaga*** descended from the original occupant of the ***fuag ri***, might, as in the ideal situation, be the ***pure***; but he might become too old or too ill to be effective, and might prefer to nominate his son or a close relation to be p***ure*** in his place. Also (especially when land development and a money economy were playing an increasingly important part in Rotuma), the blood relations might quarrel among themselves as to who was the first-born child or whether the first-born child was effective or whether he was fair. So they might come together and elect one of themselves to be ***pure***.[46]

The position was further complicated by the more recent factor of absenteeism from Rotuma. Rotumans have for some years paid frequent visits to Fiji, and if a ***pure*** left Rotuma for such a visit, he would probably nominate someone to act as p***ure*** during his absence. Also many Rotumans lived more or less permanently away from Rotuma and many were born in Fiji and only visited Rotuma for the occasional holiday, especially at Christmas. So, many, who should be ***pure*** because of their blood relationship, primogeniture and sex were not available in Rotuma, and it was sometimes difficult to find a suitable person to be ***pure***.

4.2b Disputes about appointments

Absenteeism had resulted in two situations which were not acceptable to the majority of Rotumans, on the grounds that they were said to be contrary to custom. Firstly, one person might be p***ure*** of ***hanua ne kainaga*** associated with more than one ***fuag ri***. Objections to this were not generally raised, unless those eligible

to claim use of the land considered that the *pure* was using so much of the lands in question that he seemed to them to be excessively selfish.

Secondly, a person might become *pure* of land but might not live on the *fuag ri* with which the land was associated. Objections to this were sometimes raised on the grounds that the absentee neglected the land of which he was *pure* and yet reaped the benefits from it. The strongest objections would be those raised against a person who became *pure* of land in a district other than the one in which he lived. Less strong would be the objections raised against a person who lived in the same district but in a *ho'aga* other than the one in which the land of which he was *pure* was situated. People did not object particularly if the *pure* lived on a different *fuag ri* from that with which the land was associated, provided that he lived in the same *ho'aga* as was the land.

In each situation, if the majority of those eligible to claim use of the land raised strong enough objections, they might depose the *pure* and elect one of themselves in his place. The *pure* so deposed might object to such a procedure, on the grounds that it was contrary to generally accepted custom. A dispute might then arise of sufficient importance to result in reference to the sub-district or district chief, or even the District Officer for settlement.

It was inevitable that following cession in 1881 some elements of customary authority would have passed to the resident commisioner (later the district officer). Such changes would have been accepted in principle to the extent that the Rotuman chiefs had actually asked for cession to take place and that change of sovereignty was inevitable. Indeed the authority of the district officer was reflected in the title by which he was known — *'gagaj pure'*, *'gagaj'* meaning 'chief' and *'pure'* meaning 'to decide'. The extent to which people would have been prepared to refer disputes to the district officer would have depended firstly on whether they were prepared to 'offend custom' by not accepting the decision of the customary authority, and secondly on whether the district officer was seen as being sufficiently knowledgeable

about and appreciative of Rotuman custom, and as being ready to listen with patience to their disputes and above all as being fair in his processes of conciliation. The degree to which they did accept each district officer as a conciliator depended largely on these points. Evidence of acceptance of this divergence of practice from custom could be gauged from the number of disputes on which the district officer was asked to conciliate. I was told that people generally accepted the district officer as conciliator but I have no precise evidence as to how frequently this referral to the central government to resolve customary disputes was in fact resorted to.

4.2c Qualifications of claimants for land

The *pure* was responsible for allocating land surplus to his own requirements, among claimants with appropriate rights; and for settling boundary disputes between those using the land. He also had a part to play in settling disputes about boundaries between land of which he was *pure* and land of which another was *pure*.

Before deciding whether or not to allocate surplus land to a claimant, the *pure* should first satisfy himself, if he did not already know, that the person was qualified to claim such rights — that is, he was a ***kainaga*** or blood relation descended bilaterally from the person who originally occupied the ***fuag ri*** with which was associated the land of which he was *pure*. It was by virtue of this relationship that a person was qualified to claim rights to use of the land in question.

The decision as to whether a claimant was a ***kainaga*** became increasingly difficult to make, when such claimant was only remotely related to the direct descendants of the original occupier of the ***fuag ri***. If the *pure* did not know or acknowledge that a claimant was a ***kainaga***, it rested with the claimant to produce genealogical evidence to the satisfaction of the *pure* to substantiate his claim. Although the evidence would generally be oral and dependant on memory, it was a practice to record one's family tree in a family Bible or a notebook kept for the purpose. If there was a dispute which was not reconcilable to the

satisfaction of the ***pure*** and the claimant, it might be referred to the district chief or the District Officer to settle on the basis of the genealogical evidence produced.

An illegitimate child[47] had the same rights over land as any other ***kainaga*** and, in addition to being a ***kainaga*** of its mother, was also regarded as the ***kainaga*** of its father, if he was known and acknowledged the child as his. An adopted (***re***) child acquired no automatic rights over land by virtue of adoption, although the ***pure*** of land over which its adopter or adopters might claim rights might allow the adopted child to use the land, if the majority of the ***kainaga*** eligible to claim rights over the land agreed.[48] The adopted child retained its rights over any land which it could claim as a ***kainaga*** of its parents or other blood relations (who might include its adopter or adopters). The children of an adopted child also acquired no automatic rights over land by virtue of the adoption of the parent, although again the ***pure*** might allow the children to use land over which the adopters of the parent had rights, subject to the agreement of the majority of those eligible, by virtue of being ***kainaga***, to rights over the land. The children of an adopted child could claim rights over any land which they could claim as ***kainaga*** of the parents of the adopted child or of other blood relations.

4.2d Basis for allocating land: general

Even if a ***pure*** knew or was satisfied that a claimant was a ***kainaga***, it still rested with the ***pure*** to decide whether or not to allocate any land at all to the claimant and, if so, how much. So long as the amount of surplus land was extensive and the number of claimants were few, the problems facing a ***pure*** were not great. When, however, the amount of surplus land was inadequate to meet the requirements of all qualified claimants, the ***pure*** might be faced with difficult decisions. In theory, under the generally accepted principles of the customary system of tenure of ***hanua ne kainaga***, any ***kainaga*** or blood relation descended bilaterally from the person who originally occupied a particular ***fuag ri*** might claim rights to use ***hanua ne kainaga*** associated with that

fuag ri. If all such ***kainaga*** were to claim their rights, it would normally be quite impossible for them all to be granted permission by the ***pure*** to exercise such rights because of the inadequacy of land available. So, the ***pure*** would have to balance claims, taking into account considerations other than whether or not a claimant was a ***kainaga***.

One of the most important qualities of a good ***pure*** was that he should be fair in allocating to the ***kainaga*** any land which was surplus to his requirements. The customary system of tenure of ***hanua ne kainaga*** could have two results. First, many people of varying degrees of remoteness of relationship with the descendants of the original occcupant of a ***fuag ri*** might claim the use of land associated with it. Secondly, one person might claim the right to use land associated with as many ***fuag ri*** as he could show he was a ***kainaga*** of the original occupier. To say that a ***pure*** was fair meant that he was considered to be a man who took into account each claimant's remoteness or closeness of relationship to the establisher of the ***fuag ri***, and the amount and quality of other land he was already holding with the authority of other ***pure*** as well as certain other criteria based not only on genealogy but also on sex, age, residence, relationship with previous user, interpersonal relationships, and to a certain extent on status and personal influence.

4.2e Basis for allocating land: closeness of relationship

Thus, in addition to the basic qualification that a claimant must be a ***kainaga***, there were some generally accepted important subsidiary principles and factors to guide a ***pure*** in making decisions about the fair allocation of land surplus to his own requirements. The following paragraphs will illustrate how this decision-making may work out in practice.

Table 4. The founder of a *fuag ri* and his descendants

Ma'piga			
O'fa a	O'fa b	O'fa c	O'fa d
Le'e	Le'e	Le'e	Le'e

Table 4, shows that MA'PIGA established the ***fuag ri ne kainaga.*** O'FA B established a separate ***fuag ri*** and used land associated with it. O'FA A and C remained on the ***fuag ri ne kainaga*** and divided most of the land between them. O'FA D remained also on the ***fuag ri ne kainaga*** but had only very little land to use. The LE'E of O'FA A were the descendants of the O'FA A, whereas the LE'E of O'FA B, C and D were his ***kainaga*** through descent from MA'PIGA.

The first of the subsidiary principles and factors to guide a ***pure*** was that a person descended from the original occupier of a ***fuag ri*** was considered to have a stronger claim to use land associated with that ***fuag ri*** than a ***kainaga*** who was not so descended. Thus in the table the LE'E of O'FA B would be considered to have a stronger claim than the LE'E of O'FA A, C or D, to land associated with the ***fuag ri*** established by O'FA B. Secondly, a person descended through a senior line was considered to have a stronger claim than one descended through a junior line. Thus by this principle LE'E of O'FA A would have a stronger claim to land associated with the ***fuag ri ne kainaga*** than the LE'E of O'FA B, C or D. Thirdly, a person descended from one who had enjoyed the use of land and had looked after it and developed it to the satisfaction of the ***pure***, would have a stronger claim than a person not so descended. Thus the LE'E of O'FA A and C who used the land associated with the ***fuag ri ne kainaga*** would have a stronger claim, by this principle, to the land their fathers used than would the LE'E of O'FA B or O'FA D. This was evidently the generally recognised principle in the past. But by the mid-1960s the ***pure*** might balance the strength of claims by a direct

descendant of the person who used the land against claims by the younger brother of the previous user, in accordance with slightly different principles.

In the past, if a person gave up his rights to the land allocated to him or died, the *pure*, if he did not want the land himself, would usually allocate the rights over the land to the sons of the previous or deceased user if they claimed them. This was on the grounds that the sons should benefit from the improvements which their father made to the land. In 1964 the *pure*, if he did not want the land himself, might consider it fairer to allocate land, especially with coconut plantations on it, to members of the same generation as the previous user. This would ensure that the members of one generation had their share of wealth derived from the land before the next generation had its turn.

Thus the *pure* of the *hanua ne kainaga* might allocate the land used by O'FA A, being the previous user, to O'FA C and then to O'FA D, being the younger brothers who hitherto not had a share of the coconut plantations, in preference to the LE'E of O'FA A, if they all claimed rights. The *pure* might then allocate the land to the LE'E of O'FA A and then to the LE'E of the younger brothers, O'FA C and O'FA D, so all would thus have a share. This change of principle for deciding the strength of claims had largely come about because of the high value of the coconut palm as a source of cash income through copra. In the past, the most important wealth for a Rotuman was a good food garden, pigs and mats, but by the mid-1960s there was a rapidly increasing appreciation of and need for greater wealth from cash crops, particularly from copra.

4.2f Basis for allocating land: alternative land, dependants, residence, personality

Another principle was that if a person already held extensive or valuable land, his claim was not considered to be as strong as one by a *kainaga* who had little or no land. A male was generally considered to have a stronger claim to land than a female, being regarded as responsible for the maintenance of his family. But

a widow with dependant children might be considered to have a strong case for land. An elder male sibling was considered to have a stronger claim to land than a younger one. A ***kainaga*** who was resident or who proposed to reside in the ***hoʻaga*** where the land he was claiming was situated would generally have preference over one living outside the ***hoʻaga***. A ***kainaga*** resident outside an ***ituʻu*** would have very little chance of being allocated rights over land situated inside that ***ituʻu***.

A claimant as well as being a ***kainaga*** might also be a close friend of the ***pure*** or might have done him some previous favour or service or might be expected to do him a future one; or he might be the sort of energetic, educated, chiefly or helpful person whom the ***pure*** would like to have on his land. Such personal influence must inevitably have had some force when a ***pure*** was considering a claim by such a person. Although, in theory, chiefly status and personal influence should not affect a decision, such criteria were in practice taken into account by the ***pure***.

A district or sub-district chief would usually be the holder of an ***as togi***, and as such would automatically have land rights over ***hanua ne as togi***. Holders of ***as togi*** as well as any district or sub-district chiefs who might in the mid-1960s not be title holders, were likely to be ***pure*** and hence to have automatic land rights over ***hanua ne kainaga*** of which they were ***pure***. Also many chiefs might have rights over ***hanua na*** or might own ***hanua pau*** described below. Selfish and greedy chiefs with rights over such lands might still try to extend their personal wealth by claiming rights over other blocks of ***hanua ne kainaga***. It would be difficult for a ***pure***, unless he was a chief of equal or senior rank to the claimant, to refuse a claim by a chief lest he thereby insulted or upset the claimant. Others, such as junior members of chiefly ***mosega*** who might have little land, might find that their chiefly status had the effect of strengthening their claim to land. A ***pure*** of lower status might feel pride in having a chief using his land and might hope thereby ultimately to turn this to his own advantage, such as when a junior chief might become more senior and be in a position to grant a favour to the ***pure***.

4.2g Rights and privileges of the *pure*: first-fruits

The *pure* had exclusive rights to use such land as he allocated to himself and to enjoy what he grew or what was already growing on it, either cultivated or wild, such as trees, grass or reeds, or what was found on it such as stones or, because the boundaries of *hanua ne kainaga* bordering on the sea extended to the reef, the sand from the beach uncovered at high tide, as well as the coral which lay in the shallows between the beach and the reef. Coral was of particular value for housebuilding. It was baked in an oven dug into the ground, and thus turned into a form of coral cement known as *soroi*. The *pure* could not exercise any rights of usage on land which he had allocated to others; nor could he expect to enjoy the crops or fruits grown on such land except on certain limited occasions and then only certain crops in accordance with the customary presentation of the first fruits, known as *pu'aki*. It was customary for a person to whom the *pure* had allocated rights over land where he had planted taro or yams, to set aside an area so planted for the *pure* as first fruits. Taro and yams were the only food crops usually presented as first fruits, but in the mid-1960s breadfruit were sometimes presented as part of a feast, though not as first fruits.

A communal garden might be established by a *kangariega* (see p. 79) on land over which one member of the gang could claim rights, with the permission of that member. Before harvesting the crop which the working gang had planted, members of the gang would take baskets of the crop as first fruits to the district chief as well as to the *pure*. Although people valued the fruit of *vi* (*Spondias dulcis*),[49] oranges and *'ifi* (*Inocarpus*), they accorded a higher value to that of *fava* (*Pornetia pinnata*), and the fruit of the *fava* were subject to a ceremony of formal presentation. When the fruits of a *fava* tree ripened, the person with rights over the land on which the tree was growing might either arrange for people to come and collect the fruit or give permission to anyone who asked for them. But before they collected the ripe fruit, some would climb the tree, pick choice fruit and lower it to the ground in baskets, — this was called *fu'u* (literally, lower) —

and the first fruits in the baskets were then taken to the district chief.

Provided that he fulfilled his customary obligations such as *pu'aki*, a person to whom a *pure* had allocated rights had exclusive rights of use of the land including things grown by his predecessor on the land (subject to certain exceptions described below), what was growing wild on it, or was found on it as far as the reef. If he failed to fulfil these obligations, the *pure* might theoretically take away his rights. I did not hear of a case of this power having been exercised. Otherwise, a person to whom these rights have been allocated by the *pure*, might retain them until he gave them up, or until he died.

4.2h Complaints about the *pure*

If a claimant considered that he had been treated unfairly by the *pure*, he might ask someone to intervene on his behalf. Neither the district chief nor the sub-district chief nor the holder of an *as togi* or chiefly title had, as such, any power to allocate *hanua ne kainaga* or family land, unless he happened to be *pure* of that land. But any or all of such chiefs might be asked by a complainant to intervene on his behalf with a *pure*. However, if the *pure* held to his original decision, there was no formal customary machinery for an appeal which could result in the *pure* being forced to alter his decision. If, however, the *pure* was patently selfish in his use of the *hanua ne kainaga* or unfair in the allocation of rights to use surplus land, the *kainaga* might have met together and deposed him and elected one of themselves in his place. Such a meeting would normally have been held after consultation with the sub-district chief and the endorsement, tacit or otherwise, of the district chief who might later act as a conciliator in the event of disagreement between the *kainaga* who wished to depose the *pure* and the *pure* who refused to accede to their wish. This practice of deposing a selfish *pure* was a divergence from custom. It was acceptable to the extent that the *pure* might have been seen to have been unreasonably selfish in the eyes of the *kainaga* generally or of the other people in the

district. It probably originated in the increasing desire of the *pure* to accumulate for himself and his immediate family land suitable for the development of cash crops, especially of coconut plantations, as the basis of increased personal wealth even if that was to be at the expense of the *kainaga* generally.

4.2i Boundary disputes

In the case of a disputed boundary between two areas of land within the *hanua ne kainaga* of which he was *pure*, the *pure* should resolve the dispute himself. In the case of a disputed boundary between land of two *fuag ri*, the two *pure* concerned would try and resolve the dispute, probably in the presence of the *kainaga* eligible to claim rights in respect of the blocks of land. They would investigate any boundary marks and the views of claimants about the boundaries. If unresolved, such a dispute might be referred to the district chief or the District Officer.

4.2j Termination of appointment

A *pure* would hold this post of authority until he died or retired or resigned, either voluntarily or on persuasion from the *kainaga* or until dismissed by the District Officer's Court established under the 1927 Rotuma Ordinance, or the *kainaga*. In the case of resignation, those eligible to claim land rights from a *pure* by virtue of their blood relationship (*kainaga*) might, either collectively or through the forceful personality of a respected representative, persuade him to leave the *fuag ri* or house foundation on which he was living and which was associated with the land of which he was *pure*. This departure from the *fuag ri* would be regarded as symbolic of the act of resignation from the post of *pure*. If the *pure* was not living on the *fuag ri*, he would be approached in the same way by the *kainaga* and asked to resign. It was doubtful if such a vote of no-confidence in a *pure* would have any result but that of his resignation. In the 1940s there were recorded cases of accusations of harshness of a *pure* being brought before the District Officer's Court. For instance, one Vuan who was a *pure* would not give a relation permission to cut copra from the land of which he was *pure*, in order to cover

the cost of a passage to Suva for the treatment of a person suffering for severe elephantiasis. Another relation paid and took the sick man to Suva. The second relation asked his district chief to approach the *pure* for some copra to pay for the return passage to Rotuma. The *pure* again refused on the grounds that he had not enough to spare. On their return to Rotuma, the matter was placed before the Land Court which decided that the *pure* had acted harshly and should be replaced.

However, once a person had been made a district chief, sub-district chief, holder of an *as togi* or a *pure*, it was unusual for people to object to his decisions because they were generally anxious to avoid offending him or undermining his authority or shaming or bringing their district, sub-district or family into disrepute by suggesting that their leaders were unworthy. Nevertheless, if any of these chiefs or leaders frequently and blatantly offended custom or proved themselves entirely unsuitable or ineffective, there was the machinery for their deposal. It was, however, very seldom used.

4.2k Certain rights of usufruct transmitted to descendants

No person to whom a *pure* had allocated rights to use land could himself pass on his rights to his direct descendants or to someone else, since on his giving them up or their being taken away from him, or on his death, such rights reverted to the *pure*. The *pure* would, as has been stated, usually acknowledge any strong claims to the rights over that land which might be made by the descendant of the person who used and improved the land, though in the mid-1960s the *pure* might give preference to the brothers of the person, rather than to his sons, especially in the case of coconut plantations. It was, however, generally acknowledged that the direct descendants of a person who planted certain crops on the land and who died, or the person himself if he left the land for any reason and wanted to harvest the crops himself or wanted his relations to do so, should be granted certain privileges in respect of the enjoyment of these

crops. In the case of quick-maturing crops (such as cassava, taro, yams or bananas), the planter or his children was generally permitted to harvest them on maturity. Even in the case of *papai* (*Cyrtosperma*) and *'apea* (*Alocasia*), root crops which may remain in the ground mature and edible for many years, the same privilege would generally be granted. In the case of coconut palms, breadfruit, sago palm (for thatch) or pandanus (for mat-weaving), the enjoyment of these trees would revert to the *pure* or be transferred to the person to whom the *pure* had allocated the rights over the land on which they were planted. But if the person who planted these trees felt so inclined, he could, in theory, before he gave up his rights and left the land, chop them down rather than permit them to be used by someone else. This he would surely only do in a fit of pique, and I did not come across any case in which a planter destroyed trees deliberately under such circumstances.

If the *pure* retained the land and the trees for his own use, he might well permit the person who left the land or his children, to enjoy exclusively or jointly the use of the trees for a certain period. If the *pure* allocated the rights over the land to someone else, the right of exclusive enjoyment of the trees passed with the rights of usage of the land. However, the person to whom the land rights were allocated, might come to some arrangement with the person who planted the trees or that person's children, to enjoy jointly the use of the trees.

4.3 *HANUA NE KAINAGA* – OTHER RIGHTS, PRACTICES AND PRIVILEGES

Ideally, the only persons who could claim customary rights over *hanua ne kainaga* were the *kainaga* or blood relations descended bilaterally from the person who originally occupied the *fuag ri* with which such land was associated. Some practices and privileges in respect of such land were, however, recognised which might be exercised, or asked for, by persons other than the *kainaga* on a basis other than kinship.

4.3a *Hanua ne as togi*

The first of such practices refers to ***hanua ne as togi***. As stated earlier, a district chief might appoint a person to hold an ***as togi*** or chiefly title which was at his disposal. The holder of the ***as togi*** would, automatically by virtue of holding the title, acquire exclusive rights over all the ***hanua ne as togi*** or land associated with the title for so long as he held the title. The ***hanua ne as togi*** might be a portion of an area of ***hanua ne kainaga***, which had been set aside and was permanently associated with the title.[51] If, however, the person to whom the district chief had awarded the ***as togi*** was not a ***kainaga*** of those eligible to claim rights over the ***hanua ne kainaga*** of which the ***hanua ne as togi*** formed a portion, it was still possible for such a person, by virtue of his title, to acquire rights over the land associated with his title. It could be argued that in setting aside a portion of ***hanua ne kainaga*** as ***hanua ne as togi***, the area permanently associated with the title ceased to be, strictly speaking, ***hanua ne kainaga***. It was, however, pointed out to me on Rotuma that if the title was vacant, the allocation of rights over the ***hanua ne as togi*** would automatically revert to the ***pure*** of the ***hanua ne kainaga*** of which the ***hanua ne as togi*** originally formed a part. When the title was again awarded, the land would then automatically become available for the use of the new title holder. It appears that people regarded the ***hanua ne as togi*** as ***hanua ne kainaga***, but of a special category with special usage rights for holders of ***as togi***.

4.3b Friendship, gratitude for services

Another practice was accepted in the past whereby a person other than a ***kainaga*** might have been allowed by the ***pure*** to use ***hanua ne kainaga***. Out of friendship or gratitude for a service rendered (such as care during sickness or old age), or in anticipation of asking for a favour in return for the privilege granted, the ***pure*** might have permitted any person, including one who could claim no customary rights over the land to use a portion of the land of which he was ***pure***. In the mid-1960s

however, if the *pure* permitted someone other than a *kainaga* to use the land, those eligible to claim rights over the land might strongly object to his permitting such a person to use any of the *hanua ne kainaga*, except for that portion which the *pure* retained for his own use, on the grounds that he was depriving them of their rights in favour of someone who had no such customary claim. If the *pure* permitted such a person to use some of his own portion of land, the *kainaga* were unlikely to object. Similarly, anyone to whom the *pure* had allocated rights over a portion of land might allow someone else to use some of his portion. But he would have had to be careful, lest the *pure* considered that he had too much land and might take back the rights over some of the land and re-allocate them to more needy claimants. This he would very seldom do in practice.

4.3c Membership of working gang

Persons who were not *kainaga* might be permitted to use *kainaga* land as members of a *kaugarueaga* or communal working gang of a *hoʻaga*, usually for a communal taro patch. In this case, the *fa ʻes hoʻaga*, as leader of the working gang, should ask the permission of the *pure* to use the land. If permission was granted, the members of the *kaugarueaga* would enjoy the fruits of their labour in common. The taro might be for individual home consumption, or, more likely, for some *katoʻaga* or gathering for which it was the duty of the *hoʻaga* to produce food, such as a wedding, funeral or a meeting of the Council of Rotuma.

4.3d Non-customary transaction and the Land Court

Any person could have applied under the 1917 Lands Ordinance[51] for a legally recognised tenancy over land, by leasing it from the *pure*. The *pure* should consult with the *kainaga*; but by the mid-1960s he sometimes leased land on the grounds that he and he alone had the authority to allocate land rights. The *kainaga* might object to this, especially if it was a long-term lease, on the grounds that, although the *pure* might have sole authority to allocate rights over land, he could only allocate such rights to

the *kainaga* and then only during the period for which he was *pure*. If objections were raised, they could be put to the District Officer who could examine them in the Land Court, before approving the lease, as he was required to do under the 1917 Ordinance.

The link between customary practice and the way in which the land court worked during the years since cession provides an interesting reflection on the extent to which divergence from custom was acknowledged as an acceptable practice. This link has been explored by Daniel Fatiaki who pointed out (1991) the confusion about the principles of customary land tenure and drew attention to the circumstances in which conflicting principles were resolved, or manipulated, by the introduction of practices not always strictly in accord with custom. In the decade following cession, the central administration was concerned with problems arising from situations created by the pre-cession wars in the course of which many Catholics had been driven out of certain districts following their defeat by forces supported by the Methodists. These Catholics were now re-claiming their lands. A powerful Methodist chief did not support the views of the Methodist Mission that such lands should be confiscated from the defeated, and the central administration would not recognise acquisition by conquest because it was contrary to the then accepted principles of customary land tenure which governed the deliberations of the administration when dealing with land matters.

The land court was also concerned with the developing practice of making gifts or sales to persons other than the *kainaga*. Such transactions were typically made to the Missions, verbally and without the general consent of the *kainaga*. As a result, these transactions were disputed by those *kainaga* who had not consented to them. The court was further concerned with rights over land in cases where the approved user was absent. According to custom, the approved user never lost his rights over the land, however long he had been absent. In practice, other *kainaga* might have noticed that the land was not being used and might

claim rights on the grounds that the land was not being used. Such claims, if upheld by the *pure*, might be challenged when and if the former approved user or his descendants returned. In attempting to settle such disputes, the land court had no documentation, and evidence was often hearsay by descendants of a long-since deceased former approved user. In such cases, the court could either decide in favour of one party or the other, or could divide the disputed land between the two claimants, or could give communal rights with equal rights of usage. Initially the preferred option was for division, but this led to fractionalisation of land until the point was reached when any further division would have resulted in impractically small holdings. On realising this, the court generally showed a preference for communal rights of useage.

Up until the 1950s the Resident Commissioner had been an expatriate and to this extent was less susceptible to local manipulation by friends and relations. Once Rotuman District Officers were appointed, the central administration had officers who had a greater knowledge of custom and who were, in this respect, less susceptible to manipulation by disputing parties. Even so, District Officers usually attempted to link custom with statutory requirements by inviting one or more district chiefs to sit with them and to advise about custom. The solution of disputes about land was then more generally undertaken on a customary rather than on a legal basis. The court became a procedure of last resort, especially after conciliation by the customary authorities or by the District Officer failed to satisfy the parties.

4.3e Access to natural resources by *far te*

Another practice was recognised whereby anybody, be he a ***kainaga*** or not, might ask the *pure* or the person to whom the *pure* had allocated rights, for certain privileges. Such privileges included those of taking timber for firewood or housebuilding, or grass or reeds for thatching or walling material, or foodcrops or a cut of copra to meet an unexpected need, or stone for walls or buildings or graves,[52] or coral to be baked into lime for housebuilding, or a

reddy clay only found on the island of Uea (p. 16) and used for soap and known as ***uku***, or any similar substance found on the land. This practice was known as ***far te*** or asking for things. If land rights had been allocated to another person, even the ***pure***, if he wanted something other than that over which he had the right to claim customary obligations such as first fruits, had no right to claim such things and must ***far te*** or request them.

The person from whom the privilege was sought might grant the request out of friendship or in order to repay a previous privilege or to put the receiver in a position whereby he would be obliged to repay the privilege when asked for one at some time in the future. For instance, someone might have cut some copra and might want to borrow a horse to carry his copra to the drier. He might go to a friend who owned a horse and ask if he could spend the night with him. The friend would know that he had come to ***far te*** and would sooner or later explain what he wanted. The friend would, when asked, lend his horse, and the person who had cut the copra might thereupon offer his friend some of the copra or he might merely wait for a future occasion when the friend would inevitably come and ***far te*** himself.

4.3f Informal taking of fruit, and *ha'a*

Under certain circumstances, a person might be allowed to take fruit without asking permission. For instance, a traveller might take for his own refreshment drinking coconuts or oranges from trees growing along a path. In the mid-1960s this privilege was sometimes abused by people who knocked down more nuts or oranges than they needed so that the fruit was wasted; and consequently this privilege was growing out of favour. If the owner of fruit trees did not want anyone to take the fruit, he would twist coconut leaves around the trunk of one of the trees. This sign was known as ***fapui***. If the owner of trees noticed that fruit was being taken without permission he would hang a bunch of coconuts from the treetrunk. This warning was known as ***ha'a***. Its frequent use might cause resentment on the part of those living or planting near the trees from which the ***ha'a*** had been

hung, because they might consider that others would think that it was they who were taking the fruits without permission.

4.4 OTHER FORMS OF CUSTOMARY TENURE

As well as ***hanua ne kainaga***, there were other categories of land held under customary forms of tenure which were recognised in 1964. These forms of tenure may indicate divergence from what was described to me as the sole form of pre-European tenure: ***hanua ne kainaga.*** Changes in practice appear to have occurred following European contact, with the arrival of beachcombers and deserters from visiting ships; and with the establishment of missions (the London Missionary Society in 1839, the Methodists in 1847 and the Roman Catholics in 1874). This caused confusion between European concepts of land rights regarding individual ownership and alienation of land, and Rotuman concepts regarding joint ownership, potential usage rights, the authority of the ***pure*** to allocate usage rights, and the non-alienation of land. With the nineteenth century interdistrict wars came the concept of acquisition of land by conquest. Later the missions were as anxious to obtain title to land as were the expatriate settlers. Later still with the introduction of a money economy and an appreciation of the economic value of the development of coconut plantations for copra, ***pure*** were more inclined to retain land for their own use and for the use of their direct descendants. As a result of this confusion and of the purposeful manipulation of conflicting principles, divergent practices evolved which were at first accepted though misunderstood by the ***kainaga*** involved. Later they reached such a level of general acceptance that they came to be regarded as forms of customary tenure. Nevertheless they were still regarded with some opposition, especially by those who stood to lose their rights, because they did not accord strictly with custom hallowed by tradition.

These forms of tenure were referred to as ***hanua na*** and ***hanua na pau***, being land given by one person to another; ***hanua pau***, being land over which the owner had very extensive individual rights, including the right to sell or dispose of by will; and ***hanua***

ne 'on tore — that is, ***hanua pau***, the owner of which had died without disposing of it to any specific person. ***Hanua na*** and ***hanua pau*** which were sold were known as ***hanua togi*** — the purchaser sometimes renaming the land.

In the case of ***hanua ne kainaga***, the rights were merely of use and could be allocated by the ***pure*** only to a limited group of people, the ***kainaga***. The receiver's rights were, strictly speaking, valid only for the life-time of the giver, since a new ***pure*** could demand the land back for his own use or could reallocate it to someone else. In the other forms of land tenure mentioned, there appear to have been more extensive individual rights than existed in the forms of customary tenure recognised over ***hanua ne kainaga***. Some at least of these other forms of land tenure might have evolved since the advent of Europeans through confusion which arose accidentally or intentionally about rights of control and rights of usage. Such confusion seems to have been caused by what looks like a conflict between the apparently absolute authority of the ***pure*** to dispose of rights over ***hanua ne kainaga*** and the principle that such rights were only rights of use and could only be disposed of to certain persons (those who were ***kainaga*** of the original occupier of the ***fuag ri*** with which the land was associated) and then only for the lifetime of the ***pure*** and the receiver. For instance, ***hanua pau*** was a form of customary freehold, and it seems reasonable to see its origin in a confusion between the European concept of rights of ownership and the Rotuman concept of the authority of the ***pure*** to allocate rights to usage. Certainly following the cession of Rotuma to the British Crown in 1881, there were prolonged arguments about whether or not land could or should be sold.[53] Those who stood to benefit from such a practice argued in favour of it. Those who lost their rights of usufruct over lands which came to be held other than as ***hanua ne kainaga***, did not so benefit. They did not favour the practice and argued strongly that it was against tradition and custom.

Whatever their origin, these forms of tenure had been and still were in 1964 the subject of dispute. Those who did not favour

them argued that they were contrary to tradition. But those who argued in favour of them pointed out that whatever the traditionalists might say, there were blocks of land accepted in the mid-1960s as ***hanua na*** and ***hanua na pau***, ***hanua pau***, ***hanua ne ʻon tore*** and ***hanua togi*** [54], and customary tenure had changed to meet changed circumstances, needs and practicalities.

4.4a *Hanua na*

If a person so offended Rotuman custom that he was obliged to go to the district chief and apologise, he would put on a necklace of *ʻifi* (***Inocarpus edulis***) leaves, and in a ceremony named ***hen rau ʻifi*** [55] would explain to the chief what he had done. To give weight to his apology, he might give to the chief the use of a piece of ***hanua ne kainaga*** or a ***fuag ri***. It might also happen that a district chief wished to reward a person for some service rendered, or that a person wished to express gratitude to another a person not related to him. In such cases the chief or the person might give that person, even if he was not a ***kainaga***, the temporary right to use some land.

Those who benefited from individual ownership or restricted ownership or similar new practices were in favour of these divergences from custom. Others among the ***kainaga*** who stood to lose their potential rights of usage and so did not favour the new practices, argued strongly against them as being contrary to tradition and custom.

With the introduction, in post-European contact times, of the concepts of individual ownership and alienation of land rights, the gift of use of land was extended in practice to the gift of individual ownership to someone other than a ***kainaga***. Land or a ***fuag ri*** so given was known as ***hanua na*** or given land. Such a practice, especially if it involved the transfer of land or ***fuag ri*** to an individual who was not a ***kainaga*** of the person who originally occupied the ***fuag ri***, was a divergence from strict custom. It was however not objected to, if the gift of usage was regarded as fair. Once it became apparent that the gift was not just one of usage by the individual immediately concerned, but was one involving

the transfer of ownership, this was regarded by many as a practice too divergent from custom to be acceptable. It alienated once and for all what they regarded as their property, and thus their potential rights of usage. Hence there were sometimes disputes as to who could claim usage rights and who should be ***pure*** of the ***hanua na***. Such disputes would be between those who were ***kainaga*** of the person who originally occupied the ***fuag ri*** and those who were ***kainaga*** of the person to whom the land or the ***fuag ri*** was given as ***hanua na***.

The mid-1960s saw an increasing demand for access to land, especially coconut plantation land. This land was required, first, to meet the general challenges of Government encouragement for economic development and, secondly, to provide money to meet personal demands for store articles and food as well as demands to meet school fees and other communal responsibilities for schools, churches and other facilities. So, the practice of giving away ***hanua na*** had ceased by 1964. Some land was, however, still recognised as ***hanua na***, although the precise rights involved were neither fully understood nor agreed.

4.4b *Hanua na pau*

It was not agreed among Rotumans whether the giving of a piece of ***hanua ne kainaga*** as ***hanua na*** was intended to give exclusive rights to the receiver and his descendants, and thus became ***hanua na pau*** (an absolute gift); or whether it was intended to give exclusive rights to the recipient only during the lifetime of the donor, and the land reverted to ***hanua ne kainaga*** on the death of the recipient or the donor. Each argument still found favour among some Rotumans in the mid-1960s and some land which was recognised as ***hanua na*** was still treated by the descendants of the recipient as being land over which they had exclusive rights. It was generally accepted in 1964 that old custom still prevailed and that a ***pure*** only allocated rights over land during his ***pure***ship and not in perpetuity. As the power to allocate rights over ***hanua na*** passed to the person to whom the land was given, those who considered that ***hanua na*** could

become ***hanua na pau***, also considered that the ***pure*** over the land would cease to be chosen on the basis of descent from the *'ese* (family) of the person who first occupied the ***fuag ri*** with which the land was originally associated. He would be chosen instead on the basis of descent from the *'ese* of the person to whom it was given as ***hanua na***.

4.4c *Hanua pau*

There were in the mid-1960s some ***fuag ri*** (house foundations) or blocks of coconut plantations or land for food crops or areas of ***rano*** (swamp land) subject to customary tenure, over which there were rights not of usage but of absolute ownership. These included the rights of the owner or joint owners to dispose of the land by will (written or verbal) or sale to any other Rotuman, who did not need be a ***kainaga*** without the need to consider or consult other people. Such land was known as ***hanua pau***, and the tenure could be described as customary freehold.[56]

4.4d *Hanua ne 'on tore*

The owner of ***hanua pau*** might consider that if it became known during his lifetime that he had disposed of his land by will to any particular person, ill-feeling might arise. In order to avoid this, he might have deliberately not disposed of his land to anyone. Alternatively he might have unwittingly omitted to name a successor. When the owner of ***hanua pau*** died without disposing of his land to anyone, the land was then known as ***hanua ne 'on tore*** or land of his descendants. The descendants of the former owner would have had joint rights to the ***hanua ne 'on tore***, to the exclusion of any other relatives or anyone else. But such rights would not extend to the right of sale or disposal by will.

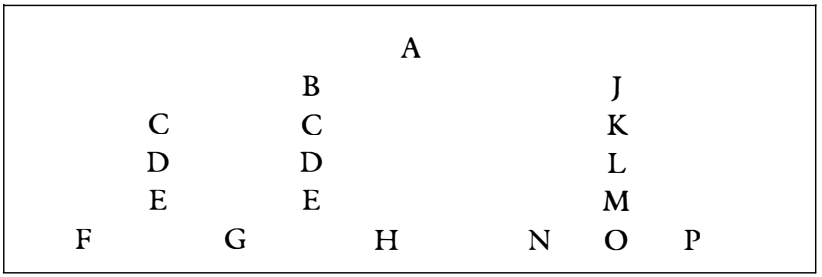
There was however, a conflict of views as to how long the ***'on tore*** (those who could establish their descent from the original owner of the ***hanua pau***) should continue to enjoy joint exclusive rights of the land. Owners of ***hanua pau*** and those who did not want to offend the descendants of an owner of land which had become ***hanua ne 'on tore*** considered that the joint exclusive rights to

such land remained with the descendants of the owner of the ***hanua pau*** from generation to generation. Many others including members of the Council of Rotuma in 1964 considered that these exclusive rights remained with the descendants of that owner for only three generations descending. If, on the death of the last member of the third generation, there was only one member of the fourth generation, then the land reverted to ***hanua pau***, and that member was recognised as the sole owner. If, however, there was more than one member of the fourth generation, then the ***hanua ne ʻon tore*** became ***hanua ne kainaga*** and the oldest child of the oldest parent descended from the original owner of the ***hanua pau*** who was also resident on the land would usually become the ***pure***. Other members of the fourth and later generations descending from the owner of the ***hanua pau*** (that is, his ***ʻon tore***), as well as any other bilateral descendant of the original occupier of the ***fuag ri*** associated with the land before it became ***hanua pau*** would be eligible as ***kainaga*** to claim rights of use. But the ***ʻon tore*** would, other things being equal, expect to have prior claims to other ***kainaga***.

Those who considered that joint exclusive rights over ***hanua ne ʻon tore*** extended to members of the fourth and subsequent generations descending argued that so long as they could establish their relationship with the original owner of the ***hanua pau***, they qualified for the status of ***ʻon tore***, and should have the same rights over ***hanua ne ʻon tore*** as the members of the third and previous generations. Those who considered that such exclusive rights ceased after the third generation descending and that ***hanua ne ʻon tore*** then became ***hanua ne kainaga***, argued that because the common blood in the fourth generation descending was getting so thin, they should not be regarded as ***haisasigi*** (siblings) but simply as ***haikainagaga*** (blood relations). At this stage, the ***ʻon tore*** of the original owner should cease to have joint exclusive use of the land and should merely be eligible, together with their other ***kainaga***, to claim rights to use the land. As well as the thinness of the common blood, it was also argued that the ***ʻon tore*** in the fourth generation were getting so numerous that they

could not all expect to exercise usage rights over a limited amount of land. Someone would have to decide who among all the joint users should be given priority. It might therefore be easier from the point of view of land administration (in order to avoid quarrels and fractionalisation of the land into blocks of valueless size) if the land became ***hanua ne kainaga*** with a ***pure*** to decide such matters.

Figure 1: The owner of *hanua pau* and his descendants



This figure illustrates the consequences of the conflicting views in diagrammatical form. If B was the owner of a block of ***hanua pau*** which he failed to dispose of by will before his death, the land became ***hanua ne ʻon tore***, over which C C had joint exclusive rights of use, as did D D and E E. It was subsequent to the death of E E that disagreement arose. The first view held that the land remained ***hanua ne ʻon tore*** over which F, G, H had joint exclusive rights of use, and so on down the generations. The second view held that the land became ***hanua ne kainaga***, so that then F, G, H and N, O, P (as well as J, K, L and M, if surviving) could all claim rights, as being ***kainaga*** with A as a common ancestor and original ***pure*** of the land. But other considerations being equal, on a genealogical basis alone, F, G, H (being descended from the owner of the ***hanua pau***) would have stronger claims than N, O, P.

It might be said that this argument as to whether ***hanua ne ʻon tore*** continued to remain as such for generation after generation or whether it became ***hanua ne kainaga*** after the third generation, did not matter for practical purposes as far as the nature of the rights over the land was concerned. As for what

people might do with the land, rights over ***hanua ne ʻon tore*** and ***hanua ne kainaga*** would be much the same. If the land was to remain ***hanua ne ʻon tore***, the ***ʻon tore*** would only have the sentimental satisfaction of saying that the land originally belonged as ***hanua pau*** to their ancestor, but they would in practice have no more rights than ***kainaga*** would have over ***hanua ne kainaga.***

This would be true as far as the definition of rights was concerned. But an important difference was that the ***ʻon tore*** were only a segment of the ***kainaga***, and some who were ***kainaga*** but not ***ʻon tore*** would not even be eligible to claim their rights over the land in question.

4.4e Unowned land

There was very little land over which no-one was eligible to claim rights of usage. Such areas as this might be land which was accepted as never having been ***hanua ne kainaga***; or it might once have been ***hanua ne kainaga*** but it was later accepted that all the ***kainaga*** have died. Under land legislation[57] in force in the mid-1960s unowned land was vested in the Crown as trustees for the Rotuman people.

Arguments arose as to the circumstance under which a block of ***hanua ne kainaga*** should become vested in the Crown on the grounds that there was no ***kainaga*** left to claim rights of use. For instance, two persons who were ***haisasigi*** (siblings) might have been granted by the ***pure*** joint rights over a particular block of land but might have quarrelled so bitterly that joint use of the block was impossible. The ***haisasigi*** or the ***pure*** might therefore have divided the block into two separate blocks. Each block might thereupon have become recognised as a separate area of ***hanua ne kainaga***, associated with a separate ***fuag ri*** and subject to a separate ***pure***. Strictly speaking if all the ***kainaga*** of one of the siblings died, what had been this sibling's block of land should then be vested in the Crown, because there was no-one eligible to claim rights over it.

It was also argued that, although the block had been separated from the original ***hanua ne kainaga***, and had become associated with a new ***fuag ri*** and a new ***pure***, it should be considered as forming once again part of the original block, on the death of the ***kainaga*** of the sibling who established the new ***fuag ri***. Thus the separated block and ***fuag ri*** would cease to have separate recognition and would simply form again part of the original block of land and would once again come under the ***pure*** of the ***fuag ri*** with which it had been originally associated. In support of this contention, it should be pointed out that, according to strict custom, a block of land already associated with a ***fuag ri*** should not be divided so that a separate block of land was created and associated with a newly established ***fuag ri*** and a new ***pure***. If this argument was correct, a block of land which had been divided from a block of ***hanua ne kainaga*** to form a separate block of land, should not be vested in the Crown so long as there were people still alive who were eligible to claim rights over the block of land, of which the separate block had originally formed part.

4.5 LAND DISPUTES AND POWERS OF COURTS

There was in the mid 1960s no provision in the current legislation for Rotuma for the setting up of a Land Court in order to hear land cases. The 1917 Rotuma Lands Ordinance provided that lands held 'according to ancient custom' might not be alienated except with the approval of the Resident Commissioner. The Ordinance empowered the Resident Commissioner to examine witnesses on oath, and further provided for an appeal to the Governor in Council against a decision by the Resident Commissioner to approve a dealing in land. The 1927 Rotuma Ordinance provided for the establishment of 'a Court of Justice to be styled the District Officer's Court which should consist of and be holden by the District Officer', and gave the District Officer the same jurisdiction in all civil and criminal suits and matters as a person empowered to hold a magistrate's court of the second class.

4.5a Land cases

Although there was no specific provision for Land Courts, it would seem that Resident Commissioners and later District Officers had heard land cases since the cession of Rotuma in 1881. In the early days, use was made of the Native Magistrates whose appointments were recognised by the 1880 temporary Constitution. Sometimes the Native Magistrates settled disputes and land claims, with right of appeal to the Resident Commissioner; sometimes the Resident Commissioner heard all claims personally, with the assistance of one or more magistrates, and at times land cases were held on Council days in the presence of the chiefs. Later the post of magistrate was abolished, and the Resident Commissioner heard land cases, with two chiefs sitting as assessors.

Since no procedure for the hearing of land cases was laid down each administrator could deal with them as he considered best. Mr. A.E. Cornish (1935–1946) sat with the District Chiefs of Itu'ti'u and Noa'tau as they were better educated than the others, the former being a retired Native Medical Practitioner and the latter being the practising Native Medical Practitioner on the island. Dr. H.S. Evans (1949–1952) sometimes sat with the Native Medical Practitioner as an assessor but usually sat by himself without assessors. Mr. F.F. Ieli, who was appointed District Officer in 1957, preferred to sit with the District Chief of the district in which the dispute being investigated took place and the chief of the nearest neighbouring district to the disputed land. I succeeded Mr. Ieli in 1964 but never held formal hearings of land cases. I was only going to be on Rotuma for a short period of time and land cases were usually prolonged matters.

The sources consulted for information about land disputes were the bound volumes of records of Land Case Decisions, Land Cases, Land Dealings and Land Sales preserved in the Fiji Government Central Archives in Suva. There had been much duplication of cases and both Alan Howard, late of the University of Hawai'i with a lifetime of research experience of Rotuma, and Christopher Legge, a Fiji Government Administrative Officer

with responsibilities for Rotuma in the 1950s, with a developed interest in local history and antiquities, each attempted to analyse the number of land cases settled. Howard gave[58] the number of land court cases in ownership disputes between 1931 and 1950 as 116. Legge gave[59] the number of land cases settled between 1932 and 1950 as 281. It was possible that Legge might have erred on the high side, because he did not take into account the duplication of cases. Alternatively he might have included boundary disputes which did not seem to have been taken into account by Howard. The chief causes for disputes during this period were the settlement of boundaries, the custom of giving a gift of land to a non-relative and the retention of rights in land by a person long away from Rotuma.

4.5b Disputed boundaries

The first category of disputes needs little comment, although it was of great significance because of the increasing importance attached to coconut lands as a source of cash. The records show that boundary disputes, which Legge estimated to take half a day to a day to settle, seem to have been resolved without great difficulty after inspection in the field by the District Officer and parties.

4.5c Giving land to non-relatives

Many cases arose from the giving of land to non-relatives, which resulted in disputes between relatives of the original *pure* and those who either received the gift or were descended from the recipient. These gifts were often made orally and were not witnessed, and this complicated the resolution of a case.

The following was a typical case.[60] Timote claimed a block of land called Lealea, on the grounds that it had been given to him by Pora about fifty years before and had been looked after by him ever since. Pora's grandson, Pene, claimed that the land had not been given to Timote, but was his. The late Pora's brother, Tokaniua, said that the land still belonged to his family. He knew Timote had been in charge of it for many years but he did not

know whether it had been given to Timote as a gift or merely for his use. He pointed out that the land was registered by Pora for tax purposes in the name of Pene. If the land had been given to Timote, it would have been registered by Pora not in the name of Pene but in the name of Timote. Pene said that his grandfather, Pora, had originally owned the land, which he had allowed Timote to use, but had never given it to him. He pointed out that even when Timote used the land, he himself continued to take *papai* (*Cyrtosperma*) from it. He claimed that the land belonged to him and to Tokaniua. Timote agreed that Pora used to own the land, but thought that he had given it to him. He had continued to use the land as his own until Pene had asked for it back.

The court found that Pene was the rightful owner. Timote could show no proof that he had been given the land, except that he had been using it. Pene knew Timote was using the land, but expected that it would be given back to him one day. The court ruled that the land should continue to be used by Timote until his death, as he was an old man. On Timote's death, Pene would resume full charge of the land. The land would then become the property of Tokaniua, Pene, their children and the brothers of Tokaniua. Pene would be the *pure*.

4.5d Retention of rights by absentees

Other cases of disputes were based on the question of whether a person who had been a *pure* but who was absent from Rotuma for a long period should be able to retain his rights as *pure* over the land. As Howard pointed out,[61] a person not consanguineously related to the *pure* (such as his brother-in-law) might, in the absence of a *pure*, live on the land during the absence of the *pure*. After a period of time, his own *kainaga* either mistakenly or falsely might claim from him rights to the land, in the face of opposition from the descendants of the original, absent *pure*. This problem was the greater if a generation or two had elapsed before the descendants of the original *pure* laid claim to the land. This was a typical case.[62] Erasito claimed a block of land to be his,

and stated that Mataiasi, the last person to have charge of the land, had no rights to it. He was given charge of the land because he was the namesake of Erasito's uncle who gave him charge of the land during his lifetime. Erasito said that his father told him not to take the land from Mataiasi during his lifetime, but that he would get the land back on Mataiasi's death. But Mataiasi gave the land to Paulo before his death and did not keep his promise to Erasito's father that the land would be returned to Erasito, after his death. Tonu, brother of the late Mataiasi, said the land had been used by his family for over seventy years. It had originally been owned by Maria, but had never been claimed by Erasito's ancestors. On Mataiasi's death, Tonu said that he had taken charge of the land. Although Paulo was using the land, neither Paulo nor he, Tonu, had any rights to the land. The real owners were the son and grandson of Mataiasi, who were in Fiji. Paulo confirmed that Mataiasi had asked him to look after the land until his grandson had came back from Fiji to Rotuma. He agreed that he had no rights to the land. The Court found that Erasito had no rights to the land, and the land was to be the property of Mataiasi's son and grandson who were both in Fiji. Tonu was to have charge of the land until the son or grandson returned from Fiji, when they would take over the land from Tonu.

4.5e Harshness of *pure*

Other cases concern the harshness of the *pure*, when the Court found that a new *pure* should be appointed. A typical case referred to earlier was that relating to Vuan who was asked by a relation for a cut of copra to cover the cost of a passage to Fiji for a sick man to be taken to Suva for treatment. Vuan refused and another relation paid the fares for himself and the patient. The second relation then asked his district chief to approach Vuan to allow copra to be cut to pay for the passage back to Rotuma. Vuan still refused, saying he had little land of his own. When these people got back to Rotuma, they were so upset with Vuan's behaviour that they took the matter before the District Officer. The District Officer agreed that Vuan had been unreasonably harsh in refusing these requests for assistance for a sick relation; and the Court found that such

harshness was unbecoming in a *pure*, and ordered that another man be appointed to be *pure* in place of Vuan.

4.5f Disputed decisions by *pure*

Perusing the records in the Archives[60], it seemed to me surprising how few disputes were dealt with formally by the administration. There was, for instance, scant reference to disputes about a decision by the *pure* against claims to rights by ***kainaga***. In such cases, the central administration at first heard and settled (perhaps *ultra vires*) land claims according to their own personal attitudes, as Daniel Fatiaki suggested (1991: 105), and their own interpretation of Rotuman customary land tenure principles. The Attorney-General in 1887 had given his opinion, cited by Fatiaki (1991: 104), that cession was 'simply of the sovereignty over the island. The rights of private property were not disturbed by it, but remained as they were.' The Attorney-General also considered that the only way in which the central administration could have powers over property was through legislation. Twenty years later, the Ordinance Regarding the Tenure and Disposal of Land in Rotuma (No.1 of 1917) provided, in section 4, that

> the basis of land tenure was deemed and declared to be the holding by the natives of Rotuma of their lands by family communities, according to ancient custom, the members of each family holding the land in undivided ownership, and the acknowledged head of the family being the *pure* or overlord of the land.

Under the provisions of the same section of the Ordinance, each family community was 'deemed capable of selling, leasing, or in any other way disposing of or dealing with any land or estate or interest therein in Rotuma, so far as ancient custom shall allow.' No attempt was made to lay down in the Ordinance the principles of 'ancient custom'. However, the Resident Commissioner was empowered under section 3 of the same Ordinance to call witnesses and examine them on oath, in order to ascertain such 'ancient custom'. He also had resort to such records as were kept by previous Commissioners.

Apart from such precedents, the Resident Commissioner had no authoritative record of customary principles which he was required to follow. He could only determine to the best of his ability and understanding of the scanty records and probably conflicting verbal evidence of witnesses those customary principles on the basis of which he was required to make his decisions. Some administrative officers chose to sit with district chiefs, to seek their advice on custom.

It might be that the very flexible system of land tenure and the legal machinery for dealing with difficulties that could not be resolved informally by the people worked well, as a result of the built-in ambiguities rather than in spite of them.

FOOTNOTES

[42] The following information was provided by the Fiji Department of Agriculture.

District	Number of *fuag ri*	Number of asssociated blocks of land	Number of blocks of *rano*
Noa'tau	107	505	82
Oinafa	57	454	17
Itu'ti'u	200	790	37
Malhaha	96	370	12
Juju	91	359	2
Pepjei	43	221	6
Itu'muta	36	292	34

[43] Gardiner (1898: 485). He also said (1898: 480) that at the time he was writing, it was usual for the married couple to live half the year with the parents of each spouse.

[44] He could, however, expect to be allowed by the ***pure*** to work the land to which his spouse had personal rights.

[45] Professor Alan Howard clarified this criterion for the seniority of a ***pure*** (Howard. Personal correspondence).

[46] There was no special ceremony for the appointment of a ***pure***. The ***kainaga*** simply met together and decided on who should be ***pure***.

47 Russell (1942: 238) supports this.

48 Eason (1951: 98) supports this.

49 The fruit, when shredded and mixed with coconut cream, makes a refreshing dish known as *po'oi*.

50 It could be land held under other forms of customary tenure.

51 Chapter 107 of the Laws of Fiji 1955 Revised Edition, until repealed by Ordinance No.13 of 1959.

52 Such as blocks of very hard volcanic rock found only on a hillside called Rano 'Avi'i in the district of Itu'muta, or of a volcanic conglomerate found only on the beach at Uisa in the district of Oinafa. These were sometimes placed on top of special graves in all parts of Rotuma and in some of the small off-shore islands.

53 Minutes of Council meetings, preserved in Fiji Central Archives, Suva.

54 Daniel Fatiaki commented on the legal aspects of Rotuma land tenure. He pointed out (1991: 97 *et seq.*) that the Rotuma Lands Ordinance 1959 includes definitions of ***hanua ne kainaga***, ***hanua pau*** and ***hanua ne 'on tore*** and refers to unused land.

55 Howard described (1990: 273) this procedure as the strongest form of ***faksoro*** or apology. Other forms involved a verbal apology in private, a verbal apology in public, a formal presentation of a ***koua*** (pig cooked in an earth oven) accompanying a verbal apology, or a formal presentation of a ***koua*** plus a presentation of kava and/or the giving of an ***apei*** (fine white mat).

56 This Chapter only refers to land without a registered title but held under customary tenure. Most of the land on Rotuma is held under customary tenure but there is a very limited amount of freehold land.

57 Section 8 of the Rotuma Lands Ordinance, No. 13 of 1959, published in the Laws of Fiji, 1959.

58 Howard (1964: 49)

59 Legge, letter in Fiji Ministry of National Resources.

60 Land Case Records in Fiji Central Archives, Suva.

61 Howard (1964: 48).

62 Land cases in Fiji Central Archives, Suva.

CHAPTER 5

Fishing and Other Rights and Practices

The principles of rights over land, including land under the sea as far as the reef, seem to have been based on kinship and exclusiveness. But the principles about fishing rights and access to sea produce were different, and seem to have been based on residence, convenience and safety. Access to natural features such as birds and their eggs was subject to permission from the sub-district chief, the *pure* or the land-holder. Right of use of communal facilities such as animal enclosures, easements, natural water-supplies or cemeteries depended mostly on residence and kinship.

5.1 SEA PRODUCE AND BIRDS

5.1a Sea produce

Most people said that anyone living in the *itu'u* or district faced by the *sa'au* or shallows between the beach and the reef, had the right to fish in the shallow waters, although some said that strictly speaking this right was restricted to those living in the actual *ho'aga* or sub-district faced by the *sa'au*. However, by 1964 even the latter agreed that this right had been extended to all living in the district of which the *ho'aga* formed a part. This applied to all forms of fishing, including shell-fishing; except that those who wished to build a *ho'i* or conical pile of stones used as a fish trap,

might only do so in the shallows facing the *hoʻaga* where they lived. Once built, the *hoʻi* was the private property of the person or persons who built it.

People normally fished in the waters opposite their own district where they lived, but might go to other districts if there were special fish or shell-fish which were only obtainable there. People from one district who wanted to fish or shell-fish in the *saʻau* or shallows facing another district had to seek permission from the district chief of that district who would inform the *fa ʻes hoʻaga* or sub-district chiefs that he had given permission. For instance *kekesi* were only found in the shallows off the district of Itu'ti'u; and *kahela* were only found in the shallows off the district of Noa'tau. Both these kinds of shell-fish were favourite food. People living outside these districts would seek permission to gather the shell-fish from the district chiefs there, although they might simply ask relations living in Itu'ti'u or Noa'tau to gather some of these shell-fish for them. This applied to fishing by individuals or small groups of individuals.

Fishing (and in some parts fish-drives) was sometimes organised on an *itu'u* or *hoʻaga* basis, especially if there was to be a *katoʻaga* or ceremonial gathering. If the *katoʻaga* was to be on a district basis, the district chief might arrange for fishing to be undertaken by the whole district or by one or more *hoʻaga*, under the *tautei* or fishing leader. If this fishing was to be undertaken in the *saʻau*, it would normally be restricted to the shallows opposite the district concerned. Communal fishing in the shallows opposite another district would only follow prior permission from the district chief concerned. If the *katoʻaga* was to be on a *hoʻaga* basis, the *fa ʻes hoʻaga* might arrange for the fishing to be undertaken in the shallows facing his *hoʻaga*, or another *hoʻaga* in the same district (having obtained prior permission from the *fa ʻes hoʻaga* concerned) or possibly in the shallows facing another district (having obtained prior permission from the district chief concerned).

A person or group of persons fishing in the *saʻau* or shallows opposite a district other than the one where they lived, would be

expected to present some of the fish caught to the district chief of the district where they fished. Fishing on the *haho* or reef (known as *fu* when exposed) appeared to be the right of anyone living in the district faced by the reef. Someone wanting to fish on the *haho* outside the district where he lived was expected to ask permission from the district chief concerned. Fishing in the *li'u* or deep water beyond the reef was the right of anyone irrespective of where he lived. No-one claimed special rights in respect of the *li'u* or the *vasa*, the deep sea away over the horizon.

The people who went fishing shared among themselves the fish they caught (unless they had gone fishing, as arranged by a chief, to catch fish for a ceremonial gathering) and generally no-one else, not even the chief, could demand by right any share of the catch. Certain fish were regarded as chiefly. For instance, if a person caught a *ka'iri* or trevally, or a turtle, he would, in the old days, be expected to take it to the district chief. If he caught it in any part of the *li'u* beyond the reef, he should take it to the district chief of the district where he lived. If he caught it in the *sa'au* or shallows facing the district where he lived, he should take it to the district chief of that district. If he caught it in the *sa'au* opposite another district where he had been given permission by the district chief of that district to fish, he should take it to that district chief. The district chief would then allocate the *ka'iri* or the turtle, as he thought fit. In the mid-1960s people seldom took these chiefly fishes or turtles to the district chief but kept them for themselves.

There were three kinds of edible land-crab and anyone who chanced upon an *'avi'i* (small, white crab found on the beach) or *fupa* (*Sesama*) or *aruru* (*Birgus latro*) being the large crab that is reputed to husk coconuts, might take it, if he could catch it. Persons who wanted to trap *'avi'i* or *fupa* (the latter being common only at Pala[63] in Itu'muta) by digging holes and putting down tins or traps, would do so in their own land or possibly in the land in the *ho'aga* where they lived. To do so outside without permission from the land user or owner would probably result in the tins being ripped up or the traps being found empty.

5.1b Birds and eggs

The islands of Hatana and Hafliua were the special nesting places of kinds of sea birds called *gogo* (small black sea-bird with white forehead) and *kanapu* (gannet); and people from Rotuma like to collect the eggs for eating. They also ate the birds. The island of Hatana was also a favourite place for persons wanting to collect *alili* or sea snails, and *so'o* or giant clams. Persons wishing to visit islands from outside their own district would be expected to seek permission from the district chief of the district of which the islands form part. But in the case of Hatana and Hafliua in the district of Itu'ti'u, persons living outside Itu'ti'u usually sought permission to visit the islands, from the *fa 'es ho'aga* of Losa (in which *ho'aga* these two islands were included), and from the *pure* or the persons to whom the *pure* had allocated land rights, to collect such items from the islands.

A tame gogo

Apart from sea birds, Rotumans used to shoot or trap wild birds in the bush such as *ʻipa* or pigeon, *moa* or wild chicken, and *kalae* or land rail. The taking of *kalae* was formerly the exclusive privilege of a chief. Anyone could shoot or trap these birds in the district where he lived; but should seek permission from the district chief if he wished to shoot in another district.

5.2 ACCESS TO COMMUNAL FACILITIES

Rotumans also had access to certain other man-made facilities and natural features of the Rotuman countryside such as communal pig-fences and cattle fences, roads and tracks, fresh water pools, wells and cemeteries.

5.2a Access to pig and cattle fenced areas

Certain areas of adjacent land, subject to any of the forms of customary tenure, might be surrounded by a stone wall and be used as a communal pig enclosure by all living in the *hoʻaga* where these areas were situated. The construction and maintainance of the wall was the communal responsibility of those living in the *hoʻaga*. In practice, responsibility for the upkeep of stretches of the wall was assigned by the *fa ʻes hoʻaga* to individuals who had pigsties or small fenced breeding areas near the length of wall which was their responsibility. Pigs could roam freely within the area enclosed by the wall but were recalled at feeding time to their owners by signals which might be calls or beats on drums or pieces of metal. Such signals differed from owner to owner and were recognised by the pigs. The right to use the trees within the wall remained with those who had rights over the area of land where the trees were planted.

Other areas might be surrounded by a wire fence for use as a communal cow paddock by those who put up the fence. These persons might not be related and might not all have claims to any of the land enclosed by the fence. But two or more persons might reach an agreement among themselves to put up the fence to enclose land over which one of them had the right of usage. The

use of the trees within the fence remained with those who had the customary rights over the land on which they were planted.

5.2b Access to roads and tracks

Running around and across Rotuma were roads and tracks which were recognised as easements along which anyone had a right to travel without asking permission from anyone. Similarly it was generally accepted that anyone could walk along the beach to get from one place to another, although this would probably mean crossing parts of land, the rights over which had been allocated to other people.

5.2c Access to natural water supplies

In many places around Rotuma there were ***vaitoka*** or fresh water springs in the sea bed, originating from sub-marine outlets of rain water that had seeped down along underground channels from the hills. The best known was the swimming pool at Fuli'u on the north coast, which was a favourite place for a picnic. People wanting to swim in Fuli'u or the other ***vaitoka*** would have to ask permission from the user of the land of which the ***vaitoka*** formed a part, although those who lived in the ***ho'aga*** where such a pool was situated, usually swam without asking permission, without objections being raised.

The right to use ***vai*** or wells depended on who constructed them. A ***vai*** was a circular, stone-lined well which had been dug down, sometimes to a considerable depth, to the layer where fresh water occurred. This water came from rain which seeped through the porous volcanic rock in the interior of the island and gravitated down the hills towards the sea. Since the wells were generally near the sea, the water was brackish and usually used only for washing, bathing and sometimes cooking. Drinking water (except in the case of Itu'muta where it ran by pipe from a spring) usually came from roof catchments, sometimes running into concrete tanks built either for individual households or even into concrete tanks for the communal use of a ***ho'aga***. The ***vai*** might have been constructed by one household for their own use

or by two or more neighbours but not necessarily related households for their common use or indeed by the *kaugarueaga* of a *ho'aga* for the common use of the *ho'aga*.

5.2d Burial of the dead

In the past each *ho'aga* had its own cemetery (*tamura*), and there would be special areas set aside for blood relations. Scarr (1973: 31) cited Thurston who spent nine months on Rotuma in 1864 and found the dead 'buried in vaults made of flat stones', with enormous covering stones. In addition, blood relations might have decided to have their own *kainaga* cemetery apart from the *ho'aga* cemetery. Members of chiefly families might have been buried in places difficult of access — the dearer the person, the more trouble was given to the burial — hence graves and cemeteries were found on hill-tops, including the top of almost inaccessible islands such as Hafliua. The *sau* were buried in special cemeteries, such as Sisilo in Noa'tau; and the cemetery on the hill of Muasolo in Lopta was traditionally the burial place of the *mua* or priests of the *sau*.[64]

Dolmen-like structure in a cemetery

McGregor recorded (nd) that it was the practice in some cases to bury the dead in house mounds. I was told that this had been the practice especially in pre-European times but that it had been stopped by the administration as being unhealthy. I was told that it was more usual to bury the dead in stone-lined rectangular graves which were used for multiple burials for successive generations. I observed this burial at Noa'tau. Individual graves (*famuga*) were sited in places difficult of access, but more usually graves were grouped together in large cemetery mounds (*tamura*) which in 1964 were still a very significant feature of the Rotuman landscape. By this time, it was more usual to bury the dead in flat areas, still known as *tamura*. In the course of minor excavations which I carried out in *tamura*, I noted that some graves had grave goods of obviously European origin such as glass beads. I was, however, unable to determine which of those graves with only Rotuman grave goods such as breastplates and pendants made of shell or whale's tooth, were pre-European.

In the mid-1960s, an *itu'u* might have its own cemetery (*tamura*), as in the case of Noa'tau; or might combine with another *itu'u* and have a joint cemetery, as in the case of Juju and Pepjei; or there might be more than one cemetery in one *itu'u*, as in the case of Itu'ti'u, where one or more *ho'aga* combined to share a cemetery.

FOOTNOTES

63 Pala is locally famous as the place where a crocodile was washed up within living memory. I have spoken to an old man, now dead, who saw it.

64 Gardiner (1898: 464) said that Sisilo which I have visited is the place where the *sau* were buried. But I was told that they were also buried at Famuag Sau in Itu'muta. Gardiner (loc. cit.) recorded the tradition about Muasolo. When I visited the cemetery on this hill, the people of Lopta did not remember this tradition but they called it '*Famuagmua*' — burial place of the *mua*.

CHAPTER 6

Rotuma and its Neighbours

In the Preface I referred to Rotuma's traditional associations with neighbouring territories such as Samoa, Tonga, Fiji, Futuna and Wallis (Uvea), and Kiribati and Tuvalu, and suggested that these connections could well have had some influence on Rotuma in such fields as systems of social structure and land tenure. In order to place the Rotuman systems of social organisation and land tenure in a wider context, consideration will now be given to some features of such systems as they have been described for these neighbouring territories. A brief description of their systems of descent and land tenure should lead to a better understanding of the situation in Rotuma.

6.1 FUTUNA AND UVEA

In Futuna the descent group was the *kutunga*, and in Uvea it was the *kainga*. In both instances, although descent was more usual through the father's line, it was not exclusively unilateral. Indeed, Burrows said[65] that 'A Futunan, while he regards himself as belonging to his father's *kutunga*, also regards himself with diminished emphasis as belonging to his mother's *kutunga*'. Property in Futuna was shared by the *kutunga* and was known as *kainga* — a term that could also apply to the kinship group itself; and, as in Rotuma, a manager or *pule* was appointed in respect of each *kutunga's* property, to allot land for the use of members of that *kutunga*.

The *kainga*[66] of Uvea was not only a loosely defined group descended from a common ancestor, but also an individual relation. It was interesting to note that when used to refer to a group of relatives as a whole, the term *kainga* usually takes the collective prefix *kau-* (that is, *kaukainga*), whereas the Rotuman *kainaga* take the reciprocal prefix *hai-* (that is, *haikainagaga*).

6.2 KIRIBATI

The *utu*[67] in the Kiribasi was a non-exclusive ambilateral descent group, and a person belongs in theory to the descent groups of both parents. There were here some similarities with the Rotuman system.

6.3 TIKOPIA

The *kainaga* was the major kinship group in Tikopia.[68] Members of a *kainaga* traced their relationship ultimately to a common ancestor. But the relationship was traced to a male ancestor, through male forbears and there was no element of bilateral descent which was the essence of the *kainaga* relationship of Rotuma.

6.4 TOKELAU

The *kaiga* of the Tokelau is a cognatic descent group including all who trace descent through male or female links to a common ancestor or ancestral couple. Members of *kaiga* own land in common. A person 'belongs' to as many *kaiga* as he has ancestors who were founders of *kaiga*. The ultimate *pule* or authority over *kaiga* lands resides by custom with the person who is the senior in descent through the male line. Seniority is determined by birth order. This account is based on Hooper and Huntsman (1987: 127 *et seq.*). Again there are similarities with the Rotuman system.

6.5 SAMOA

There are some points of similarity between the Rotuman customary system and the traditional Samoan system as described by O'Meara (1987: 75 *et seq.*) and Schmidt (1994: 169 *et seq.)*.

O'Meara is particularly interesting when he described the changes in the system over the past fifty years and shows how practice has been diverging from traditional custom. The following account is based on O'Meara's description and analysis, with additional information provided by Schmidt.

In Samoa, land held under customary tenure is owned in common by members of the *aiga*, being an extended or multiple family group living on ancestral lands for political, economic and social reasons. Membership of the *aiga* can be traced through either the male or female lines. Each *aiga* owns a specific chiefly title, and members of an *aiga* select (mainly by election) one of themselves to hold the title. The holder of the title is known as the *matai*. Once elected to the chiefly family title, the *matai* has the *pule* (authority) over members of the *aiga* and the family lands. The preferred successor to the title of a deceased or resigning *matai* is a person who has lived normally with the family. Less preferred is the person who has lived away from the family but who has continued to contribute to family social occasions. Least preferred is an unrelated person such as an adopted child or a daughter's husband who has lived with the family and has served the *matai*. The possibility that someone who had not been living and planting on the land or who was unrelated, could become a *matai* caused some feeling of insecurity among the *aiga* who had lived with the family and served the *matai*, and may have led to a reluctance to develop the land. With an increase in the desire to develop cash-cropping, Samoans have sought ways to ensure that lands they have individually developed remain for their exclusive use and for the use of their immediate descendants.

Any member of the *aiga* has the potential for claiming rights to use *aiga* lands. This potential does not become a right unless the person lives with the family and serves the *matai*. In this case, he has unquestioned right to use the land. The *matai* has the authority to direct where in the lands he may exercise the rights. A non-resident who maintains active membership of the *aiga* by contributing to family affairs does not have automatic rights, so

long as he is serving another *matai*. He only retains the potential for claiming rights and must ask permission from his *aiga*'s *matai* if he wants to use *aiga* land. A person who is not a member of the *aiga* may acquire the privilege of using *aiga* land by living with the family and serving the *matai*. An unrelated person may request the temporary use of another *aiga*'s land. Members of an *aiga* who move away from the family lose their rights to use land, and may only use it as a privilege after seeking permission from the *matai*.

Any member of an *aiga* wherever he lives has a potential claim to *pule* over the *aiga* lands, but this potential can only be activated if and when he is selected to the *matai* title which holds the *pule* over the land.

These principles of customary tenure are being affected by new principles of individual tenure and inheritance of rights. Any new plots cleared by a person can now be inherited directly from the person who cleared it, irrespective of *matai* title. This practice is claimed by O'Meara to be a new practice, replacing the custom that a plot is associated with a specific *matai* and that *pule* over the land is inherited indirectly by first acquiring the title. I have been told by Samoan anthropologist, Va'a, that this has in fact been a recognised practice for some time. O'Meara also claims that, in some villages, even old plots cleared and held under the customary system are now being divided among heirs and are now inherited directly by direct descendants of those who cleared the plot, regardless of *matai* title.Va'a told me that this practice is disputed as being unacceptably contrary to custom. This account shows some broad analogies between the traditional Samoan system and the situation on Rotuma in 1964, though the details are significantly different. It points out how practice can diverge from tradition in order to meet what are regarded by the Samoans as new needs in new circumstances. It is also relevant, because it can give some indication as to how Rotuman custom may change in the future.

6.6 RAROTONGA

On the island of Rarotonga in the Cook Islands, there were at the time of first European contact three tribes (*vaka*), the titular head of each of which was the *ariki*. The island was divided into sub-districts (*tapere*), each of which was allotted to a *mataiapo*, being the titular head of the *tapere* land and of the people resident in it. The title ideally passed from father to eldest son. Persons resident in the *tapere* comprised a *matakeinanga* and included not only the descendants of the founding *mataiapo* who formed a major lineage within the *vaka*, called a *ngati*, but also residents connected by marriage or by adoption or other means. A person was a member of the *ngati* of both parents and of all grandparents. A person could become a member of the *ngati* of an adopting parent, but this would depend on acceptance by the group if the person was not related.

As a *ngati* increased in membership, it split into minor lineages, and the *mataiapo*'s duty was to allocate to each lineage sufficient land on which to live and plant crops. Such a minor lineage became the most important landholding unit in the system, with clear-cut boundaries intended to be permanent. Proprietary rights in land were held in common by members of the lineage forming the landowning descent group, whereas usufructuary rights were exercised only through residence. Proprietary rights were inherited; as were rights to plant land in certain specified areas but then only subject to the consent of the group. Certain rights could be transferred by gift, but such a transfer was regarded as temporary and such rights would revert to the donor's group after the death of the recipient.

When European settlers first arrived and wished to purchase or lease land, both the missions and the Maori (as the Rarotongans were known) opposed the acquisition of land by such people. Later, the Maori developed cash crops, in order to contribute to the Churches, to obtain material goods for their personal comfort, and to acquire items indicative of social status, such as furniture or sewing machines. Accordingly, the temporary use of some land was made available to Europeans in return for cash,

although the planting of long-term crops was forbidden. Such practices diverged little from customary tenure.

The New Zealand Government started to administer the territory at the turn of the century, and determined on a policy of increasing agricultural products for export. So they introduced a system of registered titles, arguing that such security of tenure for the Maori farmer would result in an automatic increase in agricultural exports. After some initial increase, exports in fact decreased. Some thought that this was because there had been an increase in subsistence farming and others pointed out that there was an increase in the number of wage-earners. A more likely explanation is that the proposed new practice was not seen as meeting locally felt needs and so did not justify such a significant divergence from custom. At any rate, it was probably pointless unless new agricultural techniques were introduced at the same time.

This account, based on Crocombe (1964), again shows analogies, perhaps closer than in the Samoan system, between the pre-New Zealand administration system in Rarotonga and the situation in Rotuma in 1964. It also shows how a proposed change from custom can fail to be effective, where such change as that proposed by the New Zealand administration, attempts to introduce a practice significantly divergent from custom, without meeting a local need, and certainly without full consultation with the people concerned and without their acceptance of the proposed new system of tenure. This is exactly analogous with the failure on the part of the Fiji central administration to alter the customary system of land tenure in Rotuma, without first considering the needs of the Rotumans or fully seeking their understanding and acceptance of the proposed new statutory changes to custom.

6.7 FIJI

6.7a Customary tenure

This description of Fijian land tenure is based on France (1969), Nayacakalou (1978), Kamikamica (1987), and my own enquiries

while an administrative officer in Fiji from 1951 to 1971. Customary ownership of land was on the basis of patrilineal (usually), kinship groups. No land was owned individually, unless the individual was the sole member of such a landholding group. There was some difference of opinion in various parts of Fiji as to which category of kin group was the landowning group. After cession in 1874, the Colonial Government initiated investigations of the landowning units throughout the islands of Fiji. Ideally, the main kinship group in traditional Fijian social organisation was the ***yavusa***, all members of which could trace their descent patrilineally (usually) to a single recognised and original ancestal spirit. Each ***yavusa*** included several ***mataqali***, each being a minor kinship group theoretically descended from the original ancestor or one of his sons. Each ***mataqali*** in turn included several lesser kinship groups, each descended from the ancestor of the ***mataqali*** or from one of his sons. As a result of these investigations and the Government's acceptance, rightly or wrongly, of the ***mataqali*** as the landholding unit common throughout the islands, the Native Lands Ordinance (Ordinance No.21 of 1880) was enacted.

6.7b The 1880 Native Lands Ordinance: a complicated situation oversimplified

The preamble of this Ordinance stated that

> Whereas it has been ascertained by careful enquiry that lands of the native Fijians are for the most part held by mataqalis or family communities as the proprietary unit according to native customs, and that it is expedient and desirable until the native race be ripe for a division of such rights among individuals to provide for the sanction of such rights and the mode of their use and enjoyment.

The Native Lands Commission was set up under this Ordinance, with responsibilities to survey the land of boundaries held by the various landholding groups, to settle land disputes and to keep records of individuals forming each unit. However, as France pointed out (1969: 147), it soon 'became obvious that the cultural variations throughout the group, together with the

instability of society, had precluded the development of any very clear and consistent pattern of ownership'. In some areas, the ***mataqali*** was not recognised as a pre-cession social group. While in certain parts of western Viti Levu and the Yasawa group, I was told that, before the introduction of the ***mataqali*** after cession, there was a social group called ***kete*** or ***lewe***. In other areas a sub-group was regarded as the land-holding unit. Such sub-groups were known as the ***beto*** or ***bito*** in the west, the ***ma'a ni bure*** in Ra, the ***itokatoka*** in eastern Viti Levu, and the ***bati ni lovo*** in eastern parts of the group. In some parts, people claimed that tenure was on an individual basis. It would have been very expensive for the central administration to have attempted to satisfy all local requirements, even bearing in mind that the ***mataqali*** was in fact the customary land-holding unit in many parts. The acceptance of the ***mataqali*** as the land-holding unit was to a certain extent an economy measure and an expedient device of administrative simplification. It also fitted in well with the views of missionary Lorimer Fison who, acting under the influence of anthropologist Lewis Morgan, had produced an exposition of traditional Fijian land tenure which was accepted in the 1880s and continued to be accepted by the government until the middle of this century when France (1969) re-examined these generally accepted principles and their associated problems. He showed that these principles were neither as simple nor as widespread as were accepted by the central administration and the legislature. Nevertheless, the government administration of native land continued in the 1990s (and continues in this millennium) to be based on the general assumption that the ***mataqali*** is the landholding unit.

The situation then in Fiji is that a somewhat complex system of customary land tenure prevailing before cession in 1874 was oversimplified by the central administration following cession. Such oversimplification and an apparent assumption that ultimately land would be held on an individual basis and would be available for leasing and selling as the owner wished, were included in the preamble of the 1880 Native Lands Ordinance.

This gave rise to a continuing, underlying conflict with the Fijian traditional concept of land held by family communities as a sacred trust inherited from the ancestors and due to be passed on to succeeding generations until the unit became extinct. The land would revert to the Crown, if no other element of the main kinship group claimed it. In spite of the legislation, Fijian landholding units have managed to manipulate principles and to adjust to changing situations, making temporary use of land available on an informal basis to persons other than those with customary right of usufruct, including non-Fijians. For instance, Overton (1994: 125) referred to a sharecropping agreement between a family with access to good land and an Indian family with business interests but little land. Thus practice has often diverged from custom as recognised in the legislation, and continued to do so in the 1990s, against the provisions of the legislation for the administration of native land, but in accordance with what the landholding units perceive to be acceptable for meeting their needs and practicalities, as circumstances change. As Overton summarised (1994: 117), 'Fiji's present land tenure system and practices are the result of a long process of evolution, simplification, distortion and institutionalisation'. One could doubtless say the same for the systems and practices of Rotuma and of other neighbouring territories.

6.7c Fiji influence on the 1959 Rotuma land legislation

This description of the system in Fiji may serve as a background to the following description and commentary on the 1959 Rotuma land legislation which was drafted in Fiji by people with a knowledge of the Fiji system but, I suggest, little detailed knowledge of the Rotuman system. This legislation proposed changes in the land tenure system which were not acceptable to the Rotumans, because they diverged from custom to an unacceptable extent.

Land legislation referring to Rotuma had been drafted by the Fiji Government on the assumption that the ***kainaga*** was a closed

kinship group,[69] and the Native Trespass Ordinance, until its repeal in 1968, equated the ***kainaga*** with the ***mataqali***, a subgroup of the ***yavusa***, the major Fijian kinship group. Under the legislation and administration of the Fiji Native Lands Commission and Native Land Trust Board, the ***mataqali*** was accepted in the mid-1960s as a named, exclusive, generally patrilineal Fijian descent group which was usually the land-owning unit. The head of the ***mataqali*** was usually the eldest patrilineal descendant of an original ancestral spirit or ***kalou vu***, and could be male or female, with a general preference for the male. Although in practice the head of the ***mataqali*** might try and usurp the powers of the members to allocate land usage rights, in theory the distribution of such rights fell to the members, including the head. Land held in common by the ***mataqali*** under customary tenure, was known as ***vanua ni mataqali***. Land boundaries have been surveyed, and all members of a ***mataqali*** are supposed to be formally registered as such at birth.

6.7d Fiji influence and the Rotuman Lands Commission

The Rotuman Lands Commission, appointed under the 1959 Rotuma Lands Ordinance (No. 13 of 1959] seems to have accepted the equation of ***kainaga*** and ***mataqali***. The Commission also seems to have equated ***hanua ne kainaga*** with ***vanua ni mataqali***, and to have based its investigations on the assumption that the ***kainaga*** was the land-owning unit of Rotuma. It therefore proceeded to attempt to record the names and membership of all the ***kainaga*** in order to determine the ownership of Rotuman customarily held land. However, in spite of this apparent equation of ***kainaga*** and ***mataqali***, it can be shown that, on closer inspection and more detailed analysis, there were wide dissimilarities. In fact, '***kainaga***' did not seem to be a kinship group term at all, but rather a very wide kinship category term of consanguineal relationship for 'blood relation', however remote that relationship might be. Reference to a group of ***kainaga*** was made by use of the reciprocal prefix ***hai-*** (that is, ***haikainagaga***), just as reference to a group of, say, brothers was

made by use of this prefix, that is, *haisasigi*. This prefix might be contrasted with the collective prefix *kau-*, as in *kaugarueaga* (working party) or *kaunohoaga* (people living in the same *hanua noho* or settlement).

6.7e Rotuman reaction to the Lands Commission

Rotumans on Rotuma and, later, in Fiji emphasised that a *kainaga* had potential rights to claim usufruct of land associated with any *fuag ri* to which either parent or grandparent had rights by virtue of ability to trace descent from the original occupier of that *fuag ri*. A *kainaga* was not a member of any single specific, named exclusive kinship group, nor indeed was a *kainaga* the term for such a group of those descended from the original occupier of a *fuag ri*, although one or two Rotumans thought it was.

Nevertheless, when, at the request of the Rotuma Island Council for a survey of Rotuman lands, the Fiji Legislative Council had enacted the Rotuma Lands Ordinance in 1959, section 23 provided that '*hanua ne kainaga* shall be transmitted only through the male line', and that 'no Rotuman shall be registered in more than one *kainaga* other than his father's'. This legislation restricted the unlimited extension of the bilateral system of land tenure to family-held lands which was possible under the customary form of tenure of *hanua ne kainaga*. A Lands Commission had been established under the Ordinance, with responsibilities to ascertain the boundaries of lands held under three kinds of customary tenure, and to register the names of persons as owners of such lands.

6.7f Apparent reasons for misunderstandings

The restricting provisions of this legislation appear to have been based on a misunderstanding of the term '*kainaga*' by the legislators of Fiji who drafted the Rotuma land legislation, and the administrators of Rotuma who were members of the Fiji Civil Service. This misunderstanding may have arisen because these legislators and administrators and their advisers were mostly Europeans and Rotumans who had worked in Fiji and were

generally well versed in and probably influenced by the principles of Fijian customary land tenure as generally accepted by the central administration. Such principles were based on the closed exclusive kinship group, the *mataqali*, which is described above. Certainly among the Rotumans who thought that a *kainaga* was a kinship group, three of the more influential had worked for many years in Suva, in the Fiji Native Lands Commission or the Native Land Trust Board. They had thereby had opportunities to acquire a much more detailed working knowledge of Fijian customary land tenure than of Rotuman. This apparent misunderstanding of the Rotuman social system and of the meaning of '*kainaga*' was illustrated by the story of what I was told actually occurred while the legislation was being prepared. A senior European Fiji Civil Servant, who was one of those involved in the drafting of the 1959 land legislation and who had wide experience of the Fijian way of life, was said to have asked a Rotuman colleague who had worked for years with the Fiji Native Land Trust Board, 'What was a *kainaga*? Was it like a *mataqali*?' To which the Rotuman was said to have replied in the affirmative. It was explained to me that this person probably had a much better understanding of the term '*mataqali*' than the term '*kainaga*' and that, even if he did not consider a *kainaga* the same as a *mataqali*, it was easier for him to say that it was than to have to try to explain the difference between the two terms.

6.7g Rotuman reactions to Commission investigations

When the Rotuma Lands Commission arrived in Rotuma in the early 1960s and commenced investigations, it tried to find out the names of the members of a *kainaga* and the names of each *kainaga*, on the assumption that a *kainaga* was a named, closed kinship group and a land owning unit similar to a *mataqali*. Until the Commission was compelled to leave Rotuma and return to Fiji because of the refusal on the part of many Rotumans to cooperate, difficulties arose between the parties involved. Most Rotumans, when questioned by the Lands Commission, somewhat naturally refused to identify themselves with only one group but rather endeavoured to claim descent from (and

thereby to be a ***kainaga*** of) as many original occupiers of as many ***fuag ri*** as they could. In some cases, investigators were given names of what purported to be ***kainaga*** by those who were prepared to cooperate. But the names given were evidently the names of ***fuag ri*** with which the land subject to the enquiries was associated. This was the best that the Rotumans could do in a situation fraught with lack of understanding and communication, particularly because of language. Most Rotumans, however, saw the proceedings as a threat to the basis of their customary land tenure. Howard was on Rotuma at the time and referred (1990: 265) to 'threats of violence' in the course of what he described as the 'fiasco'. So given the general resentment and refusal of the Rotumans to participate in the investigations by the Commission, the Commission withdrew and no further action was taken by the central administration in the matter.

6.7h Apparent changing attitude to basis of customary land tenure

This apparent misunderstanding of the term '***kainaga***', due perhaps in part to outside influences which equated the ***kainaga*** and the ***mataqali***, may be the basis of an apparently developing change of attitude on the part of Rotumans to what they regard as the basis of customary land tenure. The term '***kainaga***' may gradually be acquiring the meaning of a named bilateral kinship group descended from the founder of a ***fuag ri***, and might become known by the name of that ***fuag ri***. It was doubtful if '***kainaga***' was thought of as a kinship group before well-intended Europeans and Rotumans, with a background of Fijian land tenure, tried to explain the principles of Rotuman customary land tenure by equating a ***kainaga*** with a ***mataqali***. If ever there was a kinship group term to describe any particular grouping of ***kainaga*** or blood relation, there was evidence collected by Howard[70] to show that the term '***hoʻaga***' might formerly have been a kinship group term for relations living within a restricted geographical area who had rights over land within that area. However, ***hoʻaga*** was in the 1960s a geographical area without any such kinship connotation.

6.7i How acceptable is change?

For comparative purposes, I have illustrated some similarities and differences between the customary social systems and principles of land tenure systems of Rotuma and those of some neighbouring territories. I have considered in some detail situations in Samoa, Rarotonga and, finally, Fiji. The Fiji situation is particularly pertinent because the 1959 Rotuma land legislation was based on principles more akin to the Fiji system than to the Rotuma system. It proposed changes which were not acceptable to the Rotumans. Rotuma provides a compelling illustration of a situation in which a relatively conservative territory will adopt new and acceptable changes based on elements of outside systems and influences, provided that those changes do not offend the Rotuman way of life.

FOOTNOTES

65 Burrows (1936: 78).

66 Burrows (1937: 64).

67 Information about the ***utu*** was provided by Professor R. Crocombe, then of the University of the South Pacific.

68 Firth (1936: 361).

69 Churchward (1940: 235) defined ***kainaga*** as 'clan, tribe; race, nation; kind, sort, variety, species, class; member of same clan, etc.'

70 Howard (1964: 26).

CHAPTER 7

Custom, Practice and Change

The situations in Rotuma, Samoa, Rarotonga, Fiji and, to a lesser extent, in other territories, indicate some changes in customary local authorities, kinship systems, land tenure and access to other communal facilities which diverged from custom but which have become generally acceptable. In the case of Rotuma especially, I have also indicated certain changes proposed from outside which have not been accepted.

Exploration of the Rotuman systems of customary authorities, land tenure and access to other communal facilities revealed what are regarded as new practices. I suggest that such changes often came about because of the external influences of neighbouring territories, foreign missionaries and visitors, the introduction of a money-based economy, improved facilities and opportunities for education, especially at secondary and tertiary levels, and the requirements and attitudes of the Fiji Government. These influences have brought about practices which diverge from custom in the sphere of land tenure and land administration, as well as in the spheres of the customary authority of the district chiefs, the sub-district chiefs and the holders of *as togi* or titles. Districts have remained the same geographically since cession, but sub-districts (*ho'aga*) and associated *kaugarueaga* or working-parties have sometimes bifurcated or united in order to meet changing circumstances and needs. The developing interrelationship between customary authority on the one hand

and, on the other hand, the authority of the Rotuma Island Council, the central administration (in the form of the district officer), the Fiji legislature (which, by 1990, included a Senator and a member of the lower house, for Rotuma) set the scene for inevitable divergences of practice from custom.

I have described some acceptable practices in the administration of land which diverge from what are regarded as customary forms of Rotuman land tenure. I have also described some changes proposed by the central government which were not acceptable. The overall picture that emerges from my comparative study will, I hope, support my argument that the situation on Rotuma is part of a more general tendency for customary systems subject to outside influences to undergo change but only to the extent that such change does not divert too far from custom.

Rotuma provided in the mid-1960s a rich field in which it was possible to observe and record the introduction of new practices which diverged from what had been regarded as the exercise of customary authority and customary land and other rights. Rotuma may once have been a tiny and isolated island, but now, in 2002 there is an airstrip and a jetty; and over half the Rotuman population is living away from the island, mainly in Fiji but also in Australia and New Zealand. Many leave Rotuma to further their education at secondary and tertiary levels in Fiji and elsewhere. Links are maintained with the home island through remittances, through visits, especially at Christmas, and now through a magazine, *Tefui*, edited by Alan Howard as well as the Internet, thanks to Alan who devised and set up the necessary web page. It will be interesting to see to what extent external influences will further affect the systems of customary authority and land tenure and what new practices will be introduced and become generally accepted during the new millenium, and indeed to learn what practices which were regarded as novel in 1964 will become hallowed as customary.

Glossary of Rotuman Terms[1]

(Terms from neighbouring territories are generally defined in Chapter 6)

Ag fakgagaj	Chiefly customs.
Alili	Edible sea-snail (*Turbo* species).
Apei	Finely woven white mat.
Aruru	Coconut crab (*Birgus latro*).
As togi	Chiefly title. Literally, *asa* 'name', *togi* 'get in exchange for something', 'succeed to', 'buy' or 'sell'.
Aʻelʻele	Lower oneself as a chief approaches.
Aʻgagajʻakia	Uplift a person to status of chief.
Aʻlele	Sort out, classify. *ʻInos aʻlele* 'legalised marriage'.
Fa	Male.
Fa haʻa	Catholic priest.
Fa ʻes hoʻaga	Sub-district chief. Literally, *fa* male. See also *gagaj ʻes hoʻaga*.
Fa ʻes ituʻu	District chief. See also *gagaj ʻes ituʻu*.
Faksoro	To beg for; to apologise.

1 The meanings are generally those given by Churchward (1940). Where the meanings differ from those given by Churchward, they are meanings given to me by Rotumans.

Famuga	Burial place.
Fapui	The system of marking a coconut or fruit tree with a coconut leaf, to tell others not to pick the fruit. Literally, a coconut leaf.
Far te	A system of asking for things. Literally, *fara* 'request', *te* 'thing(s)'.
Fau	A kind of tree (*Hibiscus tileaceus*).
Faufisi	Chief executive officer of a district chief, who ideally holds rank in the district next after him.
Fava	A kind of large tree (*Pornetia pinnata, Sapindaceae*), bearing edible fruit with sweetish, jelly-like flesh.
Fekau	Methodist minister.
Feu	Fly whisk.
Filoʻmontou	Polite term of address, when thanking or congratulating one's child or grandchild. Perhaps from *filoʻu* (head) and *ʻontou* (the first person singular emphatic pronominal modifier,'my')
Finae	Intestines.
Fohu	Indigenous sugar cane.
Fu	Exposed coral reef.
Fuag ri	House-mound or house-site. Literally, *fuaga* 'place where something stands', *ri* 'house'.
Fuag ri ne kainaga	House-site established by an original ancestor.
Fupa	Small land-crab (*Sesama gracilipes*).
Fuʻu	The first basket of the ripe fruit of the *fava*, lowered from a tree and taken as a present to the district chief. Literally, *fuʻu* 'let down' or 'lower'.

Gagaj ʻes hoʻaga	Sub-district chief. The alternative and more common term is *fa ʻes hoʻaga.*
Gagaj ʻes ituʻu	District chief. The alternative and less common term is *fa ʻes ituʻu.*
Gagaj ʻes ituʻu ma ʻon ʻumefe	The district chief and his eating tables. Expression for a district chief and the title holder of his district.
Gagaja	Chief.
Garue ne hanua	Communal work.
Garue ne kainaga	Family obligations.
Gogo	Small, black sea-bird with a white forehead.
Hafu	Stone.
Haho	Coral reef.
Haina	Female. Wife.
Hamfua	Male's sister-in-law or female's brother-in-law.
Hamua	Old person.
Hani	Female.
Hanua	Land, place.
Hanua na	Land which is the subject of a gift for a limited time. Literally, ***na*** 'give'.
Hanua na pau	Land which is the subject of a permanent gift. Literally, ***pau***, 'very' 'exactly', 'permanently'.
Hanua ne as togi	Land set aside for use of the holder of an *as togi* or chiefly title.
Hanua ne kainaga	Family land.
Hanua ne ʻon tore	Land which was formerly *hanua pau* and is now owned by the descendants of the owner of the *hanua pau.*

Hanua noho	Inhabited area. Literally, ***noho*** 'dwell' or 'stay'.
Hanua pau	Land which is absolutely and exclusively owned by one or more persons, who may dispose of it by sale or will, if they so wish. For ***pau***, see under ***hanua na pau***.
Hanua togi	***Hanua na*** or ***hanua pau*** which was sold or otherwise disposed of to someone who was related to the former owner. ***Togi*** — see ***as togi***.
Hapagsu	Feast for a person just recovered from serious illness or returned from gaol.
Haʻa	The system of hanging coconuts on a coconut or fruit tree, to warn others to stop taking fruit without permission. Literally, ***haʻa*** 'forbidden', 'set apart as forbidden'.
Hen rau ʻifi	A procedure for apologising to a chief or for suing for mercy, by appearing before the chief, wearing a wreath of ***ʻifi*** leaves round the neck. Literally, ***henu*** 'to hand around the neck', ***rau*** 'leaf', ***ʻifi*** 'a kind of tree' (***Inocarpus edulus***).
Hifau or *hefau*	A kind of tree (***Calophyllum inophyllum***).
Hofakʻakiag ne ʻumefe	Turning upside down of a table. The ceremony for the deposal of the holder of an ***as togi***.
Hoʻaga	Sub-district. Literally, 'carrying'. People living in a ***hoʻaga*** are obliged to carry things to and from the sub-district chief.
Hoʻi	Conical pile of stones used as a fish-trap. Also used for a house-mound.
Hula	To wrestle.

Huliag ne ʻumefe — Turning over a table. The ceremony for the installation of a title holder.

Itu'u — District.

Joliag ne niu he ta — Picking coconuts. The ceremony for the installation of a district chief.

Kahela — Kind of shell-fish.

Kainaga — A blood relation, a person related to another through descent from a common ancestor. *Haikainagaga* 'being related in this way'. Note the reciprocal prefix *hai* -. A less definite and less close relationship than *haisasigi* .

Ka'iri — Kind of fish, a trevally (*Aranx* spp.).

Kalae — Kind of bird with long legs and red beak, land rail.

Kanapu — Kind of sea bird. Gannet.

Kato'aga — Festive or ceremonial gathering or celebration, usually involving a feast.

Kaugarueaga — Communal working gang. Literally, collective particle *kau* — 'group of people', *garue* 'work'.

Kaunohoaga — A group of people living in a recognised inhabited area. Literally, collective particle *kau*-, *noho* 'dwell'.

Kava — Piper methysticum.

Kerekere — Requesting goods or assistance. (A Fijian term)

Kekesi — Kind of shell-fish.

Koua — Earth oven and its contents.

Lei	Pendant or similar article made of whale's tooth or giant clam.
Leʻe	Child, son, daughter or person.
Liʻu	Sea beyond the reef.
Mae	Male's brother-in-law, female's sister-in-law.
Mafua	Master of ceremonies, spokesman of a district chief.
Majau	Skilled worker. Carpenter.
Mamasa	To be dry. Welcoming ceremony.
Maʻpiga	Grand-parent or grand-child. ***Maʻpiag ʻon rua*** great-grand-parent or great-grand-child. Literally, ***ʻon rua*** 'second'. ***Maʻpiag ʻon folu*** great-great-grand-parent or great-great-grand-child. Literally, ***ʻon folu*** 'third'.
Mena	Yellow stain made from the rhizome of the turmeric plant — ***raga***.
Moa	Chicken.
Mosega	Chiefly family. Literally, 'bed' — from ***mose*** 'sleep'.
Mua	Chief ranking after the ***sau***. The ***sau***'s high priest.
Nau	Anoint with oil.
Noho	Dwell or stay. ***Noh fakʻinoso*** 'living together like husband and wife, but not legally married'. See also ***hanua noho*** and ***kaunohoaga***.
Noʻo	Midrib of coconut leaf.
Oʻi	Parent, uncle or aunt. ***Oʻfa*** 'father', ***oʻhani*** 'mother'. Literally, ***fa*** 'male', ***hani*** is a form of ***haina*** 'female'.

Pa — Fence. For instance, *pa ne puaka* 'pig fence', *pa hafu* 'stone fence'.

Paega — Seat. Pile of mats used as a seat.

Papai — Edible kind of giant arum (*Cyrtosperma*).

Po'oi — Sweet mixture of flesh of *vi* (*Spondias dulcis*) and coconut cream.

Pu — Two or more persons having the same father and mother, or the same father or the same mother — more definite than *haisasigi* (which includes cousins). *Pu pau* two or more persons having the same father and mother — more definite than *pu*.

Pupu — A piece of something.

Pure — Overlord of family land. Literally, *pure* 'decide' or 'control'. Nowadays the term for the district officer is *gagaj pure*.

Pureaga — Extensive inhabited area comprised of several *ho'aga* applied only to Oinafa.

Pu'aki — First fruits which people are obliged to take to a *pure* or a chief. Literally 'to take down from the interior to the coast'.

Rano — Swamp land, valuable for planting *papai*.

Re — Make. Adopt.

Re sor — Wash hands. *Soro* is to wash arms or hands.

Ri hapa — Shelter with flat or sloping roof. *Ri* 'house', *hapa* 'flat and thin'.

Sagavane — Female's brother or male first cousin.

Saghani — Male's sister or female first cousin.

Sasiga — Male's younger brother or male first cousin; female's elder sister or female first cousin.

Sasigi	Male's elder brother or male first cousin; female's elder sister of female first cousin. *Haisasigi*, being related as brothers, sisters, brothers and sisters, or first cousins. This is a more definite and close relationship than *haikainagaga*. Note reciprocal prefix *hai-*.
Sau	Chief with certain island-wide ceremonial responsibilities.
Sa'au	Shallows with rocks and coral lying between beach and reef.
Sigoa	Namesake.
Soroi	Lime, made of baked coral.
So'o	Giant clam (*Tridacna* spp.).
Tafi	The Rotuman 'year' being a period of six lunar months.
Tahroro	Special Rotuman relish, made with sea water in a partly grown coconut.
Taki	War leader.
Tamura	Cemetery.
Tautei	Permanent leader of district or sub-district communal fishing expeditions.
Te 'eiat	Feast for chiefs.
Tefui	Garland.
Tiaf hapa	Pearl oyster shell. *Tifa* (oyster), *hapa* (something flat and thin)
Tika	Dart-throwing. Played with a reed to which has been fixed a pointed wooden head, usually made of *toa* or ironwood, called '*urto'a*'.
Tofiga	Boundary.
Toko	Prop.

Tonu	Messenger.
Uku	Red clay used for soap.
Vai	Well.
Vaitoka	Freshwater spring.
Vasa	Ocean.
Vavane	Husband.
Vi	A fruit tree. (*Spondias dulcis*) bearing elliptical, stringy fruit about seven centimetres long.
'Aitu	Spirit, not usually having direct association with the ancestors.
'Apea	An edible kind of giant arum (*Alocasia*).
'Atua	Spirit, usually having direct association with the ancestors. *'Atua he'o* is the chief spirit of a district. *He'o* 'call'.
'Avi'i	Small whitish crab, found on sandy beaches.
'Ese	Family.
'Ifi	Tahitian chestnut (*Inocarpus edulus*).
'Inoso	Husband and wife. Married. *Noh fak'inoso* — see *noho*. *'Inos a'lele* — see *a'lele*.
'Ipa	Pigeon.
'On folu	Third.
'On rua	Second.
'Umefe	Table.

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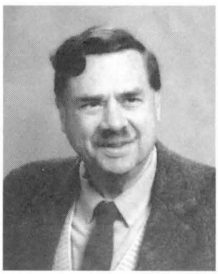
A Short Biography



Aubrey Parke was born and spent his youth in Thomas Hardy country, Southwest England, where, he lived near the village of Sixpenny Handley on the edge of Cranbourne Chase. With the encouragement of the local curate, a prototype antiquary, and of his neighbours, the late Professor Stuart Piggott and his wife Peggy, he developed a fascination for the local archaeology, dialect and folklore.

He served for a period with the R.A.F. as a navigator in Bomber Command, when he learnt to identify archaeological sites from the air.

On demobilisation, he read Classics as Senior Scholar at Lincoln College, Oxford. After graduating he was invited to join the Oxford Expedition to Tunisia as archaeologist and interpreter. He then spent a year in London, where he developed his interests in anthropology under the late Professor Raymond Firth, in archaeology at the Institute of Archaeology and in languages at the School of Oriental and African Languages.

He joined the Colonial Administrative Service, and served in Fiji in various posts including Commissioner Northern Division and Deputy Secretary for Fijian Affairs, from 1951–1971 and in Rotuma as District Officer in 1964. His duties took him far and wide, on foot, on horseback and by boat. As well as building roads and schools, checking village toilets, and driving people on to develop coconut plantations (his nickname was *voravora*, the tyrant), he excavated archaeological sites, and recorded

communalects and oral traditions. He was a Trustee of the Fiji Museum, and adviser to the Museum on archaeology.

Following the declaration of Independence in Fiji, he was invited to become an Administrative Officer at the recently established Canberra College of Advanced Education. His posts included that of Secretary to the Academic Board and Assistant Registrar (Legislation). He undertook part-time studies at The Australian National University, where he obtained a B.Litt (with merit) with a thesis on Fijian prehistory, and an M.A. with a thesis on Fijian clause structure.

In 1991, a Visiting Fellowship in the Department of Archaeology and Anthropology at The Australian National University allowed him to start work on a number of papers and two books. He then accepted an Australian Postgraduate Research Award and an Anutec Scholarship to undertake doctoral studies. He was also for a short period a Visiting Scholar at the University's Humanities Research Centre where he completed several papers on Fiji and Rotuma and made significant progress on this book.

His main scholarly interests continue to be English, French and Oceanic archaeology, anthropology, linguistics and oral traditions. To pursue these interests, he visits Fiji, Southwest England and Brittany as often as he can. He and his wife, Tamaris who is his long-suffering research assistant live in Canberra, as do their son and daughter (both born in Fiji) with their respective families.

ROTUMA

Custom, Practice and Change

The tiny, remote Pacific Island of Rotuma is increasingly being recognised as a rewarding area for archaeological, linguistic, anthropological and geographical research. Until now, it has often often been neglected in discussions of issues of land tenure in the Pacific Islands and the conflict between traditional customs and imported practices.

Aubrey Parke, who was a District Officer on Rotuma in the 1960s, draws on his first-hand experiences to provide a benchmark for contemporary research into customary change in the rural community of Rotuma.

He provides a detailed analysis of the traditional social organisation and land tenure systems on Rotuma and how these have been affected by external influences and the transition from traditional to colonial to post-colonial government. Such influences have brought about practices which diverge from traditional customs and accepted norms in the allocation of land, fishing and farming rights, access to water, other resources and communal facilities and has impacted on the island's complex kinship system.

The Rotuma experience is part of a wider, regional change in customary systems and this work contributes to the understanding of Rotuma as an island remote but related to its Pacific Island neighbours.

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