LAW AS DISCOURSE: LAND DISPUTES AND THE CHANGING IMAGINATION OF RELATIONS AMONG THE LANGALANGA, SOLOMON ISLANDS

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Since the Independence of Solomon Islands in 1978, the majority of land has been returned to indigenous hands, the new legal regime has adopted "customary land tenure," and local elders or chiefs have been incorporated into court proceedings. However, despite various measures taken to incorporate indigenous practices and their land tenure, land disputes continue to be a problem in the postindependence state. Under a weak state, cases of land dispute go round and round in the courts, mostly without effective enforcement of any settlement of disputes for decades in the rural area. Legalization of land fails to solve the problem; however, local conceptualization of human–land relations is now saturated by the discourse of law.

Based on fieldwork and archival research on land cases in the Langalanga Lagoon (Malaita Province), Solomon Islands, this paper looks into how the Langalanga incorporate legal notions, legal language, and legal framework in land dispute cases and in their daily lives. I first analyze how the legalization of land has changed their imagining of social relations, particularly expressed in the transformation of formats in which genealogy is recited and represented. The case of Seagrass Island is then used to examine how law and the court system are read, criticized, and appropriated by Langalanga people. I argue that in the lengthy disputes of land, "law" is not a whole system of rules that is obeyed or enforced; "law" is more like a genre of discourse appropriated by people. Although people have doubts on its effects in reality, they incorporate "the law" in their approaches to land. In conclusion I suggest the study of "legalscape" as a way to understand the entanglement of law and culture in contemporary Oceania.

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Introduction

The Langalanga are a cultural-linguistic group that reside in coastal or islet settlements in the Langalanga Lagoon along the central-west coast of Malaita, the Solomon Islands. Their subsistence is partly based on small-scale agriculture and fishing and partly on wages from work. However, their economy depends largely on the manufacture of *bata* (shell money), which is used as bridewealth, compensation, and personal ornaments in the region (Guo 2006). In the past few decades, the Langalanga have also dominated the boat-building industry in the region, and they run several shipping companies that operate all over the nation.

Similar to most Oceanic societies, the Langalanga (Solomon Islands) and their ancestral histories are deeply emplaced. However, the pervasion of a colonial economy and Western legal system has influenced the islanders' ways of imagining human–land relations. Since the independence of Solomon Islands in 1978, the majority of land has been returned to indigenous hands, the new legal regime has formally recognized "customary land tenure," and local elders or chiefs have been incorporated into court proceedings. Although various measures have been implemented to incorporate indigenous practices and their customary land tenure in the national legal regime, land disputes continue to be a problem in the postindependence state. Under a weak state, cases of land dispute go round and round in the courts, mostly without any effective settlement of these disputes for decades in the rural area. Furthermore, people's relationships to land and other people have been transformed in the process of legalization. This is mainly reflected in two aspects: everyday land discourse and practices, and land dispute cases in the courts.

Studies of land tenures and their transformation in Oceania have discussed traditional inheritance, use rights, and kinship relations (Crocombe 1971; Lundsgaarde 1974; Burt and Kwa'ioloa 1992), and they have not only contributed to regional ethnography, but have also made advances in approaching land tenure from the perspective of social relations instead of seeing it as property rights within the Western legal framework. Recent development in the topic has turned to the cultural aspects, such as land and history, ancestors, and personhood (e.g., de Coppet 1985; Hviding 1996; Leach 2003; Mosco 2006; Patterson 2006). From a political–economic perspective, scholars have also looked at land policies in colonial and postcolonial states (e.g., Scheffler and Larmour 1971; Ipo 1989; Burt 1991; Ward and Kingdon 1995). Recent works in anthropology offer critical reviews on the total social impact of "native title" (in Australia, e.g., Weiner 2000) and land registration (in Papua New Guinea, e.g., Weiner 2007; Filer

2007) and have pointed out that certain concepts (such as "land holding group," and "groupness" in traditional "land ownership") are newly formatted or are the "reinvention" of indigenous laws and customs in the contemporary legal context (e.g., Weiner and Glaskin 2006, 2007).

Inspired by these works, the aim of my current research in a broad sense is to examine how the Langalanga incorporate legal notions, legal language, and legal frameworks into their conceptualization and representation of their connection with land and kin. I have discussed in another article (Guo 2008) that the process of legalization—including the human/thing dichotomy embedded in the identification of "evidence" in court systems, and the presupposed definition of property in law—contributes to a shift in people's relation to landscape. This is revealed in the contesting modes of historical representation through landscape and the transformation of how people, ancestors, and landscape are associated: no longer linked by spiritual power, human–land relationship turns into a matter of inherited possession.

As an extension to my earlier study of Langalanga interrelations with landscape, in this paper I look firstly into how the legalization of land has changed their imagining of social relations, particularly expressed in the transformation of formats in which genealogy is recited and represented. Secondly, I deal with how the law and the courts are read, criticized, and appropriated by Langalanga people. A case of land dispute on Seagrass Island is used to demonstrate the point. I argue that in the lengthy disputes of land, "law" is not a whole system of rules that is obeyed or enforced; "law" is more like a genre of discourse appropriated by people. Although people have doubts about its effects in reality, they incorporate "the law" in their approaches to land.

Research Methods

This research is based on ethnographic fieldwork since 1995, including thirteen months in 1997–1998, and subsequent shorter trips since 2002.[1] In addition to participant observation and interviews, I also conducted a general survey of settlements in the lagoon. In order to study the history of landscape transformation and land dispute, I collected oral accounts of family residential history, examined the composition of residents and the process of village reconstitution and landscape alteration in contemporary Langalanga, and cross-linked these data with related dispute cases associated with the same families and communities. Sketch maps of the village that mark all houses and land and ocean use were drawn; the claimed "owners" of land and members of each household were recorded; and their

kinship relationships were compiled through interviews with knowledgeable villagers, again in comparison with versions presented in land courts. In interviews, I invited people to recite histories of the settlements and express their feelings toward land disputes, land courts, and "the law" in general.

I also conducted historical research in order to draw the larger picture of the region in a chronological perspective. Archival data and maps were collected from various research libraries, the National Archives of the Solomon Islands, and from other ministries of the Solomon Islands.

Migration History, Kinship, and Land Tenure

In oral tradition, Malaita Island was first inhabited in a few areas in the mountains. Langalanga Lagoon, located along the west coast of Malaita Island, was not inhabited in the early period. It is generally agreed that the first founders (and subsequently the major inhabitants) of Langalanga came from the central mountainous areas of Malaita Island, and latecomers came from north and south Malaita, as well as other islands (such as Guadalcanal, Gela, and Santa Isabel; Figure 1). Two mountain places of "origin" on Malaita are constantly mentioned in historical narratives in the central Langalanga region—one is Alasaa Mountain in central Malaita, and another is Siale Mountain in east Malaita. In legends, the motivation to migrate downhill (and finally to the Langalanga coast) varied, usually resulting from the split of families. When a founder came downhill and "discovered" the coastal land, the area was still uninhabited and was occasionally visited by some who came down to the sea to obtain saltwater, which was carried back up the mountain in bamboo tubes. In typical narratives, the exploration of landscape in Langalanga is related to the introduction of shell money technology, which led a group of people to move downhill to inhabit coastal land, and, after a short stay, they moved to offshore islets.

In precolonial times, almost all Langalanga people dwelt on artificial or semiartificial islands, constructed on reefs and shallow places in the sea with coral rocks. There are multiple reasons why they chose such a unique type of residence, including a means to escape vengeance from the bush people, a preference for the healthy mosquito-free environment, and propinquity to fishing grounds and shells for the making of shell money (Guo 2003). In the construction of artificial islets, material substances and supernatural powers were both employed (Guo 2009).

More and more people from other areas came to the lagoon and intermarried with the earlier inhabitants. Gradually, the Langalanga Lagoon was inhabited by probably a few thousand people, over about 30 islet

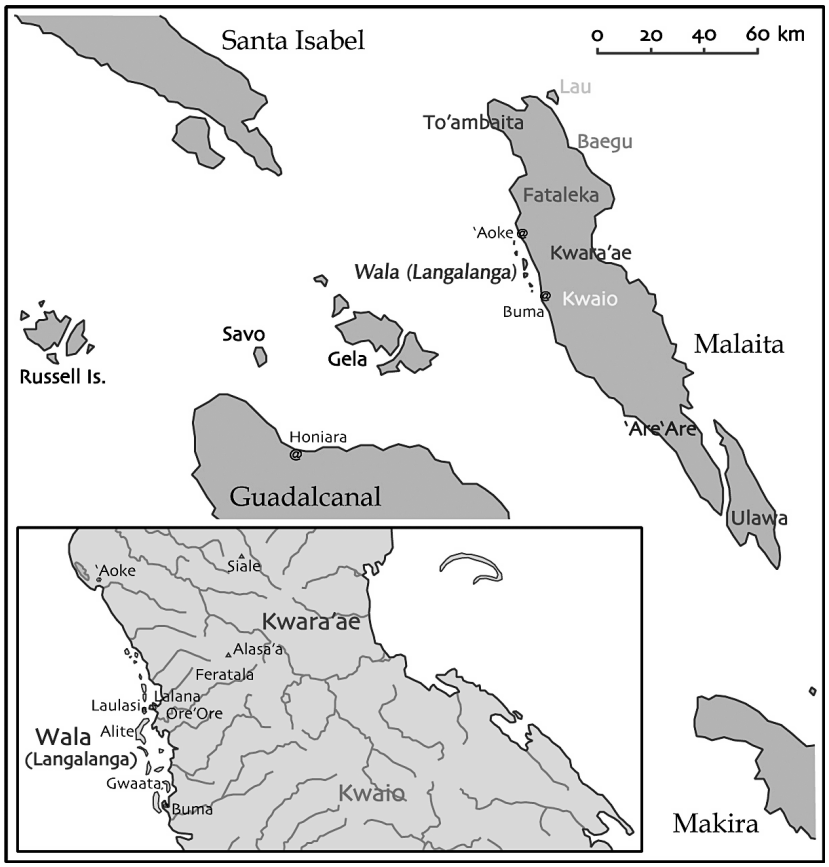

FIGURE 1. **Langalanga, Malaita Island and surrounding area, Solomon Islands.**

settlements clustered in a few centers. The majority of people—unlike their bush neighbors—made their living based on fishing and the shell money economy, and a unique cultural and linguistic group was formed.

After dwelling on offshore islets for more than thirteen generations, in the past few decades many Langalanga people moved onshore to the larger island of Malaita to build new settlements. Natural disasters in the late 1960s and early 1970s highlighted the vulnerability of Langalanga residential patterns on tiny islets and were the prime mover behind their decision to migrate onshore in several waves since the 1950s. The overall social factors that contributed to the transformation of the landscape were the

pacification of the native population by the British colonial government, which made closer residence between bush and saltwater people possible, and the encouragement of missionaries to move both bush and island populations onshore into a new style of village. When Langalanga's coastal land was crowded with bush and saltwater people, especially when many of them were interested in cash cropping (Frazer 1985, 228), land disputes became inevitable.

Kinship and Land Tenure

Before going into detail on the dynamics of land disputes, let me first sum up the relationships between kinship and land tenure in Langalanga. The main genre of kinship organization throughout Malaita Island is the *fuiwale* (patrilineal clan), which constitutes the core in sacrificial rites to *agalo* (ancestors). However, affinal connections are also considered an important part of kinship networks. Similar to what Roger Keesing called "contextual definition of status" (1968), a person could choose where to reside and work on a piece of land and associate him/herself with his/her father, mother, spouse, or either grandparents' side, according to their best interests and preferences in different contexts.[2]

Partly influenced by the European legal framework, especially the Allan Report (1957), contemporary land rights in Langalanga follow two lines of inheritance. Those who are from the *abae wale* (male side) of the founding ancestors, i.e., people who can trace their genealogy through male lines to the founding ancestors, are entitled to the "primary right" of *wado* (land). They can make joint decisions to use, sell, or give away the piece of land founded by their common ancestors. The "secondary right" is given to the *abae geli* (female side). With the permission of primary right owners, and without violation of taboos or disturbance of community harmony, secondary right holders are allowed to cultivate and reside on a piece of land for generations (see also Burt and Kwa'ioloa 1992).

In Langalanga, *futana* (or in Solomon pijin, *generesen* "generation") often refers to "genealogy," literally "birth," and the concept is often applied by them to relate to patrilineal descent ideology. Langalanga people have been making genealogies themselves for many generations, usually in the form of memory, oral presentation, and ritual recitation. The knowledge of in-depth genealogy was traditionally kept and transmitted by elder males, especially the *fata aabu* (traditional priest). Young generations learned the knowledge by listening to stories, conversations, and discussion in the *fera* (men's house). As a man told me, his father and uncles lived in the fera, "they storied there, built new fishing nets and recalled genealogies." Some

gifted people have a good memory of genealogies, and it is said that certain magic (e.g., the consumption of a food called *sufa*) could enhance their ability in this aspect.

Another important venue for the transmission of genealogical knowledge was through ritual performances such as sacrificial rites and *maoma* feast.[3] These were events that involved the participation and contribution of many clans who were members of the community. During the sacrificial rite, the priest slaughtered the pigs by circling ropes around their snouts and called out names of ancestors to whom they sacrificed. A name, in generational order, was called with each turn of the rope (Cooper 1970: 109–110). The practice is called *lio abe* (naming ancestors in generational order). After the sacrifice, pork was distributed, followed by a large feast to demonstrate the generosity of the host. At the same time, men sang all night in the fera, with the lyrics telling stories of the past.

In maoma, patrilineal connection was traced and remembered. The presentation of a pig by several *walefae* (classificatory brothers) together to their ancestors was an expression of their relationships—as brothers and descendants of the same line. In addition, maoma also helped sort out and reconnect nonagnate and affinal relationships. When someone contributed pigs in maoma for clans other than his father's, it was a claim that he was connected to the clan through the abae geli. Sometimes people contributed to maoma far away. Bringing pigs to sacrifice in the area where their clan ancestors originated—such as Alaasa Mountain or Siale Mountain—was considered definite proof of their blood connection and their version of genealogy and migration history. I was told that, "if they were not connected by blood, they would die immediately when the pig was sacrificed to the wrong agalo."

Maoma provided the best milieu for people to learn their clan history, not only because genealogy was under the spotlight during the occasion, but also because people had to practice the essence of genealogical relations—i.e., the spiritual and material connections of agalo, and various fuiwale in the community. Langalanga people stopped practicing maoma in the 1970s, after Christianity became the mainstream religion. This has had an obvious effect on the authenticity of the presentation of genealogy. Some people pointed out that since the termination of sacrifices to ancestors, it has become difficult to verify one's claim of ancient genealogical descent, since one only had to say it, not to act upon it.

In the Context of Land Disputes

In the traditional land tenure system, almost everyone could use a certain piece of land for *luma* (residence) and *raku* (subsistence farming), either

by association with abae wale or abae geli. While the economic values changed and came into in conflict with "traditional" ones, partly as a result of colonization and the introduction of Western judicial systems (Tiffany 1979; Bennett 1987), land dispute has emerged as an issue of great concern—especially in respect to development—in the Solomon Islands in the second half of the 20th century (e.g., Burt 1991; Gegeo 1991). Most land disputes take place when a cash-related project is involved, e.g., cash cropping (cocoa, copra), tourism (landing fees), logging rights, and compensation payments. Church competition is also a factor (see Seagrass Island case in the second part of this paper).

Here I will only briefly review the history of land policy and land dispute in the Solomon Islands. In the early stage of the colony, plantation economy played an important role in the alienation of land (Ipo 1989). Since 1914, the British government prohibited the sale of land to foreigners as a way to "protect the natives." However, the demands of the colonial economy made space for legal categories such as "waste land policy," "crown lease," and "native lease" (Scheffler and Larmour 1987). Land disputes arose because of the disparity of opinions on whether a piece of land was "waste land," as well as disagreements over boundaries. Before World War II, land dispute cases (together with other civil and criminal cases) were heard in front of district colonial officers, and sometimes high-level officers on tour. In order to deal with the increase of cases, the Phillips Commission was set up (between 1919 and 1923) to look into these cases (Schefler and Larmour 1987). In these early cases, most disputes took place between Europeans and islanders. After World War II, the colonial government encouraged small-scale plantation projects, and contests between islanders became the major problem.

The idea to set up "native courts" and a "native code regulation," following the African experience, was first raised in 1921, but it was not until the time after World War II that such a legal system was gradually put in place. The customary land appeal court was set up in 1972 (Schefler and Larmour 1987). A jurisdiction system based on Western style courts and a hierarchical format was introduced, which underwent subsequent reforms between 1960s and 1980s. In the meantime, a special investigative committee—the Allan Commission—started to work on native custom relating to land, with the aim of incorporating the two different systems (customary land and alienated land). The commission (which published the Allan Report, 1957) suggested land registration and land survey as the way to solve land disputes. However, this did not work outside urban areas and was abandoned in a few years. Several scholars have argued that the failure was caused mainly by strong doubts about whether registration would turn customary

land into individual property. (Wale 1979; Burt 1991; Tiffany 1983; Ipo 1989).

The most important impact of the Allan Report, based on my research in Langalanga, is that it reified a binary and hierarchical right to land—i.e., the primary and secondary land rights. In examining local discourses on land rights, I found that various principles concerning rights to land include blood relations to the founder of the land, a person's actions on the piece of land (such as continual residence or farming), a person's relation to the agalo of the land (such as following traditional taboos, contribution of pigs to the founding agalo in sacrificial feasts), and social relations with his/her community (e.g., harmony and corporation). The system, like that of many Melanesian societies, is flexible and puts a lot of emphasis on "action" in addition to blood relations. However, in the Allan Report, the main factors concerning land rights are kinship ties, and a tier is set to divide abae wale and abae geli into discrete categories, whose rights resemble the concepts of "ownership" and "use right" in the Western legal regime (Guo 2008). I will examine the impact of this division in the next section.

Since independence, the Solomon Islands continue to follow mainly the British legal system, at the same time trying to incorporate customary categories and rules in the new regime. The Local Court (Amendment) Act (1985) encouraged land disputes to be settled first by traditional ways, instead of going directly to court. After a series of amendments, land dispute cases are now first heard by the area council of chiefs, composed of elders who are appointed by the local magistrate to incorporate traditional knowledge into the legal process.[4] If either side is not happy with the decision of the chiefs, they can take the case to a local court (heard by three elders and one legal member), or on appeal to the customary land appeal court (composed of four traditional experts and one legal professional). The final say lies with the high court (composed solely of legal professionals) (Takoa and Freeman 1988). Several legal firms now provide services for those who can afford to hire a lawyer. However, people are seldom convinced by the decision and often question the neutrality and the integrity of judges. Rumors of bribery and witchcraft are often circulated to account for the court decision. Many pieces of land have been disputed back and forth by various parties over several decades. In Langalanga, the court decision is seldom final and is rarely enforced.

In the legal process, migration histories and genealogies thus become the battlefield of discordant claims to land. In another article (Guo 2008), I examined the use of migration narratives as evidence in land courts[5] and their implication in the changing relationships between Langalanga people and their landscape. In contemporary Langalanga, genealogy making is also

closely tied to the anxiety toward land disputes, which influences its format and in turn has resulted in the shift of ways in which people imagine, remember, and represent history and the ways they imagine their social relations. I will now turn to this aspect.

Kinship, Genealogy, and the Changing Imagining of Relations

Earlier in this paper, I described Langalanga kinship as patrilineal in ideal but flexible in "contextual definition of status." According to precedence rules, abae wale is sometimes favored over abae geli in the association to land; however, they are both considered indispensible to the reproduction of society, and their incorporation made the lagoon prosperous. Land tenure in Langalanga is determined not only by blood, but also by action—that is how a person is engaged with the landscape and the spiritual and secular communities within it. However, the legalization of land rights—especially the differentiation of primary and secondary rights according to patrilineal principles alone—structurally altered the imagining of kinship relations. This is especially obvious in the way people recite genealogies. Below I will first describe the background and modalities of genealogical presentation in land courts, and then I will analyze the implication of the legalization of "genealogy–land ownership."

Genealogical Presentations in Land Courts

> Before, there's no dispute, but today people go to school and they must make more dispute. But one point inside—you must know generation [i.e., genealogy]. Because . . . as I look in local court, you started dispute and you lose and you're not the owner of that land. Then one man behind you made claim again, from what? Because they went to school, get educated and knew enough English and make court against same tribes. (Comments by an old man in his seventies, 1997 interview)

The concern and anxiety over genealogical knowledge in the context of land disputes dominates contemporary practices of making genealogy. Some people were disadvantaged by the introduction of land registration during the British colonial era, and there is a tremendous fear of its power since some found themselves losing land dispute cases in courts. The use (and even "invention") of written genealogy plays an important role in the legal process. The comment above by an old man illustrates their concerns.

As described above, genealogies were most of the time learned by men in the fera and maoma. Nowadays the experience of learning genealogies

from non-Christian elders is often presented as proof of the genealogy's verification. Before 1970, most genealogy making took place in the form of narratives and ritual recitations, and also in practices—the acts of making donations of pigs for sacrifice. However, in the past few decades, genealogies have also been made into written or pictographic forms and have even been computerized by those who have learned to use computers, and the making of genealogies occurs in the context of land disputes. Sometimes in the court cases of land dispute a tension between the elders and the youth can be seen. The former usually have greater authority in claiming genealogical knowledge but are less acquainted with the form of presentation accepted by court. The latter, on the other hand, know what the court wants, and are able to write, type, and compile long lists of genealogies on paper.

It is in this context that contemporary Langalanga representation of genealogy should be understood. I will now examine the popular modalities of genealogies in land courts.

A typical example is cited from the testimony of a defendant in a 1954 case in local court:[6]

> My first generation started from Kemwale, who came from a place called S. Then he came to a place called F, started a place along F and lived there. When he stayed at F, he begot a son named Leowale. Leowale got a son named Nalwale. Nalwale got a son named Kelwale. Kelwale got a boy named Takwale. Takwale begot one son called Belwale. Then Belwale got a son named Birwale. Birwale begot a son named Alawale. Alawale begot a son called Lebwale. Sarwale was the son of Lebwale. Then Sarwale is my father.

The recitation of a linear genealogy is widely seen in statements of appellants and defendants and in testimonies of "witnesses" called by both sides. It is later transformed into "visual format," presented in court as the following example:[7]

> Plaintiff's statement: I wish to claim this land F. Because F land this is its genealogy.
> (1) AINWALE (M)
> (2) SULWALE (M)
> (3) KOOWALE (M)
> (4) IGIWALE (M)
> (5) KALWALE (M)
> (6) ALIWALE (6) MANWALE (M) (6) OLIWALE (M)

(7) SURWALE (M) came to A ISLAND
ARAWALE,
(8) KUFWALE (M) I
(9) TOLWALE (M)
(10) LESWALE (M)
(11) KUFWALE II (M)
(12) WAWWALE (M)
(13) ABAWALE (M)
(14) OLOWALE (M)
(15) WALWALE (M)
(16) GWAWALE (M)
(17) WALWALE (M) II
(18) FOTWALE (M)
(19) WALEWALE
(20) DALWALE (M)

In the case that several cousins joined to take a lawsuit, they might lay out more than one line in the most recent generations. For example:[8]

Aifwale came down from Alasa'a and on his arrival at A he did not even see any single person there. He came down and settled at K.
Aifwale
Ko'owale
Buawale
Ko'oswale
Burwale
Ku'iwale
Buawale
Fiuwale

(1)	(2)
Firara	Ladeakalo
Maewale	Kuiwale
Ooiwale	Siogeli (f)
Dikwale	Osiwale
	Gahwale

Toward an Imagination of Lineal Relations

The examination of files in the Malaita local court and land appeal court show that there is a strong preference for linearity/verticality in the

presentation of genealogy. This is expressed in two aspects: first, in reciting genealogy, people always link themselves to the founding ancestor in one descending line; second, there is a preference to memorize and emphasize the male line(s). It is typical of genealogy recitation today that people speak of genealogy in a linear way—to be more exact, in a vertical way that started from the most ancient ancestor down to the current generation—i.e., the speaker himself or his son and grandsons. Moreover, it is common for narrators to enlist only one single line, starting from his founding ancestor to himself, while eliminating all other lines, both male and female. Sometimes people would mention that the founding ancestors had a few siblings, but their lines are immediately left out.

In this context, the Langalanga way of imagining their social relations are transformed. In ordinary interviews, informants always recite a single line, unless I asked them to add collateral ones. When I requested this information, it is obvious that only few knowledgeable people were able to name several, and the information was often incomplete, inconsistent, or less reliable.

For instance, I had several sessions of discussion with an old man, who was recognized as a man who knew tradition well, about the history of various patrilineal clans in the area. He constantly gave me a neat male line as their "genealogy," starting from the founder of the clan through a composition of either male or female descents to himself, his close (usually affinal) relatives, or men living in the neighborhood today. In order to locate the clan in a larger picture and to see how it was related to other clans, I then asked whether the founder had siblings or more than one offspring. He would then answer, "Of course they have brothers and sisters. Most people don't just give birth to one child. They usually have seven or eight." However, when it comes to a clan's history, a single line is always recited.

This kind of conception is probably related to traditional sacrificial ritual to the clan's ancestors, when the priest called out a linear list of male ancestors in lio abe, usually the priest line (first born). It is not the "full genealogy," as many told me, but has become the standard format. Many Langalanga use the Solomon pidgin term "generation" when referring to genealogy. It is possible that this is one way genealogy is now conceptualized—as a lining-up of names in each generation.

In reciting genealogy, narrators always include or at least connect themselves in the recited line. Without any instructions, tellers usually cite genealogies of a certain clan with themselves at the end of the line, no matter whether they are related to the ancestors through male or female descent, through blood or marriage. It is their major concern that genealogy is something connected to them, and that connection is what they are

interested in learning, remembering, and reciting. For example, I was once asked by two brothers to show them the genealogy of another clan that I collected. Their reason was "we are related to that clan from a woman's side (though distantly), so we would like to know."[9]

Hierarchical Relations: Abae Wale *and* Abae Geli

Although people are concerned about genealogical connections between themselves and others through female ancestors, their primary interest is the male lines. This is explicitly evident in narratives and genealogies. People consciously distinguish descendants of the abae geli and the abae wale. Those who are born of male members of a clan belong to abae wale, while those who traced their connection to the clan through a female member of that clan are classified as abae geli. In cases where more than one clan occupied a *beu aabu* (shrine), each division is called an *abaefera* (lit. "side of the fera") (cf. Cooper 1970: 65, 84) because each clan occupied a corner for worship in terms of space, and at the same time, they are separated with regard to agnatic relations (Cooper 1970, 64).

The division of abae wale and abae geli implies a precedential and thus hierarchical relationship, especially when an interest in land rights is involved. People constantly told me that Malaita was "patrilineal" instead of "matrilineal" like societies in Guadalcanal or the Western Province: "In Malaita, land is only passed through the male line, unlike in the Western Province and Guadalcanal, where they pass through the female line," "It is our custom on this island that men are first in all land disputes. When a woman is married, she is free of the ground," "Men are big in Malaita. Not women. Women are big in Guadalcanal but not here."

A synonym to abae geli is *futa suli geli* (lit. "born of women"), which is an essential expression in tracing genealogy, or in calculating relations to a particular clan. Most people cannot recall genealogical details, but they understand whether one is from abae wale or abae geli. Sentences like "I am born of a woman from that line," "he is born of a woman from that clan," are common expressions in describing relationships. The hierarchy is also evidenced in the fact that when they are from abae wale, people always remember the names and generations of connecting ancestors, but when they are from abae geli, it is less remembered how that happened. Names of female ancestors, not of recent generations, are constantly omitted in their memories as well.

The manipulation of the category of "born of women" also appears constantly in narratives that concern others' migration history. In addition to, and as a result of, this attention to detail, one's own line to the founding

hero is legitimized, while people also try to play down other people's positions in the unilineal line. They apply the strategy in court as a way of attacking opponents' claimed legitimacy but also do it constantly in their recalling of past histories.

Historical Interpretation: Precedence over Incorporation

In the mainstream narrative of the migration history of Langalanga today, Langalanga founding ancestors migrated from Malaita mountains to the coastal area and then to the offshore islets. Latecomers from various places brought with them different power, skills, and magic and contributed to the prosperity of Langalanga. They were incorporated into Langalanga society by setting up or sharing fera or through intermarriage, and they were given permission to use the land (Guo 2009). Reflected in genealogies and migration narratives is the intense mixture of people from various origins. In the Langalanga historical discourse, latecomers and abae geli are important in the construction of Langalanga as a group—a rich and powerful group. Thus the idea of incorporation is highly valued. A dual value system is reflected in these narratives: the principle of precedence and the significance of incorporation. We see that in the maoma feast, which highlighted the wealth and generosity of the community and its leaders, both precedence and incorporation values were involved. The links to the founding ancestors were reconfirmed through sacrificial rituals, and the connections and unity among other groups were also demonstrated and strengthened by the contribution of pigs.

However, the introduction of a court system, with the emphasis on patrilineality and primary rights to land, has potential effects on the local genealogical imagination. On the one hand, people buy into the dual categories of abae wale and abae geli as a fundamental way to group kinship relationships. On the other hand, these principles of precedence are emphasized more in the discourse on "traditional Malaita land tenure system" today—that the first discoverers and their male descendants have greater land rights over latecomers, and that the abae wale have more rights than abae geli. Presented in genealogy, male vertical genealogy (associated with discoverer and abae wale) is central, while horizontal kinship networks (associated with latecomers, abae geli, and affinal kins) are less important or peripheral.[10]

In competing land rights, people started to lean toward the principle of precedence and downplay the importance of incorporation. The construction of the past is a source of power and represents a high social and poetic complexity (Bond and Gilliam 1994). The past is seen as the source of

different versions of history to legitimize links to lands (Astuti 1995, 154). However, as Appadurai (1981) points out, the past is not used as a symbolic source in an unlimited way. How people are able to use the past is restricted, and each culture has certain standards to regulate debates concerning the past. It can be seen that under the shadow of land disputes, Langalanga historical narratives and genealogies are not produced in a random way. The court's form of debates, evidence selection, and the court's patrilineal bias (Burt 1993) have made the local form of narrating and memorizing the past move toward the emphasis on a single male founder and a lineal genealogy.

In contemporary Langalanga, the different ways of imagining kinship relations generated partly by the legalization of land—the preference toward unilineal format, the partiality toward male connections and male voices, and the written and computerized prints of genealogy—across generations can be seen. The transformation is part of how Langalanga people incorporate the legal concepts and frameworks—not only as performed in land courts, but also in their daily lives. In the next section I will use the Seagrass Island case to show how the law and court works in Langalanga.

The Case of Seagrass Island

According to oral history, Seagrass Island was constructed by people from a patrilineal clan (fuiwale) about 10 generations ago, when they split from a dominant clan from the largest and older island. After it was established, the founder recruited his brother's son to be his heir as well as the fata aabu for the new settlement. Having a fata aabu of their own indicated their split and independence from the natal settlement and clan; it symbolized the first step to establishing a new clan. However, among the fata aabu's many offspring, only his first and two youngest sons continued to stay on Seagrass Island; the rest of his descendants went back to the original settlement. It appeared that their connection with the natal island was still very strong. In the next few generations, according to my collection of genealogies, residents on Seagrass Island intermarried with inhabitants of neighboring islets and maintained a degree of mobility in the region.

A few generations later, a big man from the founding clan of Seagrass Island moved there with his family in the early twentieth century, where they worked on cutter-boat building. My reconstruction based on oral recounts showed that Seagrass Island was an island of eight residential dwellings in the 1960s. Most were descendants of the big man, except two others who were born of a woman from the founding clan. A *fera aabu* (shrine) was located at the southern side of the village, while there was a

"*baba ai gi*" (boat-building house) on the northern coast. The big man's son owned a bakery and store at the rear of the village. The *bisi* (women's taboo area) was located separately in another corner at the rear of the island.

In the 1970s, the island was flooded by high tides caused by cyclones: houses were blown away and the sand beach and some rocks that constituted the foundation of this artificial islet were washed away. Those who resided on Seagrass Island left and settled temporarily on other islets and, in a few years, moved onshore to build new settlements in several villages.

Seagrass Island was unoccupied for the next two decades until some of the big man's descendants decided to transform the landscape into a potential tourist destination early in the 1990s. The big man's son, Mr. Oliwale, and Oliwale's eldest son planned to rebuild Seagrass Island and set up a tourist center on the islet. They hired some people, including their clan members, to carry out construction work. Since the islet had been damaged by the cyclone, the reconstruction of it had to start from the building of the island's foundation. However, after a few years, the project was postponed after the family ran out of cash to pay for materials and labor. Although what was planned was not fully achieved, Seagrass Island was sometimes used as a location for tourist visits and as a ground for cultural performances (Guo 2007).

Land Dispute and the "Chief's Hearing"

Although the tourist resort plan was shelved, Seagrass Island did become inhabitable again, and a family from the founding clan decided to move their residence there in 1997. The family, headed by Mr. Babwale, first built two residential houses. Others did not object to this action, since every member of the founding clan had the right to the island. Later, they started to erect a South Sea Evangelist Church (SSEC) on the islet. The children and grandchildren of the big man (represented by Mr. Oliwale) soon objected, for they were very devoted to the Seventh Day Adventist church and did not want to see a competing mission on the islet. Babwale's family discontinued the construction to avoid confrontation. Mr. Oliwale, from the investor's perspective, argued that even though Seagrass Island was owned collectively by the clan, they had spent a huge amount of money on its reconstruction, and it was not right for others to try to take over. Oliwale's group soon restarted stonewall-building in preparation for a future tourism center. In turn, Babwale stopped their work, and a land dispute case was presented to the council of chiefs in 1998. Below I will summarize the hearing and then examine how people commented on the law and the court after the incident.

In the opening statement made by the plaintiff (Laewale), the reason for the hearing was attributed to Mr. Babwale, because he earlier built a church on the artificial islet, and stopped others (Oliwale's family) from building new stonewalls. The plaintiff argued that the islet was owned by their clan, not individually by Babwale's family, so they took Babwale to court.

Laewale then asked, "I therefore want Babwale to table my genealogy before this council of chiefs to prove that I not [*sic*] own or belong to the tribes who own Seagrass Island." (There are some grammatical errors in the court record. In a later interview his argument was clarified: that he wanted the defendant Babwale to prove that Oliwale's family did not "own" Seagrass Island, nor did they belong to the clan that "owned" Seagrass Island.)

Babwale could not tell the genealogy of the plaintiff and his father. He did not deny the latter's right but still wanted him to remove those stonewalls.

After the plaintiff insisting on a genealogy, the defendant finally gave something: "Oliwale originated from Ediwale, a clan at U island, and I originated from Kaewale of Seagrass Island." He asked his spokesman (Mr. Aniwale) to trace the plaintiff's genealogy, but the latter knew none.

Then the plaintiff stated that his ancestor built a *baru* (war canoe) at Seagrass Island, his priest lived at Seagrass Island during blackbirding days, and his brother Foewale was born there.

In the next step, the plaintiff tabled the genealogy, where their common ancestor Mouwale gave birth to Naiwale (who led to the plaintiff) and Doewale (who led to the defendant). After the defendant agreed on the version, the plaintiff further claimed that their line was the "priestly line" (i.e., the line of first born), and the defendant consented.

After the interrogation was over, the chiefs reached their decision:

> Oliwale gave factual evidence about the history and genealogy of Seagrass Island, and both agreed on the genealogy. Both are from one origin. It's just that the defendant did not consult others before erecting the church, which should later be jointly discussed by all Seagrass Island tribal people, who owned the land.

Here genealogy was the focal point for the plaintiff's argument, and they were well prepared, while the defendant knew little about it. "Chiefs"—who did not hold hereditary positions in Langalanga society, but who were knowledgeable elders selected and "titled" by the local magistrate to hear land dispute cases—played a central role in sorting out the genealogies, and

the decision was made based on their accuracy. Furthermore, the traditional land tenure applied by the "chiefs" was based solely on a patrilineal ideology. However, in practice, several implicit factors came into play in the contest.

An analysis of the talks in court could help illuminate the underlying concepts used by the legal actors. Here I am inspired by the recent work of Justin Richland (2008), who analyzes the communications and interactions in Hopi courtrooms and examines the actual practices of including more tradition in contemporary tribal courts by Hopi legal actors. In the discourse presented in the council of chiefs, the plaintiff described the landscape of Seagrass Island as the place his clan ancestor founded, where he built baru canoes, where his custom priest lived, and where his brother was born. The defendant argued that the islet was also where clan ancestors were initiated, where his father resided, and where they now dwell in everyday life. Landscape is experienced and constructed, by people today and yesterday, by current generations and their ancestors. Landscape is "historicized," and history is "landscaped." However, the commoditization of landscape is also present in the context of land dispute. The landscape of Seagrass Island was perceived to have commercial potential and could also be appropriated for the interest of a particular church denomination. Even though economic profit was still more imaginary than real, the commodity phase of landscape in Langalanga had generated a lot of tension and anxiety and had challenged the inalienable relationship between them and landscape.

The Meanings of Law and Court: Law as Discourse

What happened after the chief's hearing in Seagrass Island? Nothing seemed to have changed. Babwale's family continue to dwell on the islet; they did not continue the construction of SSEC, not because they were compelled by the police or by the court decision, nor because they were persuaded by "the chiefs" that they had no right to do so. The construction project was abandoned mainly because they did not have enough capital to carry on, which was a familiar phenomenon for many unfinished projects in the lagoon. From their point of view, they had "primary rights" on the island, and they were the current inhabitants of the island, who took care of this ancestral land in their everyday lives. Babwale argued that based on customary land tenure, he was the right "land owner," and could make decisions on its appropriation. He recognized that in customary rule, Oliwale's family had rights to the island as well, but from his point of view, the latter did not have a right equal to his, since the person who actually

lived on the land should be respected. If they could obtain consent from Oliwale's family, then things could be solved. However, knowing that churches from both sides were in competition, it would not be an easy task.

It is interesting that Babwale did not mention the chief's hearing at all when I first asked him why the church project was on hold. He just talked about lack of money and that his cousin objected and put a stop to the construction. After I brought up the issue of the land court, he then commented that the hearing could not really see *kwalaimoki* (the truth). Similar to ordinary comments on the loss of cases, the partiality of judges (chiefs) was suspected and blamed, and the format of court, according to Babwale, only favored some people who knew how to talk about law. However, he mentioned that he could take the case to the local court if he wanted, and he would do so if Oliwale's family wanted to remove him from the island.

On the other hand, Oliwale's family told me about the case in court, and showed me the printout of the court records. They interpreted the ruling in their favor and said that it proved their land rights to Seagrass Island—they believed that the record could be used to protect their rights to the island since currently it was Babwale's family who lived on the islet, and they were a bit concerned that Babwale's offspring's would claim that the place was solely theirs in the future.

Apparently better at presenting themselves in court, Oliwale's family was still not happy with the court. They felt that it was they who had hired people to reconstruct the islet, and Babwale's family was a free rider after the foundation work was done. They did not deny Babwale and his family the use right to the land, since they were closely related in genealogy and belonged to the same fuiwale. However, since it was their family who actually rebuilt the island, they should have a larger say in deciding how the island should be used. They criticized the chiefs' hearing for the failure to see this difference, and it was actually a failure of the court system to follow the *kwala'imokina* (true tradition).

Although not totally satisfied with the ruling of chiefs, at this stage Oliwale's side did nothing, since the other family stopped building the SSEC. Oliwale's son still hoped to build a resort and turn the island into a cultural center for tourism, but they were short of money at this stage and had to temporarily put the project on hold. They still worried that the occupation of Babwale's family would damage their future project, and they were thinking of taking the case upward to the local court.

In analysis, it appears that the reason that Babwale's family did not insist on proceeding with the church project was not that they obeyed "the law" or the ruling of the court, but that they were short of cash, and they feared

the conflict between close kinsmen would be a bad thing, both in terms of social norm or ancestral regulation. Oliwale's family did not think the court would really reflect on the "true custom" and was disappointed. They did not hammer on the case too hard at this stage also because they were reluctant to further worsen their kinship relationships with Babawale's side.

Both parties did not think the court, or the contemporary law on land tenure, truly reflected the customary system, though their reasoning was different. Both parties were not satisfied with the legal institution in solving land disputes. However, they both considered taking the case upward on the legal path for another round of contestation. "Law," in their view, is not a set or a system of rules to be followed by them, nor is law something enforced by the government. On the contrary, "law" is more like a genre of discourse, which they could appropriate according to their own interests. They had doubts on the effects of such discourse, but the discourse is now part of their sociocultural grammar to deal with discordance.

Anthropological Perspectives on the Emergence of "Legalscape"

John Comaroff and Jean Comaroff (2006) observed that "law" had become more and more widely embraced as the resolution to problems in the postcolony, and they described the phenomena as "fetishism of the law" (p. 22). In the South Pacific, similar situations are found in recent years. For example, traditional knowledge is often discussed (and "protected") under the category of Intellectual Property Rights. Land titles and related compensations are gained and lost in the legal battlefields and recorded (and later historicized) in the form of legal documents. And humanity is also legalized, because "the modern concept of human rights is largely a legal one" (Farran 2009, 53).

Many of these were initiated at the global level: through the United Nations and its related projects, transnational organizations (e.g., World Intellectual Property Organization), international law suits, and negotiations. Regional implementations have followed: for example, the Secretariat of the Pacific Community worked out a model law to protect the Indigenous Knowledge Property Right. However, when law encounters local culture, the stories are not straightforward. In his work on kava biopiracy, Lindstrom (2009) takes note of the gap between the legal-centered imagination and local cultural practices. The idea of "community rights to cultural property" ignores the complexity in the intellectual and cultural property regimes among ni-Vanuatu (Lindstrom 2009, 298). Although legalization might be started with good intention to maintain tradition and protect local rights, the result could be disappointing.

In land tenure and land cases, Hviding (1989) comments that "tradition" is a "flexible local framework," and the rules of land tenure are created in the process of negotiation (Hviding 1989, 27). Ward and Kingdon (1995) also point out that land tenure in the Pacific changed all the time, and that the so-called "customary land tenure" identified by colonial elites was a myth that did not reflect the reality. They further argue that the codification of "customary land tenure" leads not to the "preservation of traditional human–land relationship"; rather the process itself changes indigenous custom (Ward and Kingdon 1995). In recent studies, some anthropologists further suggest that the so-called "customary land tenure" of today is in fact the product that coevolved with the transformation of legal systems (Weiner 2000, 125; Weiner and Glaskin 2006, 1). From an anthropological perspective, the task is not just marking the differences of two separate systems (legal and local), but exploring the intertwining and "coevolution" of them. I call the phenomena "legalscape"—here I followed Appadurai, who uses the suffix -scape to refer to the "fluid, irregular shapes" of the landscape of global cultural flows, which is a "deeply perspectival construct, inflected by the historical, linguistic, and political situatedness of different sorts of actors" in various scales (Appadurai 1996, 33).

In the Solomon Islands, the legalization of land fails to solve the problem of land disputes; however, the conceptualization of the human–land relationship is now saturated by the discourse of law and has formed a new legalscape. In order to approach it, we need to look into the dynamics of cultural concepts in the process of legalization. In this paper I have examined how the legal principles concerning land inheritance and the imagination of kinship relations moved side by side toward a stronger preference for unilineal rules (in particular, patrilineal in Malaita Island). The classification of abae wale and abae geli has a longer cultural root in Langalanga, but as the legal phrases and notions of "primary right" and "secondary right" become everyday language, the relationship between these two categories becomes more hierarchical than before. In such legalscape, the basis of historical narration has also turned away from "harmonious incorporations of various people of origin" to "patrilineal clans ranked according to their time of arrival."

Furthermore, it is also important to see how local actors perceive and appropriate "law" in legalscape. In the second part of the paper I used a land dispute case to examine how Langalanga people appropriate legal-like notions and formats and how the law disappointed them. Legalization is not the sole antidote to the problem of land. Law is not considered to be a set of compulsory rules that people follow, nor does it provide effective solutions to ease the anxiety and discontent people have in land disputes.

However, the Langalanga recognize its significance in the system of modern state; some people use law as discourse and apply legal notions and languages in the contestation of land rights. The frustrations they have in turn reshape their idea of law and the power of law. It is through these back and forth engagements with "the law" in culturally situated contexts, and by various actors—across international, national, and local levels, and including legal professionals and laymen—that the dynamics of legalscape is shaped in Solomon Islands today. In extension, this paper provides a proposal that the study of "legalscape" could be a potential way to understand the entanglement of law and culture in contemporary Oceania.

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NOTES

1. Fieldtrips were taken in 1997–1998, 2002, 2003, 2005, 2006, 2007, and 2008.

2. Before Christianity became the dominant religion, this is often expressed and reconfirmed in the contribution of pigs to the big maoma feast (Guo 2009), which I describe below.

3. Remembered as the most important ritual gathering in the past, maoma is usually translated as "tribal feast" or "tribal sacrifice."

4. Unlike Papua New Guinea, there is no formal setting of village court (cf. Goddard 2009) in Malaita today. When local disputes happen, upon request, the magistrate would assemble the elders and call for a council of chiefs. The council is not a regular meeting.

5. For detailed analysis of the changing roles of narratives in the negotiation for land claims, please see Farran (2010).

6. All names in court cases are pseudonyms.

7. Civil Land Case of F Land, 19/84.

8. Civil Land Case of A Land, 3/74.

9. Since I had promised to keep the confidentiality of those genealogies revealed to me, I denied their request.

10. Most male knowledge of genealogy tends to relate to the former, while female knowledge to the latter. Most people who appear in land court—the plaintiffs, defendants, witnesses, and judges—are male; only in very few cases did women appear as plaintiffs or defendants, and it is even rarer for them to be called to testify as a witness for a particular line of genealogy. As the genealogies are made more lineal, vertical, and distant, the genealogical knowledge of women is neglected or even oppressed, and thus their power in relation to land.

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