KEY ELEMENTS IN THE EVOLVING POLITICAL CULTURE OF THE FEDERATED STATES OF MICRONESIA

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Introduction

The process of changing four districts of the United States Trust Territory of the Pacific Islands into the Federated States of Micronesia (FSM) has already begun. Obviously, as this new political entity emerges, a political culture will evolve that will reflect the altered political structure. We would hypothesize that a key element in the evolution of a new political culture in the FSM will be the process of renegotiating and redefining the allocation of powers among the various levels of government created by the FSM Constitution. We would maintain that any constitution can only adumbrate a division of authority and cannot anticipate all the questions that will arise in day-to-day government. Hence, the continuing vitality of the federation will depend in large measure on the capability of the structure continually to redefine the allocation of powers. There will be a reciprocal relationship between this process of renegotiation or redefinition and the political culture of the FSM; each will influence and be modified by the other.

Another major element in the evolution of a new political culture will be the role of the traditional leaders of the various island societies of the FSM. Particularly significant will be the resolution of potential conflict between the traditional rights and privileges of indigenous leaders and the civil rights of individuals (both of which have been explicitly guaranteed in the constitution). Another key factor in the evolution of the political culture will be the part, formal and informal, that traditional leaders assume at the federal level of government. In this paper we shall discuss the reasons these factors will be so important in the evolving political culture of the FSM.

Historical Background

The United States has administered the Mariana, Caroline, and Marshall islands as a United Nations trust territory since 1947. In the early years, the United States government pursued policies which resulted in economic stagnation and dependency for these islands as well as political

subordination to the United States. The primary program for development during this period was a low-cost, low-profile program of health, education, and welfare services with some political innovation. Early in the 1960s, however, under pressure from within the United States government to secure the islands for national security purposes and from the U.N. to move Micronesia toward self-government, the Kennedy administration inaugurated an extensive program of economic and social development. Construction or improvement of roads, airfields, and port facilities was undertaken, New schools and educational projects, including a crash program in teaching English involving accelerated recruitment of American teachers, were designed to expand the language and literary skills of Micronesians and their opportunity for further training abroad. The annual appropriation of United States funds steadily increased, creating more government jobs and drawing larger and larger numbers of Micronesians into wage work with the Trust Territory administration (Mason 1974; McHenry 1976). So many federal aid programs were extended to the area that a "welfare economy" blossomed in Micronesia (Marksbury 1979; Peoples 1978).

During this period the United States also expanded its program of political innovation. In the 1960s steps were taken to streamline the district legislatures, making them less cumbersome and more efficient. The Congress of Micronesia was chartered in 1965 to provide a territory-wide legislative body to participate in policy formation and to furnish the foundation for future self-government (Meller 1969). Peace Corps lawyers furnished technical aid in legislative preparation, bill drafting, parliamentary procedure, and record keeping. In the early 1970s the Nixon administration inaugurated the "Micronization" of the territorial and district administration. Micronesians, often educated in U.S. colleges and universities, returned and replaced Americans in ever higher positions of responsibility throughout the administrative structure. The total effect of these programs was to stimulate increasing awareness among Micronesian leaders of the potential for self-determination and autonomy. This awareness was expressed in resolutions of district legislatures and of the Congress of Micronesia for independence or, at least, for "free association" with the United States. The same theme emerged in student papers and protests, in platforms of emergent political parties, and in formal negotiations with the United States concerning future political status.

In 1975, with encouragement and support from the United States government, Micronesians held a constitutional convention and drafted the constitution for the Federated States of Micronesia. In that same year the United States agreed to the petition of the Northern Marianas for com-

monwealth status, and the transition to that status began in 1976. After that, separatist movements also began in Palau and the Marshalls. In a referendum on July 12, 1978, both of these districts voted to reject Micronesian unity under the proposed constitution, while the other four districts accepted it. Thus, there would be four political entities in the former United States Territory of the Pacific Islands: the Commonwealth of the Northern Marianas, the Federated States of Micronesia (Yap, Truk, Ponape, and Kosrae), Palau, and the Marshalls (with separate constitutions).

In 1980 the United States signed pacts with the Marshall Islands, the Federated States of Micronesia, and Palau agreeing to establish a relationship of "free association" with each of these three autonomous states. According to these agreements, these states will manage their own internal and foreign affairs and the United States will be responsible for the defense and security of the area.

Principles of Federalism and the FSM

The history of federalism, including the history of the United States, suggests two principles that appear to be almost universal. First, the basic document, the constitution, can never define the allocation of powers between the central and the local governments with enough specificity to avoid continuing disputes over the proper spheres of each level of government. As Justice Holmes remarked (1920) in describing the experience of the United States under its written constitution, "It was enough for [the draftsmen of the Constitution] to realize or to hope that they had created an organism; it has taken a century and has cost their successors much sweat and blood to prove that they created a nation." Despite the fact that the United States Constitution has nearly two hundred years of judicial precedent interpreting it, the United States Supreme Court still devotes a substantial portion of its time to answering questions concerning the allocation of powers within the federal system (Freund 1963). Federalism, of course, is not a matter solely for courts. It is also a matter of constant legislative concern. With the exception of a few issues of clearly federal nature (e.g. national defense and foreign relations), hardly a matter goes before the United States Congress in which there is not a debate about whether the subject might not better be handled by state governments. At many points in United States history, political parties have taken their stands on "states' rights" or the need for national legislation to solve critical problems such as civil rights violations or economic depres-

sion. It seems likely that issues will arise in the FSM that will cause leaders to line up on either side of a states'-rights-versus-nationalism dichotomy.

The districts of the United States Trust Territory of the Pacific Islands always dealt with a strong central government, but it was a government backed by the power and resources of the United States. Under the FSM Constitution the new states enjoy considerable autonomy. How much of their new power state leaders and officials will be willing to continue to share with a central government with presumably fewer resources than its colonial counterpart will be a critical issue in the future of the Federation.

The second seemingly universal principle of federalism is that the formative years are the most precarious. The early years of the United States witnessed heated and increasingly violent resistance by various states to federal authority culminating in the Civil War, in which the Union was preserved only by force of arms (Nye 1963). More recent federations, such as Nigeria, have had similar experiences. Some, such as the United Arab Republic, failed to overcome these obstacles and consequently disbanded.

Not surprisingly, when a federation is being formed, the most profound reservations are often held by those who have the most power in the constituent units. United States constitutional historians point out that state office-holders constituted the major resistance block to the adoption of the new Constitution (Rossiter 1966). The problem is even more complex where, as in Micronesia, in addition to local elected leaders the society has another local power group: leaders from the traditional social systems.

While traditional leaders have always played an important role in post-World War II Micronesian politics, their participation in the introduced political system, at least above the local or municipal level, has usually been informal. For the most part, American administrators of the trust territory officially ignored traditional leaders (Fischer 1974:169-70). However, the traditional leaders did play a formal role in some district legislatures, particularly in the early years of the trust territory. For example, the Ponape Island Congress, established in 1952, was a bicameral legislature with one house, known as the Nobles' House, made up of paramount chiefs and other nobles. At first, the chiefs played an active role in the congress. But many found themselves handicapped by lack of fluency in English and lack of formal education in parliamentary procedures. Also, the chiefs were unaccustomed to having their positions challenged publicly. The chiefs gradually withdrew from the Ponape Island Congress in favor of a behind-the-scenes role; and in 1958 the Ponape Island Con-

gress was replaced by the Ponape District Congress, a unicameral legislature whose members were all elected from the general population (Meller 1969:125-26; Hughes 1974:96).

Although the Congress of Micronesia, which began in 1965, did not allocate any seats specifically for traditional leaders, over the years a few traditional leaders were elected to the congress; and some of them, such as the renowned Petrus Mailo of Truk, were extremely influential in the congress (Meller 1969:314-419). However, the influence of such men was always on an individual basis, and the traditional leaders never acted as a group at the congress. This situation changed when the traditional leaders emerged as a visible political force at the constitutional convention in 1975.

The convention call set aside twelve seats for traditional leaders from the various districts. These leaders took an active part in the "Con Con." They made up half the membership of the special committee which worked out compromises on many sensitive issues. Thus they had a great influence on the final versions of the constitution (Pinsker 1980:19). Their influence was particularly strong in addressing the issues related to preserving their own traditional prerogatives.

Article IV of the Micronesian Constitution enumerates a Bill of Rights patterned after the U.S. Bill of Rights. But the fifth article protects the "role" and "function" of "traditional leader(s) as recognized by custom and tradition." To further emphasize its commitment to preserving the role of traditional leaders, the constitutional convention adopted a resolution to that effect and provided that a copy of the resolution should be included with all duplications of the constitution. The resolution provided in part:

> It is the consensus of this Convention that all due honor and respect continue to be accorded to the traditional leaders of Micronesia, and nothing in the Constitution of the Federated States of Micronesia is intended in any way to detract from the role and function of traditional leaders in Micronesia or to deny them the full honor and respect which is rightfully theirs.

Article V of the Micronesian Constitution authorizes the legislators to protect the "traditions of the People" by statute and states that, if such statutes are challenged as violating the Bill of Rights, "protection of Micronesian tradition shall be considered a compelling social purpose warranting such governmental action." The term "compelling" purpose has a special meaning in U.S. constitutional law; it refers to a concern of such

importance that at times it can warrant curtailing a fundamental right (Tribe 1978:602-3). This is no doubt the meaning that the Micronesian draftsmen meant to have here. That, however, would still leave to the courts the problem of determining if a particular statute were in fact necessary to protect Micronesian tradition, and if it did so with the smallest necessary infringement on individual rights ("least drastic means"). The "least restrictive means" or the "less restrictive alternative" test is a subsidiary aspect of the compelling state interest doctrine. When a state seeks to justify an infringement of a fundamental right by reference to a compelling state interest it must demonstrate that the state interest cannot be satisfied by alternative means that would have less adverse impact on the fundamental right (Stewart 1960).

The manner in which these conflicts are resolved in specific instances will be crucial in determining the nature of the Micronesian federation and in fact may determine its success or failure.

Limitations of a Constitution in Allocating Power

Since World War II, emerging and older nations have been attracted to the concept of federation. It offers a means by which small societies may band together to advance common interests while maintaining a substantial degree of autonomy in each constituent unit. Federations have been tried in Africa (Nigeria), Asia (Malaysia), the Middle East (United Arab Republic), and elsewhere. The concept is not, however, an easy one to put into practice. The allocation of power will inevitably be contested. At best, a constitution can outline the division of authority (Holmes 1920). Within that framework specific application will have to be resolved on a case-by-case basis in the legislature, the courts, or both. In essence, federalism must consistently be renegotiated and redefined. It is, of course, of the essence of federalism that the central government have supreme and binding authority in its areas of competence. Local vetoes or nullification result in a loose confederation unable to take effective action on matters of mutual importance (Almund 1966).

In all federations critical junctures will, however, be reached when a constituent part is forced to accept a central government policy that is strongly opposed in its own district or state. If this happens too often or involves issues that the dissenting district considers vital, the union itself will be imperiled. The United Arab Republic was formed in 1958 of a merger of Egypt, Syria, and Yemen. It disbanded in 1963 because Syria resented what it perceived as Egyptian domination of the federated government. In United States history the southern states attempted to secede

because the central government opposed them on certain issues they considered vital, such as slavery, and because the southern states perceived a history of central government positions contrary to their own regional interests (Nye 1963). Because in the past one hundred years the United States federation 'has produced a relatively stable government, its constitutional system has frequently been used as a model for proposed federations. Under that model the judiciary has ultimate (and formal) authority to resolve disputes over the allocation of powers. The FSM has used that model. However, as U.S. history has also demonstrated, the acceptance of the supremacy of the judiciary in constitutional matters does not come easily (Jackson 1941). Particularly in early years, judges themselves will be suspected of regional biases. For an American model of federalism to succeed, the legitimacy of the courts must be accepted.

Traditional Leaders as Middlemen in the FSM

In an area such as Micronesia, where strong traditional systems still exist, the support or opposition of traditional leaders will no doubt have an important bearing on the success of institutions and thus the viability of the Federation. In many federations, especially in the Pacific, the process of negotiation and renegotiation will not only involve the distribution of power among the various levels of government, but it will also include a shifting balance in the influence of introduced political and legal principles in contrast to the indigenous principles. The following quotation from *Pacific Courts and Justice* (1977:vii) can validly be applied to political as well as to legal principles:

> In every Pacific country law and justice have been influenced by introduced principles and practices, but in every country some aspects of the traditional order remain--in some cases very strongly. Some years ago many people assumed that the traditional elements would soon be totally replaced, but it has not been so or likely to be so. Each Pacific country is evolving a unique amalgam of local and foreign precedents in creating its own system of justice.

> Little is known or recorded about these systems or about their needs--individually and for the Pacific as a whole.

It has been rare, if not unique, for many of the traditional leaders to participate as a group in the territorial level of government in Micronesia.

In Micronesia, as in other colonial systems, the formal activities of the traditional leaders have, by and large, been limited to the local level. But the traditional leaders' participation at the 1975 Con Con make it clear that they were effective middlemen in the formulation of the Constitution of the FSM (Pinsker 1980:17-19). Since the FSM Constitution allows states to reserve seats for traditional. leaders in the FSM Congress, the potential exists for them to play a similar role there.

A number of anthropologists have analyzed the role of political middlemen and have used a variety of labels to designate this role. Redfield discusses "'hinge" groups that serve as intermediaries linking the local peasant community and the state (1956). Wolf uses the term "cultural broker" to describe a person who mediates the interests of the local communities and the interests of the national government in Mexico (1956). In reporting on his work in central Italy, Silverman uses the term "communitynational mediator" for the same role (1967). In this view a political middleman is one who "interrelates and articulates the needs, aspirations, resources and traditions of his local village or tribe to the corresponding demands, supplies, resources, and jural order of the province and the nation" (Swartz 1968:199-200). At the Con Con the traditional leaders certainly served as middlemen in this sense.

Legitimacy has been defined as a "type of support that derives not from force of its threat but from values held by the individuals formulating, influencing, and being affected by political ends" (Swartz, Turner, and Tuden 1966:10). In other words, a political regime is legitimate when it is supported by the principles and values of the political community in question. Easton refers to this type of support as ideological legitimacy (Easton 1965:289-304). Where a political regime enjoys ideological legitimacy, those individuals who occupy positions of authority will be supported by a structural legitimacy derived from the regime. Also, authorities will enjoy a personal legitimacy when their support depends "not on their conformity to an accepted regime but upon the extent to which the members see the occupants of authority roles as personally, in their behavior and symbolism, worthy of moral approval" (Easton 1965:302).

At the Saipan Con Con and in the new federal legislature the traditional leaders have been given structural legitimacy. Their participation in the Con Con not only influenced the drafting of the constitution, but it also enhanced the legitimacy off the constitution with many of their followers (Pinsker 1980:41). The question now is, can and will the traditional leaders enhance the legitimacy of the new federal legislature and, perhaps more important, the federal supreme court?

Cohen (1975) suggests part of the answer to the question with his explanation of the dynamic nature of legitimacy. For Cohen, legitimacy is not simply a structural given; it is something that a shrewd leader can manipulate and increase through the use of power, in order to increase his power. Cohen focuses on the strategies that leaders use to present themselves in such ways that they can be perceived as legitimate, i.e., as fulfilling the significant values of the system. Cohen goes still further and attempts to analyze the way in which leaders modify or utilize values and principles to enhance their legitimacy and to increase their power.

The values and principles that the traditional leaders of Micronesia utilized to enhance their legitimacy and effectiveness at the Con Con were embodied in an ideology called "the Micronesian way," as Pinsker (1980) has described and analyzed. This ideology had been developing at the Congress of Micronesia, but it was not fully articulated and utilized until the Con Con itself. The "Micronesian way" stresses the principles of consensus and respect. According to this ideology, delegates should manifest great respect toward other delegates--particularly toward traditional leaders--and should avoid embarrassing them by confronting or contradicting them publicly. Disagreements are mediated more through private discussion than through public confrontation, and the importance of consensus in public is stressed. Because of the principles embodied in the "Micronesian way," the traditional leaders participated effectively in the Con Con (Pinsker 1980:12-13, 19). They succeeded in passing a resolution which guarantees that the constitution will not be interpreted in any way that will detract from the role of traditional leaders or will deny them due honor and respect. How this principle will be reconciled in practice with the equally explicit principles in the Constitution regarding the civil liberties of individual citizens will be a major question to be resolved. It can also be anticipated that the power of traditional leaders will be sorely tested when they come into conflict with perceived economic interests entailed in Federalism. This may be particularly critical when the economic interests of certain districts come into conflict with traditional values of the other districts. Say, for example, that the attempt to develop a national fishing industry conflicted with chiefly rights in one district. Will the legislators from the nationalistic side of the dispute give the dissenting traditional leaders from other districts the sort of respect they would accord their own traditional leaders? In short, will the "Micronesian way" stand up under the pressure of day-to-day federal government as it did in the Con Con?

Silverman's concept of "testing out" may prove useful here. For Silverman, "testing-out" or "experimenting" is a process involved in the

continual dialectic between the conceptual form and the institutional form. It is a process that becomes particularly important in times of major sociopolitical change, such as the formation of a new political structure in a former colony. In the "testing-out" process, concepts from the past and present are used to construct different social forms. Through this testing, new concepts are clarified and are given tangible form as institutions, which in turn modify the concepts themselves (Silverman 1971:14; Pinsker 1980:16). We anticipate that the "testing-out" concept will be useful in understanding the renegotiation that will take place in the early years of the FSM as the potentially conflicting principles of civil liberties and economic exigencies, on the one hand, and the prerogatives of traditional leaders, on the other hand, are balanced out in specific cases.

Conclusion

In this paper we have developed several major assumptions or hypotheses. First, we maintain that with the emergence of a new political entity in Micronesia--the Federated States of Micronesia--a new political culture will evolve that will reflect this altered political structure. Second, we hypothesize that a key element in the evolution of a new political culture in the FSM will be the process of renegotiating and redefining the allocation of powers among the various levels of government recognized by the FSM Constitution. Since a constitution can neither spell out the division of authority in detail nor anticipate all questions that will arise concerning the distribution of authority, the continued vitality of any federation will depend to a great extent upon the ability of the system to continually redefine the allocation of powers. Third, we assume that a major element in the evolution of a new political culture will be the role of the traditional leaders of the various island societies of the FSM. Particularly significant will be the resolution of potential conflict between the traditional leaders and the civil rights of individuals (both of which have been explicitly guaranteed in the constitution).

Finally, in light of these hypotheses and on the basis of the material presented in this paper, we would recommend that within the next few years research projects be conducted to study the evolving political culture within the Federated States of Micronesia. The purpose of such studies should be not only to understand the changing political culture of the Federated States of Micronesia but also to gain greater insight into the process of federation.

Acknowledgments

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