

R. Gerard Ward and Elizabeth Kingdon, eds., *Land, Custom, and Practice in the South Pacific*. Cambridge: Cambridge University Press, 1995. Pp. xiv, 290, illus., maps. US\$64.95 hardcover.

Reviewed by William C. Clarke, Institute of Pacific Studies, University of the South Pacific

This is a study of discrepancies, of the current divergences between, on the one hand, codified law and the canons of "custom" having to do with land-tenure arrangements in the South Pacific and, on the other, the actual practices on the ground whereby people gain access to the use of land. Detailed case studies of Samoa, Vanuatu, Tonga, and Fiji illustrate the processes at work.

Throughout the transformations that colonialism and modernization have brought to the Pacific Islands over the past century and a half, land and land-tenure arrangements have been—and remain—a central concern for the majority of Pacific Island peoples. But this is not to say that tenure arrangements or the nature of people's attachment to land have remained unchanged from pre-European times. Rather, as this acutely informed book tells us, although the majority of land in all South Pacific Island countries remains under "traditional," "customary," or "native" land-tenure systems ". . . in many parts of the region the ways in which the 'customary' land is now held by owners or users have changed to a much greater degree than is commonly acknowledged" (p. 1).

These changes are closely connected to changes in the socioeconomic and political organization of island communities, a transformation in which a central component has been the change from subsistence to market economies, with a concomitant replacement of socioeconomies based on reciprocal obligations to ones dominated by wage labor and money. Adjusting to these changes has brought a changed attitude to land. It has become a commodity, and as Islanders seek to acquire land for longer-term and more-exclusive use for noncustomary purposes, they have employed a variety of customary, legal, or extralegal methods, which have resulted in an increase in the formal or informal privatization of land as well as in inequalities in landholding.

The divergences between de facto, de jure and customary land tenure arrangements, and the changes within the realm of customary land, are beginning to be recognised publicly in some countries. In others they are not. Politicians and government agencies find it extremely difficult to deal with these problems through

reform of the tenure systems, not least because the rhetoric of cultural preservation, and the fostering of national or ethnic identity for new states, often depend on the maintenance of the image of an idealised social system founded on “traditional” land tenure conventions. (P. 3)

Chapter 1, written by the editors, provides a cogent introduction to land tenure, its functions, its variety, its changes in relation to changes in the rural economy, and its connections with ideology. The significance in the Pacific of invented tradition in relation to land is discussed, as is the use of “custom” as a way of legitimating particular actions. To illustrate that processes now happening in the Pacific are parallel to processes that have occurred earlier and often over a longer span of time in other parts of the world, comparative examples are drawn from Japan, China, Europe, and Africa. A trend that emerges from all the examples “is a reduction in communal forms of organising land tenure and a corresponding increase in individual forms” (p. 33)—with the trend driven by commercialization, colonialism, changing technology, agricultural innovation, or all of these in concert.

Chapter 2, also by the editors, gives an overview of land tenure in the Pacific Islands, stressing that the contemporary tenure systems, which are often honored as “customary” or “traditional,” may differ considerably from what is known of actual practices in what is referred to as the “late indigenous era.” The modern invented arrangements vary from country to country, with some being codified, others not, but all now showing divergences between the accepted models and the practices adopted by many Islanders. The chapter provides a clear historical treatment of land tenure in the Pacific Islands while also informatively discussing how Pacific land-tenure arrangements relate to ecological and technical practicalities, to communalism and reciprocity, and to personal and social identity.

The four country chapters explore the issues of changing tenure practice in greater depth by means of case studies. First is chapter 3, “Breathing Spaces: Customary Land Tenure in Vanuatu,” by Margaret Rodman. On gaining its independence in 1980, Vanuatu uniquely emphasized customary land tenure in its constitution and dissolved the colonial dualism of “native” and “alienated” land by assigning ownership of all land to its “custom owners,” as these are designated within the great variety of land-tenure principles that exist in Vanuatu. The strength of the idea of land inalienability was so fundamental that, on rejecting its colonial Anglo-French names, the new nation took a name meaning “our land.” Rodman draws attention to the ambiguities between what is customary and the rhetoric of *kastom* in Vanuatu. She focuses too on the ni-Vanuatu she calls “masters of tradition,” who have

gained relatively large areas of land by establishing extensive coconut plantings and whose control over this land, while seemingly customary, may develop into a new form of social differentiation, with land becoming more heritable than in the past—although these trends Rodman judges to be not yet socially destructive. The breathing space of the chapter's title is an interlude wherein change occurs locally in the customary realm but remains under flexible local control, giving the government time to ponder what laws and principles should or can be set up at the national level.

J. Tim O'Meara's chapter, "From Corporate to Individual Land Tenure in Western Samoa," examines in detail the processes whereby over more than a century individual land tenure has been replacing the corporate or "communitistic" system of old Samoa. The disappearance of the corporate system, which was previously condemned by missionaries and administrators as a hindrance to economic advance, has now gone so far that "Samoans now worry less that the Samoan system will make economic individualism impossible, and more that their economic individualism will make the Samoan system impossible; and Samoans now claim individual ownership of so much customary land that the *matai* [chiefly] system has changed and weakened as a result" (p. 110).

Tonga's history differs importantly from that of its neighbors in that it was never subject to a colonial power, having declared itself a constitutional monarchy in 1875—a time when most other island groups were being drawn into the colonial web. Further, as Kerry James writes in her chapter on Tonga, "Right and Privilege in Tongan Land Tenure," the country's first monarch, Tupou I, "in order to consolidate his authority and lessen the power of strong rival chiefs, instituted reforms which gave all males individual rights to land" (p. 157). By the Land Act of 1882, each male commoner was entitled to a small town allotment and an agricultural allotment of 8.25 acres (3.3 ha). These allotments were derived, however, from the hereditary estates of members of the royal family and the *nōpele*, a term adopted from the English "noble." It follows that the history of Tongan land tenure deals less with a movement toward individual land rights in the face of a "customary" communalism than with changes in relations between social strata—as well as with changes in the value of land. James deals with the changes in the light of four historical themes: the hesitancy whereby commoners exercised their legal right to land by applying for allotments and registering them with the Minister of Lands; the increase in population, which by the late 1950s made it impossible for every Tongan man to acquire an allotment from Tonga's limited land base; the government's resistance to major changes in the original land measures; and, lastly, the constitutional prohibition of the sale of land and the emergence since the end of World

War II of extralegal payments for the lease or use of land. Particularly important in the expansion of the illegal or informal land market has been increasing monetization, the commercialization of agriculture (notably the export of pumpkin squash in recent years), the modernization of commercial ventures, and the input of remittances received in Tonga from emigrants settled or working overseas. The informal land market that has developed in urban land, especially in Nuku'alofa, is also described.

In his country chapter "Land, Law and Custom: Diverging Realities in Fiji," R. G. Ward delineates the last century and a half of changes in the ways Fijians allocate and control land. The result of the changes today is that some "current practices are sanctioned by either custom or law, or both; others by neither" (p. 198). The formal tenure system codified in the 1870s and 1880s by the British colonial authorities was intended to protect Fijians from loss of their land, but the system's inflexibility made adjustments to new socioeconomic and technological conditions difficult. But to some extent people did adjust, by ignoring the regulations and continuing to use older, more flexible practices of land allocation, or by developing new, but unsanctioned, practices to meet new needs.

Ward's discussion includes a particularly good example of how an orthodox conception of indigenous land tenure was imposed by the British colonial government upon the much more varied and flexible system that was actually practiced prior to British control. In effect, by institutionalizing their orthodox model, the colonial authorities "fixed" native land by the registration and survey of land by *mataqali* units—*mataqali* being an agnatic descent group within a hierarchy of social groups in Fijian society. The colonial authorities assumed that the registered owners of *mataqali* land would also be its users, but such has often not been the case. Today, Fiji faces a situation where much of the de facto use of land is based on extralegal and extracustomary practices and where attempts at land reform that would recognize the trend toward individual holdings could only take place in a politically charged arena, "especially in relation to differential access to land between the Fijian and Indian communities, and risks to political and social stability exist in either not acknowledging the discrepancies, or in attempting to deal with them" (p. 198).

The book's final chapter, "Beyond the Breathing Space," by Antony Hooper and R. G. Ward, sums up the principal common tendencies that have characterized changes in Pacific Island land-tenure practices since the precommercial era. Also discussed are the relationships of land, state, and nation in the face of the historical processes that have been at work, with the authors questioning why postcolonial governments have not taken steps to bring land law into closer accord with practice, or vice versa—a question the

answer to which relates strongly to concepts of tradition, personal and national identity, and Pacific culture. But as the changes in practice continue, there will come a time when it will be necessary to recognize the increasing individualism in land management.

Critics will lament, or have already lamented—understandably—the absence of Pacific Island authors from this book, although some thirty Islanders are represented in the comprehensive bibliography. On the other hand, all the authors have long been deeply involved in Pacific research and concerns—for over a century in the aggregate; also, as outsiders, the authors are free from the rhetoric and political considerations that at times direct Islanders' views.

The amount of detail in the case studies may daunt the fainthearted, but few other studies have integrated so well community-based, historical micro-studies by anthropologists and a human geographer (Ward) and then used those studies as a basis to reveal more generally the complex dynamics and contemporary national quandaries of land tenure in the Pacific Islands. The volume is an example of social science at its best.