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Abstract

At Independence in 1962, Samoa inherited a constitution which embraced a dual system of authority. One system is based on *tulafono fa'apapalagi* or universal human rights and the other is based on *aganu'u ma agaifanau fa'au Samoa* or custom and usages. Ninety percent of Samoans live either partially or wholly under the authority of a gerontocracy of titled family heads called *matai*. Through the *fono* (village council), often in partnership with the Land and Titles Court, the church and other government agencies, the authority of the *matai* is legitimated under *aganu'u* (universal custom) and *agaifanau* (localised village usage).

Dealing with the inherent contradictions of this duality in the constitution has never been considered a priority, as many had hoped the two would somehow merge by osmosis or divine intervention. The failure to reconcile the contradictions has resulted in a cancerous society. Within a tradition of oral history is nurtured a cesspool of cultural inconsistencies, breeding inefficiencies, abuse and corruption. Tension between individual families and village *fono* often breaks out in barbaric form.

Under the theme of indigenous versus exogenous institutions of authority, the thesis explores aspects of *aganu'u ma agaifanau*, how notions of legitimacy and political authority are transformed with specific reference to principles and practices of inheritance and succession to a *tama'aiga matai* title. Its central concern is the character of the symbiotic relationship between the universal custom of *aganu'u* and the localised practice of *agaifanau* as they are negotiated by the village *fono* and the Land and Titles Court, the major agencies determining custom.

The selective use of the past for present and future purposes is the sub-text of the thesis. As expressed in variant traditions of family history, the thesis shows how notions of custom and usage as human creations, are rooted in ancient and introduced values of their creators, and thus are as pliable as clay.
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Preface

Political authority in Samoan village politics is held by a chiefly gerontocracy in partnership with central government agencies and local village clerics. The matai (titled head of a family) are constituted as the fono or village council and its ubiquitous authority resonates under Samoa or Samoan custom and usage. The power of custom and usage persists partly because it is enshrined in the country's constitution and partly because 87% of Samoans live either partially or wholly in one or more of the 362 villages extant under customary tenure covering 83% of Samoa. By world standards, the population growth rate is high, 3.1% per annum since 1951 and 2.9% from 1981. The reduced rate is disguised by migration which favours the young, skilled and educated. Since the 1970s, 50% of the population is aged 15 years or younger.

Under the general theme of indigenous versus exogenous institutions of authority, this thesis explores aspects of indigeneity with specific reference to principles and practices of inheritance and succession to family titles and village authorities. The thesis is centred on the interplay and relationship between the concepts of aganu'u (custom) and agaifanua (usage) on the one hand and aganu'u fa'a Samoa and aganu'u fa'a palagi (Westernization) on the other.

Past and recent historians and anthropologists such as R. P. Gilson, J. W. Davidson, D. Freeman, B. Shore, P. Schoeffel and T. O'Meara have made and continue to make valuable contributions to our understanding of Samoan society. There is, in particular, a significant and emerging literature on the Samoan view of Europeans, a crucial view because the modern history of Samoa emerges from the European encounter. Equally important is the Samoan view of themselves as

---

1 I refer to the Independent State of Western Samoa which in July 1997 became the Independent State of Samoa.
they transit between their social institutions of fa'a Samoa and the modern global village.

By convention, locals are normally considered to be better placed to access and unravel the mysteries of their past. Samoans such as G. Peseta Siaosi Sio, Albert Wendt, Te'o Fairbairn and Malama Meleisea have been role models. But the paucity of Samoan thinkers and writers means a measure of reliance on non-Samoans. Ten years ago, the promotion of local perspectives was attempted through encouraging locals to write in their own language. But despite the enthusiasm and available resources, success was limited. Often Samoan writers lack the time, resources and confidence to think and write.

In Western traditions of scholarship, there is a long and pervasive ideal where disclosure of one’s personal point of view (if one has been formed) is not merely tolerated in the pedagogical process but obligatory. It remains largely an ideal because most of us most of the time know little about our inner motivations and biases and attempts to expose these hidden sources seem futile. ‘Their source,’ Thouless observes, ‘is hidden from our consciousness and they will look to us just like rational beliefs. But we can learn to recognise them in another way - by applying to our own opinions the same criteria as we apply when we see prejudice in other people.’

In oral-based cultures, the possession of a personal point of view and a desire to question and expose contradictions are not readily encouraged. While variant traditions of history may prevail in private, the consensus view for public consumption is the one representative of the lineage group or the faction in power. Moulding differences into a consensus is a potent mechanism for collective unity; but also an effective tool for muzzling dissension and extorting conformity, concealing violence and corruption. Although there is an underlying concern to get to the root of village conflicts the motivation for bringing to light the origin of a conflict is rarely translated into a thorough investigation of the conflict itself. A question for the complacent poses a threat and an imposition.

1 Thouless 1973:155.
For over two generations now, Pacific historians have been urging more Pacific creative and intellectual scene. Apart from the paltry numbers of Island inhabitants and thus of numbers in academia, other limitations are buried under the rubric of custom and tradition. In the classroom, our critical faculties are driven by questioning and the freedom to think and express individual points of view. In the village however, such freedoms disintegrate in deference to the collective will whose sources of knowledge are often concealed and unquestioned. The best that the local historian can do is to expose the human conflict in the hope of freeing the individual human potential. Aspects of these conflicts under customs and usages are addressed in the following pages with particular focus on succession to family titles and village authorities.

The issue of succession is a regular and critical feature in Samoan life and leadership. To be chosen as a matai by the lineage is assumed as an honour for the individual, family and lineage. Having been a migrant for most of my life, the history and politics of fa'a Samoa for me became an intellectually absorbing topic of inquiry. My fascination was fed by family feuds largely relating to succession to family titles. I was drawn into one of these at the age of twenty-one years during my second year of undergraduate studies at the University of the South Pacific. On 25 June 1975 the Falelatali village lineages of 'Aiga Tua'a'ana and Sa Fasa'alvalu conferred on me the tama'aiga title of Tuimalealiifano as a successor to my father who had held it from 1949 until his death in 1974. His elder brother held it for nine months in 1939 and their father had held it from the mid 1870s to 1937. The title was one of four at the apex of Samoan society. The force of 'custom and tradition' was compelling as I was drawn into something that I did not know enough about nor questioned. In return for the title, the obligations were made abundantly clear in numerous orations; 'aiga (family), nu'u (village), ekalesia (church) and malo (government). Under the alluring tapu of custom, obedience was assumed. To question reflected self-doubt. To do otherwise betrayed tapu and custom however defined. It would take another two years before my appointment became a matter of public contest.
Once the appointment was published, other interested parties were given the opportunity to lodge their objections and thus institute litigation over the suitability or otherwise of the competing candidates under the 'rules' of custom and usage. Within the two years, I had woken up to the sound of different worlds clashing and pulling against each other. There was the communal world of extended family, village lineages and church on the one hand and the household insecurities of a large, young and penniless family in suburban Apia with a house mortgage, six young mouths to feed and school fees to pay. Ten years in suburban Auckland and the inexperience of youth did little to prepare one for being a paramount and benevolent village patriarch. Instead of remaining in Samoa, I returned to complete an undergraduate degree at the University of the South Pacific under an Australian Third Country Award. My allowances from this award at the university paid most of the household bills in Samoa and school fees of my six school age brothers and sisters. As expected, there were growing requests for contributions to funerals of the extended family and matai obligations to annual church collections and various sectional village projects. While I was getting through the courses at the university, my academic performance was uninspiring and reflected my own lack of self-confidence. When I got married on 12 July 1975 in Suva, from our student allowances Eileen and I continued the upkeep of the immediate family in Samoa but I knew some of the Australian taxpayers money was siphoned to meet communal obligations to extended family, village lineage, faiteau and lotu. The repayments of my father's house mortgage in Apia was forgotten until I had found a job.

After sitting my final paper in May 1977, I eventually made a choice. Two years after my installation, I wrote to my mother to convey to my supporters my unwillingness to be a candidate for the title on account of my youth and long absence from Samoa. When she ignored my letter I went public when the issue subsequently came before the Land and Titles Court on 22 July 1977. To the horrors of my village lineages and family supporters, I explained my reluctance to hold the title. The circumstances and events of this experience and the consequent litigation over the pule (authority) and aia (rights) to a tama'aiga title constitute the background material to this study.
Aided by scepticism and hindsight, as an observer-participant to the dispute, I re-trace the events of early years and explore the meaning of custom and usage emphasising the indigenous dimension against the wider indigenous exogenous background. I use formerly inaccessible family material to analyse the circumstances and problems in a village microcosm. The material lays bare the conflicts within the institutions of fa'a Samoa, matai, aiga, nu'u, lou (church) and fale fa'anusine (Land and Titles Court). Such disputes approximate to the nature of conflicts which featured in the late eighteenth to mid-nineteenth century. Whether this chameleon approach is conducive to the overall understanding of the problems of `modernity' remains to be seen. But asserting an indigenous point of view presents its own set of problems and these will become apparent.

In the Island micro-states, it is both impossible and meaningless to conceal the identity of any researched group, and the study hopes to make a constructive contribution to understanding the internal dynamics of cultural contradictions and inconsistencies. It was undertaken in the belief that exposure enhances engagements among the researched community as well as the researcher in the ongoing debate about themselves, their future and their children's future. It is impossible for any one person to present the views of others completely and accurately, let alone pretend to know one's own mind. The best one can do is to understand the conflicts from readily available sources and expose them for informed discussion under the critical method of error elimination. The opportunity to learn and express them is a privilege and fundamental right of all those interested, and is guaranteed by the Constitution subject to the limits of freedom of speech.

It boils down to a matter of choice. Knowing what we do and more importantly why we do it induces a conscious choice. One choice is to maintain duality, accommodate the dubious logic of special pleading, inconsistency and mediocrity. Another is to define and interpret what is meant by custom and usage based on universal principles of consistency and certainty. At least fifty percent of Samoans have chosen with their feet. The choice also needs to be made in our minds as well as with our feet. The lengthening queues outside foreign embassies and festering lists of overstayers overseas provide startling evidence of this
phenomenon. The alternative to not getting out is living in amorphous drudgery, breeding unbridled mediocrity.
Acknowledgement

I acknowledge the support of two institutions, the University of the South Pacific for study leave and the Division of Pacific and Asian History at the Research School of Pacific and Asian Studies, Australian National University for its superb facilities and supervision of my research and writing. It would have been impossible without the patience and confidence of an inspiring supervisory panel whose role was not confined to deciphering incomprehensible and terse languages and ideas: Professor Donald Denoon, Drs Niel Gunson and Deryck Scarr of ANU, Emeritus Professor Ron Crocombe and Dr Howard Van Trease of USP. I also thank Vice Chancellor Esckia Solofa, Professors Aaesela Ravuvu, Epeli Hau'ofa and Dr Vijay Naidu for facilitating the six months leave from August 1996 to February 1997, particularly Ms Geeta Dec for suggesting the study leave. A special word of gratitude to Dorothy McIntosh, Jude Shanahan and Julie Gordon of the Pacific and Asian family for their amazing repertoire of skills. Vanessa Singh of USP's University Extension and John Tuimalalifano of Computech Electronics steered me through a maze of electronic windows.

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In Samoa, the President of the Land and Titles Court and Chief Justice, Tiava'asue F. M. Sapolu, former and current Registrars Galumalemana N. N. Schmidt and Luamanuva'e V. Paleso'o respectively facilitated access to court records. A special fa'afetai to their staff for unstinting support and good humour. George Hazelman facilitated the timely release of my National Provident Fund for fieldwork and other expenses. Makerita Va'ai and her staff at USP's Malifa Center
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Glossary of Samoan terms

Non-English words are italicised on first appearance only in each chapter.

'A'ai
  Literally 'eating'. Refers to a village settlement populace.

Afioga tutasi
  A village council edict. Non-compliance is punishable by banishment.

agaifanua
  an orally transmitted set of parochial or local practices and procedures peculiar to a particular village or family polity.

aganu'u ma agaifanua fa'a Samoa
  customs and usages of Samoa

aganu'u
  an orally transmitted set of formal practices and procedures perceived as uniform and assumed applicable throughout Samoa.

agava'a
  knowledgeable and skilful.

'aia
  a claim or right based on kinship and other criteria such as service, residence and demonstrated ability.

'aiga
  Family, descent group or kinship in all its dimensions.

'Aiga-ile-Tai
  Family-of-the-Sea, the honorifics for Manono and Apolima.

'aiga potopoto
  A gathering of representatives of a descent group to discuss matters of mutual concern, e.g. successors to vacant titles.

'aitu
  Spirit, ghost or deity.
alaga
Proclaimed

ali’i o ‘aiga or ali’i matua
first born child

Al’i’i o le foaganu’u
An honorific for the early titleholders of Falelatai

Ali’i Sili
A title meaning the most senior titleholder, created by the German administration for Mata’afa Iosefo.

Alo-a-ali’i also spelt aloali’i
Son(e) of titleholder(e)

alo’afa
lit. love or generosity. Usually expressed in material contribution, e.g. for the church.

ao
lit. cloud or the polite term for head, refers to a grade of high titles such as Lilomaiaava, Tonumaipe’a and in some places Tagaloa.

Aole Malo
Head of State

a’oa’o fesoasoani
lay preacher.

a’oga faife’au
pastor’s classes

a’oga tulaga lua
primary school (a’oga muamua refers to the pastor’s classes.

A’oga aso sa
Sunday schools.

Asiasiga
regular social visits by the faife’au to the congregation.

Ati ma le lau or soloa ma le aufsefue
The severest of two forms of banishment. Victims are uprooted from village land, and family property is subject to slash and burn
Aumaga

Group of untitled men and brawn of the village.

'Atuo tofo tuafo

A reference to multiple titleholders, literally sitting on the title while the senior titleholder decides on their behalf.

Autalavou

Church youth group

'ava (alofa)

Respective Samoan and Tongan terms for the piper methyaticum.

'ie toga

A kilt, commonly referred to as a fine mat.

'ifoga

A ceremony of abject submission.

'ilamutu

A chief's sister.

Ekalesia Fa'apotopotoga Kerisiano Samoa

Samoan Congregational Christian Church.

fa'a 'aiga

To relate as a family kin.

Fa'a Mati

Annual collection organised by women parishioners toward refurbishing the Church building and the pastor's residence.

Fa'a palagi

To behave or practice like a European

Fa's Samoa

In practice, the way Samoans behave.

Fa'alavelave

A burden or tangled matter.

Fa'aleleiga

A formal reconciliation.
Fa'alupega
a set of honorifics and formal expressions associated with titles and constitutes an oral charter for village and district authority and governance.

Fa'amagalo
Forgiven.

Fa'amasino Samoa
A Samoan judge with the Land and Titles Court. They can also serve in the Magistrates Court.

Fa'amasinoga o Fanua ma Suafa
Land and Titles Court

Fa'a
A prohibition. See also sa.

Fa'a Suka
lit. to be sugared, or bribery.

fa'ate'a
Banishment: see afioga tutasi above.

Fa'avae ile Atua
National motto, founded on God

fa'avae o le malo tuto'atasi o Samo i Sisifo
Constitution of the Independent State of Western Samoa

fagogo Samoa
Samoan tales.

Fanava
a pejorative term for a married man living in his wife's village.

fa'ise'au
Protestant pastor.

Faiga nu'u
Village governance

Faigata
Difficult, ambiguous,

Failauga
An orator or to orate.
Fautaga
Lit. Unomist, a term used for a nineteenth century war.

Fale
House.

Falefa
House of four

Falesitu
House of seven, e.g. o le Falesitu ole 'Aiga Taumiana, the house of seven descent groups of the Taumiana lineage.

Faleiva
Group of nine orators instrumental in the conferral of the Tui A'ana title in Leulumoega, capital of A'ana district.

Falelua
House of two

Faleo'o
Thatched roof house

falesa
lit. a sacred house referring to a church building.

Faleselau o Salogo
Hundred house of Salogo, an ancient honorific in Falelatai.

Fale'tama
a descent line

faletautu
a marriage negotiated between two or more families

Fale telo
large guest house

Faletolu
House of three

Faletua
Spouse of a titular tileholder, faletua matua-spouse of a senior titleholder

Fautua
A term created for tamatanga ruleholders appointed to advise colonial administrators.

Fe'anga
A contract or bond governed by strict norms denoting the sacred relations of the chief's sister and her descendants who stand in such a relationship to her brother and his descendants. Also applied to a fa'asau in relation to his parish or congregation.

Fesoa'i'am
Catholic catechist.

Fono a Faaale
The Western Samoan Legislative Assembly.

Fono si'a-le-nu'u
Village council meeting.

Fonotele
The separate annual assemblies of the Congregational Christian and Methodist Churches.

Gsfa
Genealogy.

Gafita'itua
Genealogy cast backward

Gnue-e-fn ma Falelatai
Honourifics of Pata, an orator sub-village of Falelatai

Igili'i
English

Itumalo
dispersed district villages

Itu malosi
Strong side

Itu'paepae
Different branches or segments of descent group

Itu-tino
Branch of a descent group
Kai colo (Fijian)
A person from the interior.

Kanaka (Melanesian)
A perjorative term used during the colonial era.

Lalo
A formal gift in the form of fine mats or cash

lagi
lit. heaven, but also refers to a funeral ceremony of a deceased titleholder.

Lau'ava
funeral feast.

Lauga
formal oratory.

Laulua o to'omaga
An ancient alliance between Falelatai and Falese'ela.

Lavalava
clothes, also a specific reference to the wrap around kilt

Lotu
Church or religion, e.g. lotu Metotisi could mean Methodist church or religion.

Lotu Ta'iti
The Samoan reference to the London Missionary Society sponsored Church

Lotu tamaiti
Children's Sunday service.

Malaga
A prepared journey.

malae
village green

Malo
A common form of greeting. It also refers to a conquering party

mamalu
dignity, prestige

mana
Great power, charisma.

Maua
Formal title of a titular holder’s son

Maota
Formal reference to the residence of a titular titleholder

Maota o le Galuega
Residence of the pastor

Masiofo
Honorary term reserved for wives of tama’aiga.

Matafale
A family household.

matagaluega
Church district organization.

Matai
General term for a titled head of household.

Matai ali’i
A titular head of household, one of the two main orders of titleholders.

Matai palota
a person who is made eligible to vote by a title.

Matai tulafale
an orator titleholder. see also tulafale.

Matapule
a Tongan chief’s attendant and spokesperson.

Matua
elder

Mavaega
Dying wish or death-bed wish of a titleholder

mea fa'amatai
The system of things pertaining to chiefs.

Meauli
Black men, a derogative term for Melanesians.
Mealeaga
  An objectionable smell or thing

Me'a valea (Tongan)
  Ignorant object or thing.

Mea valea (Samoan)
  Stupid or lacking in intelligence.

Monotaga
  food and material contribution made by each individual matai in keeping
  with a decision of village council and church parishes.

Nofo
  a reference to a titleholder, lit. to sit or reign

Nofotane
  a pejorative term for a married woman living in her husband's village

nu'u
  Village polity.

Nu'umavae
  An established village

O ai e ona?
  Who owns?

Ole fuuali'i
  The seed or womb of chiefs; an honorific for the Taito title of Malie village.

Ole Tautaufaiga
  an ancient honorific of the Fasavalu title

Palagi
  Europeans, pl. papalagi.

Palapala malo
  Material goods, especially food stuff

Papa
  lit. thunder. Refers to highest titles of Tui A'ana, Tui Atua, Tama'salii'i and
  Gatoa'itele.

pasece
  farce
Pepa Saofa'i
Registration folio for new titleholders

Pese
to sing, also reference to church hymns

pisupo (apa)
Tinned corned beef. Originally: pea soup from the US marine war period.

Pitautau
the 14 plus ‘h’, ‘k’ and ‘r’ mission introduced Samoan alphabet.

pitonu'u
sub-village.

Pule
Authority or power. It is the honorific for the pre-contact six political centres of Savai'i, Safotulafai, Safotu, Satupa'itea, Palauli, Asau and Sale'aula.

Pulega
Church sub-district organization.

pulenu'u, pulenu'u fesasoani
Colonial terms for village mayor and assistant mayor.

Pusa apa
Carton of mackerel

Sa
It is pronounced with a macron on the ‘a’. Sa means sacred or forbidden. Sa is also a common name of a person. Sa is also used as a prefix to denote a lineage or descent group as in ‘Aiga Sa Levalasi or ‘Aiga Sa Tunumafofonu, meaning the lineage group of Levalasi and Tunumafoono respectively.

Sa'o
An honorific for a leading titleholder

sa'otama'ita'i
A titled woman.

saofa'i
Title-bestowing ceremony.

Seumalo
peace-making efforts.
Sti alofa
  gifts of cash and kind received from relatives and friends to a funeral,
  wedding, title installation, and other life crisis.

Soli fa'avae
  Violation of a custom or practice

Solo (also known as tini)
  a poem chanted as a chorus.

Sua
  Ceremonial presentation

Suli
  heir(s) or descendants

Suli fai
  Adopted descendants or heirs

suli fihifa or suli tofa
  chosen or selected descendants

suli moni
  lit. true descendants by virtue of blood connection.

tafa'ifa
  'The four in one'. single holder of four papa titles in Samoa.

Tagata o le aganu'u
  One extensively learned in local customs and traditions

Ta'ita'i itu
  Leader of a village district.

Tala
  With macrons on both 'as', literally dollar

Tala tusia
  Written statements usually presented to the Land and Titles Court.

Talosaga
  Prayer or plea

tama'aiga
  Sons of families or maximal lineages.

tama-ale-aitu-male-tagata
Born of human and spirit

Tama o le nu'u
Another honorific for the senior titleholders of a village

Tama o le po
A child of the night.

Tamafa'ine
female descendants.

Tamasa
Sacred son. a reference to a man's sister's son (his maternal nephew). Special privileges, support and access to property were granted by his mother's brother and his descendants.

Tamatana
male descendants.

Tapa'au
An ancient honorific for a high title

Tapaga o le ipu
Impromptu 'ava ceremony where someone is acknowledged as a titleholder for the purpose of accepting challenges from rival contenders. The full ava ceremony is held when the contest has been decided.

Tapu
Sacred see also sa

Tatala
To open

Taulaga
Annual church collection.

taule'ale'a
An untitled person. pl. taulele'a.

taupou
Village maiden.

Taupulega
A decision making body

Tausi
Wife of an orator titleholder.
Tautai
Master fisherman or navigator

Tautua
Service

teuteu le va
maintaining peaceful and harmonious relations.

Ti'akono
Deacon, ti'akono toeaina-senior deacon

Tino
Body

Toe o le uso
A principle right of the surviving brother to be considered for succession to a vacant title.

Togavao
forested land

To'ilalo
To submit, or to be conquered

tufuga
a generic term for a skilled craftsman, such a house or boat builder or tattooer.

Tulafale
Orator titleholder.

Tulafono fa'apapalagi
Generally meaning introduced Western law such as universal human rights, common or statute law.

Tumua
Honirific for pre-contact political centres in Upolu. Leulumoega and Samatau in A'ana, Lufilufi in Atua, Malie and Alega in Tuamasaga.

Tusi
To write or a reference to a book.

Tusi fa'alapega
A book of honorifics regularly published by the Church presses.
Tusia Pa'ia
   Bible.

Tu'ua
   Leading or senior family or village orator.

Tu'uta'oto
   Presenting a gift lying down. It was performed for Lafai and his form of acceptance led to war with Falelatai

Umu
   Earth oven.

usu, usuga, usugafa
   The verb, usu, is to woo, to pay one's court or to press one's suit to a successful conclusion. It connotes an element of appropriation and conquest, of sexual intercourse manifest in an offspring. It is a male-oriented behaviour.

   The noun, usuga, is the successful courtship of a woman by a man, and strongly implies sexual intercourse.

   The other verb, usugafa, an extension of usu, is the affectual sexual or matrimonial union. (Milner 1966:304).

Va'a-Nofoa-tolu
   Collective term for the three seated canoe representing three lineage groupings of 'Aiga Tau A'ana, 'Aiga Taulagi and 'Aiga Sa Tunumafono.

Vae-ole-Nofoasia
   Lit. the multi-legged-seat.. Honorific for the Lilomaiaava title.
# Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ANU</td>
<td>The Australian National University</td>
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<tr>
<td>CCA</td>
<td>Controller and Chief Auditor</td>
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<td>DLTC</td>
<td>Department of Land and Titles Court</td>
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<tr>
<td>EFKS</td>
<td>Ekalesia Fa'apotopotoga Kerisiano o Samoa</td>
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<tr>
<td>EMS</td>
<td>Ekalesia Metotisi o Samoa</td>
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<tr>
<td>FSM</td>
<td>Fiji School of Medicine</td>
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<tr>
<td>LC</td>
<td>Land Commission</td>
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<tr>
<td>LDC</td>
<td>Least Developed Country</td>
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<tr>
<td>LK</td>
<td>Land Kommission</td>
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<tr>
<td>LTC</td>
<td>Land and Titles Court</td>
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<tr>
<td>LDS</td>
<td>Latter Day Saints (Mormon)</td>
</tr>
<tr>
<td>LMS</td>
<td>London Missionary Society</td>
</tr>
<tr>
<td>PICC</td>
<td>Pacific Islands Congregational Christian Church (in New Zealand)</td>
</tr>
<tr>
<td>PIPC</td>
<td>Pacific Islands Presbyterian Church (in New Zealand)</td>
</tr>
<tr>
<td>PIM</td>
<td>Pacific Islands Monthly</td>
</tr>
<tr>
<td>PTC</td>
<td>Pacific Theological College</td>
</tr>
<tr>
<td>SPC</td>
<td>South Pacific Commission</td>
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<tr>
<td>UNO</td>
<td>United Nations Organization</td>
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<tr>
<td>USP</td>
<td>The University of the South Pacific</td>
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<tr>
<td>WTO</td>
<td>World Trade Organization</td>
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Background

The political history of Samoa is principally a contest over ‘aiga matai titles. The significance of titles lies in its appurtenant land to which is tied the fortunes of those dependent on it. The struggle for titles thus means the struggle for security of rights and access to land and resources. Four ancient and sacred titles called papa,¹ all based in the island of Upolu, stood at the summit of Samoan society. These were Tui A'ana, Tui Atua, Gatoa'i tele and Tamasoali'i, the holder of all four was accorded the pre- eminent office of tafa'ifa (lit. four in one) and signified kingship. Together with the three ancient Savai'i-based titles of Tonumaipe'a, Lilomaiava and Tagaloa,² they represented the apex of Samoa. But successful accession to these titles was rare and power, in the sense of commanding authority over people and groups, was probably easier to come by than to maintain. In established kingships, such as the Tu'i Tonga institution in Tonga, no ruler remained in power for long without facing a challenge. Often, the struggles were protracted and by the time the challenger acceded to the top position, he and sometime she was already in advanced years.

Older leaders were always faced with the prospect of a challenge from younger brothers (often with different mothers), impatient sons (often from different women), a sister's son or tribes seeking revenge for past defeats. Through the many wars of succession, success, even if short term, allowed the victor and his or her supporters the status of malo or conquerors.

The first Tafa'ifa was Salamasina in the sixteenth century and the main contenders have been her descendants forming themselves under the lineage of Sa Tupua. For the better part of three centuries, the struggle for power revolved around the fortunes of the leading titleholders of Sa Tupua and ended with the

¹ Lit thunderous.

² These lofty titles were called as titles, literally meaning clouds.
reign of I'amafana at the end of the nineteenth century. From the beginning of the nineteenth century, before another family lineage took to the field, a new contender named Lei'ataua Tamafaiga from the islet of Manono successfully wrested the malo from Sa Tupua. But his reign quickly deteriorated into a reign of terror and he was soon assassinated by people of neighbouring A'ana. In the aftermath, the Sa Malietoa family entered the contest for the first time in 1828 against a background of growing Western influence. From the mid-nineteenth century, the titles most closely associated with the struggle for tafa'ifa status have been Mata'a'afa, Tupua Tamasee and Tuimalaeali'iifano of Sa Tupua and Malietoa of Sa Malietoa. Collectively, they are styled tama'aiga or sons of many families because of the potential forces they can marshall through kin connections and strategic marital alliances.

In the complex political wrangle for the tafa'ifa titles between Sa Malietoa and Sa Tupua, another class of titles became prominent in the mobilisation and conferral of the titles, this function was exercised mainly but not exclusively by leading bands of orators called Tumua based in Upolu and Pule based in Savai'i. From the seventeenth century, the Savai'i-based Pule and Upolu-based Tumua were the prime manipulators of the succession process. It gave them and their champion considerable influence transcending village and district boundaries. The political struggles of the nineteenth century saw the ascent of a new family. The rise of the Malietoa family coincided with the arrival of Europeans from the eastern Pacific who helped consolidate Malietoa's position with a new cargo of Christian beliefs and fire-power.

In time, the Upolu-based titles eventually eclipsed the ancient titles of Tagaloa, Tonumaipe'a and Lilomaiava in influence and power. While the Tonumaipe'a title remains intact today it has been largely marginalised whereas the title Lilomaiava has been fragmentised and the Tagaloa of Safune was in 1923 divided among the four branches of the fale Safune.¹ So politicised was the office of tafa'ifa that Germany, Britain and the United States intervened and settled the

question of kingship through the Berlin agreement of 1889. Ten years later, another Joint Commission was established. The first recommendation of its 18 July 1899 report was the abolition of the kingship.¹

We have temporarily abolished the kingship and recommend that it be permanently abolished. It seems impossible to say of the office any good whatever. It is comparatively modern as an institution. It served no useful purpose.

Since tama’aiga titles provide an ideological superstructure connecting other titles, they and their respective family lineages have dominated the country’s politics from the nineteenth century up to Independence in 1962 and fourteen years afterward.

In abolishing the office of tafa’ita, the root cause of longstanding civil unrest was removed, for the time being at least. But other significant changes were taking place elsewhere within Samoa from the turn of the nineteenth century. Perhaps the most important was the gradual shift of power, in so far as Sa Tupua was concerned, from orator-oriented papa titles to lineage-oriented tama’aiga titles. While the elite orators, notwithstanding the colonial order, had maintained their ceremonial hold over the papa titles of Tui A’ana and Tui Atua, the actual contest for power was evolving outside their control. Under colonial rule, the tama’aiga titleholders were still in contention for power because of their role as representatives of Samoan opinion. In addition to their colonial role, the tama’aiga titleholders were either living in or supported by their sponsoring villages and were engaged on a regular basis with the demands and exigencies of the title; Mata’aafa in Amaile, Lotofaga or Lepea, Tupua Tamasese in Salani, Nokali’i or Vaimoso and Tuimaleali’ifano in Faleolo and Falelatai. The contests were thus over tama’aiga titles, no longer over papa titles.

In modern times, this rivalry no longer breaks out into open conflict but continues within the confines of institutions perceived as nurturing custom: the ‘aiga, nu’u, lotu and most importantly in the Fa’amasinoga o Fanua ma Suafa or

¹ Members comprised C N E Ebit Esq. of Britain, Baron H Sternburg of German and Bartlett Tripp Esq., of USA.
Land and Titles Court (LTC) as acknowledged in the Constitution. The LTC is a direct descendant of the Land and Titles Commission set up in 1903 by the German administration and Samoan leaders to find ways of settling peacefully disputes between Samoans over matai titles and customary land. Under the New Zealand administration the Native Land and Titles Protection Ordinance 1934 was enacted in pursuance of the Samoa Act 1921. By section 34 it constituted a Court of record to be called the Native Land and Titles Commission and to have all the jurisdiction and powers specially conferred by the Ordinance and all the powers inherent in a Court of record. The Court was renamed the Native Land and Titles Court and some changes made in its constitution by the Native Land and Titles Protection Amendment Ordinance 1937. The current legislation is the Land and Titles Act 1981, as amended by the Land and Titles Amendment Act 1991/1992. By section 4 (1) the Court 'shall continue to have all the jurisdiction it exercised prior to this Act coming into force'. Before 1981, LTC was subsumed under the Justice Department before Parliament enacted legislation to formally establish the Department of Land and Titles as an entity in its own right by passing the Land and Titles Act. In Part 1, section 2 of the Act, Samoan custom and usage is interpreted to mean

the customs and usages of Western Samoa accepted as being in force at the relevant time and includes:

(a) the principles of custom and usage accepted by the people of Western Samoa in general; and

(b) the customs and usages accepted as being in force in respect of a particular place or matter.

The meanings of relevant time and what mechanisms of custom or law are required to determine acceptance by which category of people are absent from the Act. In the absence of such definitions, the determination of pule or rights to matai titles, its attendant chiefly privileges and appurtenant land is vested in the Land and Titles Court. Section 37 of the 1981 Act provides that

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1 Part IX, Article 103.

2 The Act refers to custom and usage in both plural and singular forms. I shall adopt the singular form unless otherwise specified.
In all matters before it, the court shall apply
(a) custom and usage,
(b) the law relating to custom and usage,
(c) ... any other enactment expressed to apply to the court.

However, in the absence of a corpus of written law or register of legal opinions and judgements relating to the application of custom and usage to chiefly titles and customary land, what constitutes custom and usage is largely determined by the decision-making process of the Land and Titles Court.

The character and organisation of disputant parties frequently resemble that of a political campaign. Unlike the decisions of the Supreme Court wherein the accused is accountable for his or her actions, decisions of the Land and Titles Court are 'in rem', which is binding on all living and unborn family members. It is thus incumbent on family members to attend and to contribute to the feeding of the moral supporters which can include a contingency of the village council and clerics. At the conclusion of a court hearing, speeches are made on behalf of different parties of supporters and posese or fares are disbursed to ensure their continuous support. Notable orators are also paid off with what constitute a form of customary thank you called kafa or monetary gift. These social costs are met largely by remittances from working-class relatives living overseas.

Duality and contradictory development

Many studies have attempted to answer the elusive problem of the development paradox. In the 1960s, development economist Lockwood claimed Samoans were generally content with the life they led and had little interest in the outside world which intruded on them in the form of the market sector. They showed little concern for the future, little interest in productive investment, little willingness to 'develop'.¹ This thesis contends on the contrary that the Samoans' alleged lack of interest in the outside world, productive investment and

¹ Lockwood 1971:206.
development stems not from contentment with the status quo but from two major disabilities: first, the general inability or unwillingness to reconcile the contradictions between two sets of authorities as manifest in the concepts of aganu'u and agaifanau; and second, the apparent inability to reconcile and control the debilitating politics of customs and traditions as disputant parties relentlessly "justify" personal interests in the name of custom and usage.

Social institutions have long been recognised as holding the key to reconciling the dilemma of development. Fa'a Samoa has undergone enormous changes over some two hundred years of contact with the West. But the character, pace and direction of those changes are not at all plain and obvious in the light of the vagueness over the role and definition of custom and usage. One certainty is the exponential increase of family disputes before the court. In 1989, it was estimated that it would take twenty years to dispose of the backlog of cases in Savai'i.¹ In October 1990, the court was still hearing petitions, lodged in 1986, for Upolu alone.

This thesis explores the dual system of justice between the village fono and the court. The duality is reflected in the regularity of contradictions and in often tense and terse behaviour of individuals, families, villages and districts. Disputes revive the need to inquire into the assumptions on which the policy makers, both during the colonial and post-colonial period, premise their plans. The study examines the transformation of customs and traditions in relation to succession and rights to confer tama'aiga titles. Certain 'house rules' are identified as customs and traditions, but the cardinal focus is the selective manipulation by competing parties for present purposes. The central thesis is that Samoans are confronted with a double dilemma, externally and internally. Externally, there are the incongruent approaches between aganu'u fa'a Samoa or indigenous authoritarianism and aganu'u fa'apopopologi or exogenous human rights. Internally, there are competing agendas between the aganu'u or universal custom and agaifanau or local usages.² To what extent is this acknowledged as a reality,

² The notion has also been characterised as 'ethnic' or 'folk ideas'. Campbell 1988b:11.
and to what extent do Samoans acknowledge it as a problem? The role and character of indigeneity is traced through the behaviour of the players and the contexts under which they operate but represented as fa'a Samoa.

The study thus documents the variant traditions emphasising the principles of customs and the nature of the relationships between these principles, in order to better understand the transformation process. My approach is through a detailed case study of succession to one of the four tama'aiga titles in Western Samoa, the Tuimalaali'ifano title. The succession issue is followed from its genesis at the village lineage level through to litigation before the Land and Titles Court and back to the village for reactions from the village council. Whilst the internal dynamics is emphasised, the selective appropriation of Christian morality and Western values will also be examined as they bear significantly on this process.

In the context of an evolutionary process, 'History,' noted Gunson, 'in its cultural origins, is the story of [rulers] who provide the genealogical framework for clan or tribal history.' After defining the problem and describing the setting and reconstructing the political authority of Falelatai (the village in which the dispute is focussed) in the first three chapters, chapters four to six traces the internal dynamics of aganu'u and agaifanua in relation to banishment and the exercise of pule or indigenous authority. Running through chapters seven to nine is the selective invocation and application of a set of house rules in determining succession to tama'aiga and papa titles. Chapter ten briefly re-states the problem and suggests possible alternatives for solutions to the fundamental problem identified. I do not think Samoans or anyone consciously wishes to live in a system which encourages inconsistency and mediocrity and some hard choices are necessary to avoid being driven by such a system.

Fa'alupega: a textualised oral-based orthodoxy

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1 Gunson 1993:147.
As implied above, aganu'u connotes practices perceived of as universal and agaifanua connotes local specificity. They are not absolutes and the point in which a practice stops being an agaifanua and assumes the character of aganu'u is negotiable and contextual. The Tongan period in Samoan history undoubtedly had a bearing on the devolution of the ʻa'alapega as a charter and basis of 'traditional authority'. The Tongan presence depicted a new order and the long historical encounter has shaped each country's political culture over the last four hundred years. Historic events associated with the end of the Tongan period included the spawning of major lineages in each country. For example in Samoa, there was a re-configuration of power structures and the invention of the tafa'ifa by elite orator groups, as mentioned above in the populous western islands. Lacking an institution of equivalent standing and having been subjugated by successive Tu'i Tonga titleholders, Manu'a's elite orators derided the political culture of the Western islands. The post-Tongan tafa'ifa title thus emerged as a rival office to the ancient Tui Manu'a institution. The origin of the principal title Tui, as applied to the paramount chiefs of Manu'a (and later to Atua and A'ana in Upolu), evidently stems from the conquering force in the south. Indeed, as the Keesings have recorded, 'Samoa mythology suggests Manu'a as the initial settlement point and dispersal place, so that it has held a kind of ceremonial seniority.' According to Pratt, the title of Tui originate in Tonga, where it was used to designate the paramount chief of those islands. The long association between the Tu'i Tonga and Tu'i Manu'a such as that between Tu'i Tonga Fakapouri and Tu'i Manu'a Salofi, is confirmed by the assumption of such titles without contention. The two institutions were bound by extensive traditions of

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1 Davidson 1967:28.
4 Pratt 1911:345.
5 See also Freeman 1964:566, n12.
association perhaps unparalleled in the history of the two countries. For example, Tuitoga Asaite (‘Aho'eitu), the first Tu'i Tonga, is recorded in one Tongan tradition by Ato of Kolovai as the son of a Tu'i Manu'a.1 Quoting missionary sources in Tonga, Gunson records further Tongan-Manu'a marital ties such as the Tu'i Tonga Takalaua and Vaelaveamata o Ta'u, a 'female Tu'i Manu'a brought up in isolation and treated as a goddess'.

Following Takalaaua's reign all succeeding Tu'i Tonga lived in Samoa which suggests that this was the beginning of the Tongan occupation of the Samoan islands. The creation of the office of Tu'i Ha'atakalaua was, it would follow, the creation of a vice-regal office to deputise for the Tu'i Tonga during his absence in Samoa.2

Campbell and Herda demur from Gunson's position but the traditions are clear as vestiges of Tongan presence peppers the Samoan fa'alupega. The fa'alupega of several Samoan villages is littered with references to the Tuitoga. In Upolu, Tuitoga is a title in Faleapuna village4 and the fa'alupega of Saima village (lit. China) outside of Apia is distinctively Tongan. The salutation for Saima's descent group is Sa Ta'alaua of Tongan derivative from Tu'i Ha'a Takalaua and its orators are Motuopua'a and Lauati also of Tongan derived from Motuopuaka and Lauaki respectively, current matapule titles of the Tu'i Tonga.5

The current Tongan monarchy and leading orator line originate from Samoan marriages. Tongan traditions relate that Samoa (and Fiji) were 'spouse givers' for Tongan nobility.6 The current ruling line is descended from Tu'i

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1 Recited by Fetuani, a long-time Samoan resident of Kolovai. Gunson 1993:148.
2 Ibid. 150.
3 Gunson 1987:151.
5 The only published reference to Saima's fa'alupega is the 1985 Methodist Church publication, p. 13. The honorifics are Afia mai alu o le Tuitoga (Faleapuna), - Welcome to the children of the Tu'i Tonga; Mafa mai to esio tosiai (Lauati ma Motuopua), - Welcome to you two Lauati and Motuopua's; Ma upi i Saka'alaula - and words to the line of Ta'alaua. For traditions regarding the Tongan origin of the Lauaki title in Safotulafoa, see J. W. Davidson 1976:270.
Kanokupolu meaning 'the pith of Upolu'. Traditions relate that the two
daughters of Ama in Safata of Samoa Tohu'a and Fa'onenu'u, were spouses of the
Tongan Tu'i Ha'atakalaaua Mo'ungamotu'a. From Tohu'a, Tu'i Ha'atakalaaua
Mo'ungamotu'a had four sons, Fotofili, Vaoloa, Halakitaaua and Ngata. From
Fa'onenu'u he had one son Motu'apuska. Ngata as high chief of Hihifo became the
first Tu'i Kanokupolu in Tonga, the most recent addition of the three paramount
chieftainships in Tonga and Motu'apuska became his matapule.

The creation of the tafa'ifa as an institution is conspicuous by the absence of
the Tui Manu'a as one of its constituent titleholders. For the western islanders,
Tongans no longer posed a threat but a way had to be found to counter the older
and superior claims of Manu'a. The inaugural gathering of the highest western
titles by the war-goddess Nafanua was a portent for the future. According to
traditions related by Schoeffel, Nafanua appropriated the four titles in the
fifteenth century, including the Tonumaipe'a title, after a series of victories in
wars over the papa.1 Instituted after a period of dominance by a Manu'a-Tonga
alliance, the first holder was Salamasina, the daughter of a marital union between
Vaetoceifaga, the daughter of a Tu'i Tonga Fa'aulufanua (Kau'ulu'fonua) and Tui
A'ana Tamalelagi.2 For the next three and a half centuries (1550 - 1900), the
tafa'ifa became the locus of political and military endeavours for the western
inhabitants of Samoa.

*O le tupu tafa'ifa o Samoa, ... i le pau mai Savai'i e o'o atu i Tutuila.*

The kingship position of tafa'ifa of Samoa, started in Savai'i and extended to
Tutuila.3

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1 For the wars over the papa, see Henry 1978:47-52. Schoeffel 1987:181-182.

Tuitoga Fa'aulufanua and identifies his Samoan wife as Taupotinasha, daughter of Mulihatele LeFano
in Amoa, Savai'i. The issue is given as Vaetoceifaga. Henry et. al. (1986:69-99) confirms the story with
minor name variations, Tuitoga Fa'a'aulufanua and Vaetoceifaga.

3 Sio 1984:117. The Samoan and English version are at variance. The extent of the territorial influence of
the tafa'ifa is described in the Samoan version but not in the English translation.
The Westerners effectively contained the power of the Tui Manu'a and kept the Manu'a group isolated. From Salamasina to the rise of the Tupua dynasty in the seventeenth century, the Sa Tupua lineage monopolised succession to the office.

Over the last two centuries Sa Malietoa began building up its position with several strategic marriages into Sa Tupua thus accessing military alliances with rival chiefdoms in Manono. The inaugural move by Malietoa Vainatu in the titular contest coincided with the inauguration of English missionaries in the beginning of the nineteenth century. As the nineteenth century drew to a close, the assistance of missionaries and foreign consuls, firmly established Sa Malietoa at the apex of Samoan society, somewhat at the expense of a divided Sa Tupua.

What precise form the fa'alupega took before and during the Tongan period will probably never be known, but traditions are at one on the Tongan departure as a major juncture for a new orthodoxy. Again, the date of Tongan departure is not exactly clear but some general consensus is likely when oral traditions and archaeological evidence converge. For example, J. W. Davidson (1967:28). Scott and Green (in Green and Davidson 1969:208) place the Tongan period between the tenth (900 A.D.) to about the end of the thirteenth century (1200 A.D.). From a series of widely known oral traditions associated with the genealogy of Salamasina, Schoeffel (1987:177) approximates the beginning of the new era at the sixteenth century (1500 A.D.), a claim supported by Grccn's estimates based on genealogies and oral traditions (see fig.1.)\(^1\) However, the much admired local authority of tradition, Gatoloi Peseta Siaosi Sio, situates the Tongan period much earlier, between 600 to 1000 AD.\(^2\) Schoeffel and Meleisea state that the oral traditions indicate

... the modern era of Samoan politics began after the Tongan occupation of Samoa, with Salamasina, a chiefly lady who lived in approximately the sixteenth century.\(^3\)

\(^1\) Green 1969:103.

\(^2\) A chronology attributed to him appears at the end of Meleisea et al. (1967c:203) but without sources.

\(^3\) Meleisea 1987b:11.
The Tongans, Henry alleges, departed at the end of the thirteenth century (1280-1299 A.D.). What happened during the next two hundred years between the fourteenth (1300) and the sixteenth centuries (1500) culminating in the appointment of Salamasina as tafa'ifa is speculative. While a full picture may not be known for some time, one conjecture is that during the three centuries of Fijian and Tongan domination, any semblance of local power structure was almost virtually erased. Gunson maintains that the early Tu'i Tonga replaced the Tui Manu'a and lived in Samoa till expelled. Later Tu'i Tonga lived in Samoa but probably regarded as Samoans and only with authority in Manu'a. His claims are based on the evidence that all the principal wives of Tu'i Tonga till the 1600s were high born Samoans. Whatever mamailu or prestige Leulumoega and Lufilufi had hitherto enjoyed as former centres of primacy was over-shadowed by a lengthy period of foreign control of at least three hundred years, during which, the tenureship of Tui A'ana and Tui Atua remains unclear, if held at all. No evidence has surfaced to suggest the titles were ever held by a southerner, but nor can it be presumed that they were not. The 'sovereign chief of the highest-rank polity in the whole of Samoa' the Tui Manu'a may have been the more important player in shaping the polity of this period. In Finney's view, the most plausible explanation that he encountered from Samoans was,

... [that] Sa "tribe of" plus Moa, said to be the family name of the early Tui Manu'a.4

In a tradition related to me in Tutuila by Tuvale Polu of Manu'a in 1977, the first Tui Manu'a had three names, one of which was Moa-atoa,5 echoed almost ten

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1 Henry (1978:23-25) places the Tongan period at 950 to 1250 AD.
3 Freeman 1983:68.
4 Finney 1973:301. Unfortunately, Finney does not identify his local source. He argues on the linguistic derivative of the word 'moa' that the name Samoa means 'people of the ocean or deep sea'.
5 Pers. comm. Tuvaile Polu, Aug-Sep 1977. The other two names were Satismoa and Satiaala. He had two brothers who succeeded him, called Tuinatu of Fijian/Tongan ancestry and Tuiraupule of Hawaiian ancestry.
years later by Freeman in an etymological dissection of the name Samoa. In its
etymological origin, he recounts, the noun Samoa is derived from compounding Sa
and Moa, the particle Sa being a common prefix referring to a family of the Tui
Manu'a. But how does this explain the creation of the ta'afina? Meleisea quoting
Freeman and Schoeffel quoting Routledge come to the now familiar conclusion
that this period was marked by a power shift from the Manu'a oriented eastern
group to the more populous western islands.

... the creation of the ta'afina position was a device by chiefs of the
 populous western islands of Samoa to establish an alternative focus
of aristocratic rank to that of Manu'a.

While the Upolu tumua centres were reeling from years of submission, and no
doubt re-asserting something of their pre-Tongan status, another power centre in
the Tuamasaga district was re-asserting itself in the wake of the vacuum left by
the Tongan expulsion. Revolving around the orator groups of Animatagi and
Tuisamau centred in Malie and Apega respectively, the inaugural lineage of Sa
Muletoa began to consolidate its new found fortunes. According to Faletōesē's
translation of Henry, the re-constitution process took two hundred years, during
which two new ao titles were created, Gatoaitele and Tamasolali based in Afega
and Safata respectively. Once Nafana gathered the four titles, the ao, excepting
Tonumaipē'a, assumed new distinctions.

The four titles were called the papa from that time, the term
implying that they were revered above all others.

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1 Freeman 1963:328 n.7.
2 Meleisea 1967b:11 deferring to Freeman and Schoeffel.
4 Ibid.
5 Henry 1978:27.
6 Ibid.
Having acquired them, Nafanua then decided to bestow them on Levalasi (Sofon'ema'alelagi), her former 'guardian and mentor'. Levalasi's ties with Nafanua were strong. Her brothers Tani'i and Tupataivai'ili served Nafanua as warrior and chief priest respectively. Having demurred at first, Levalasi accepted them having in mind her niece and adopted daughter, Salamasina. The whole process of constructing the tafa'ifa took three hundred years from Tungan expulsion in the fourteenth century, to the acquisition by Nafanua in the fifteenth century, and to Salamasina's eventual accession in the early sixteenth century.

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1 Henry 1978:46.

2 Henry 1978:45.
Table 1 Genealogical table

Estimating chronological time through genealogical traditions

General period is adapted from Table 3 in Green 1969:108

<table>
<thead>
<tr>
<th>Estimated age period</th>
<th>General period</th>
<th>Fasavalu-Tuimala'ifano genealogy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000-1299 A.D.</td>
<td>Rule of Tui Tonga 'Aho'eitu to Tui Tonga with overthrow of Tala'aifeiki.</td>
<td>Tala'aifeiki. Origin of Malietoa title</td>
</tr>
<tr>
<td>1300-1350</td>
<td></td>
<td>Tui A'ana Tiamatu'a defeated by Savai'i forces in revenge for Lafa'iu's murder.</td>
</tr>
<tr>
<td>1380-1400</td>
<td>War of Tui A'ana Leuotele and the Fa'asaleleaga district against Letufaga-Malalo-mai-va'a. Tui Atua Potei-tamai. Founding of ac Gato'itele (Afeaga) and Tamasa'ili'i (Safa'a).</td>
<td>Beginning of Tagaloa-Fasavalu regime in Faleatai.</td>
</tr>
<tr>
<td>1400-1450</td>
<td>Warrior-goddess Nafana establishes her government at Filima-Puletu'u. War of Tui Atua Fagai'de'a and Tui Atua Fagai'i'ula. The war of Malietoa Faleatai and Gato'itele. The war of Tui A'ana Tamasese and Tui A'ana Segate.</td>
<td>Tagaloa Fasavalu</td>
</tr>
<tr>
<td>1480-1560</td>
<td>Reign of Nafana</td>
<td>Fasavalu</td>
</tr>
<tr>
<td>1500-1550 1513/1520</td>
<td>Queen Salamosina becomes the first tahitia. Raiboa sails South Sea and Magellan sails into the Pacific.</td>
<td>Fasavalu</td>
</tr>
<tr>
<td>1530-1575</td>
<td>Salamosina succeeded by her son Fosio'vase'e.</td>
<td>Fasavalu</td>
</tr>
<tr>
<td>1580-1600</td>
<td>Children of Fosio'vase'e: daughters Taufau (told Tui A'ana and Tui Atua titles), Sina and son Aosomulamalama.</td>
<td>Fasavalu</td>
</tr>
<tr>
<td>1600-1625</td>
<td>Faumunua-le-tupou'a, Sina's son from Tito'vase succeeded Taufau, whose son Tupouvao ignored his mother's calling.</td>
<td>Sina marries Tito'taui issue Faumunua-le-tupou'a.</td>
</tr>
<tr>
<td>1620-1650</td>
<td>Faumunua marries Tale'malae, daughter of Mata'tutia of Ataipata, issue King Feno'i.</td>
<td>Faumunua marries Atamulau, issue Va'a'asugaga.</td>
</tr>
<tr>
<td>1680 1700</td>
<td>Munututia adopted Tupua Pua'ava'alia.</td>
<td>Toleasa'o-I-Olo marries Taleta, issue Leumati'amau of Fasavai, Safata.</td>
</tr>
<tr>
<td>1710-1725 1722</td>
<td>Tupua Pua'ava'alia marries Tocipepa. Their son was Tahitia Galumalemana, Dutchman Jacob Roggeveen sights Samoa.</td>
<td>Leumati'amau marries Tutumano, daughter of Fasavai of Faleatai, issue two girls, Taufau-naiofo'sana and Tututa'i.</td>
</tr>
<tr>
<td>1740-1760</td>
<td>Galumalemana marries Saumalau, daughter of Tuita'ali'i. Their son was L'ama'ana b. c. 1750-1780, d. c. 1800-1810. Frenchman Bourgainville sights Samoa.</td>
<td>Lomaitava, the half-human and half-spirit from Fale'ali'i marries Taufau and issue Tuita'ali'i and Leta'ulua'sonou. Poor fit, Tuita'ali'i was L'ama'ana's maternal grandfather.</td>
</tr>
<tr>
<td>1768</td>
<td></td>
<td>Tuita'ali'i marries Ulua'se, daughter of Lua'tase'aga of Tuana'i,</td>
</tr>
<tr>
<td>1770-1776 1787</td>
<td>War between Nosana'ala and L'ama'ana over titles with L'ama'ana prevailing.</td>
<td></td>
</tr>
<tr>
<td>Estimated age/period</td>
<td>General period</td>
<td>Faasvalu-Tuimalaleilifano genealogy</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Frenchman La Perouse visits and lands in Tutuila.</td>
<td></td>
<td>Issue Leavase'ata.</td>
</tr>
<tr>
<td>1765-1800.</td>
<td>Reign of tafa'i'a Tamafana.</td>
<td>Leavase'ata marries Taiai, daughter of Fa'olotai of Lepa, issue was Lilemaniava Pogi. Latter was also known as Niupule'su (Spillius n.d. Ch. 3).</td>
</tr>
<tr>
<td>B. c. 1765-1700. D. c. 1828.</td>
<td>Leit'asava Tumusipe'a Tamafaiga of Manono.</td>
<td>Lilemaniava-Niupulehuau Pogi marries Taumaua, daughter of Taefu Meleisea of Falelatai, issue Suatipatia I. Matanoko's versions that he was a Tui A'ana conflict with Leulumoea's version who had conferred it on Tamafaiga and then Vainuupo.</td>
</tr>
<tr>
<td>1800-1829</td>
<td>Malietoa Vainuupo assumes tafa'i'a in 1828 following death of Tuimalaleila. Approximately 65 years in 1830.</td>
<td>Suatipatia I marries Tu'otofa, daughter of Malietoa Pita'emanu. The child was Su'alavi. B. c. early-1800, d. 26 August 1870.</td>
</tr>
<tr>
<td>1880-1970</td>
<td>Malietoa Vainuupo died on 8 May 1841, aged approx. 76 years and was succeeded by his half-brother Tuimalaleila Gatuitasina. When Gatuitasina died in 1858, he was succeeded by Moli, a son of Vainuupo. Moli died in 1860 and sectionalism emerged between Moli's son, Laupepa and Talavou, a son of Vainuupo from Fua'atalotui, a woman recorded by tradition as Vainuupo's step-mother.</td>
<td>Su'alavi acquires the Tui A'ana title in 1849 and later the Gates'itele and Tamaaolii given the split over the Malietoa title between Laupepa and Talavou, Su'alavi's nephew and first-cousin respectively.</td>
</tr>
<tr>
<td>1841-1899</td>
<td>Contest for tafa'i'a titles resumes. Main contenders were Su'alavi, Tupua Tamasee Tu'itimae and later Mata'afoe Joefo of Sa Tupua. Sa Malietoa was split over succession to the Malietoa title. Mata'afoe Joefo titled Tui A'ana by Leulumuoa in Mulimu'a in 1899.</td>
<td>1888, approximate birth of Fa'a'olii Si'utuva'e. (J. W. Davidson 1967-156 fn). Su'alavi died in 1871. Fa'a'olii Si'utuva'e assumes the Tuimalaleilifano title for the first time following Su'alavi's death.</td>
</tr>
<tr>
<td>1900-1914</td>
<td>Samoa was partitioned with Germany ruling the Western islands and USA ruling the Eastern Islands. On 25 February 1903, the Native Land and Titles Commission was established. The office of tafa'i'a was abolished and the active of pupe'a tumsu curtailed by Germany in 1905.</td>
<td>Fa'a'olii is succeeded by his sons, Si'u'a (1888-1939) and Suampatu II (1949-1974).</td>
</tr>
</tbody>
</table>
Embodied in one person, the tafa'ifa re-constituted a new power structure which supplanted the pre-eminence of the eastern isles pivoted around the Tui Manu'a. As shall be explained in chapter two, the fa'alupega provided the cultural charter for each village dating from the Salamasina period. Obtaining a precise fix on pre-historical events is asking for the impossible but through the critical method of eliminating error, it is possible to get as close as presently possible. Archaeologist Green has shown how genealogical and archaeological information can be combined in order to set Samoan earthen mounds within their historical context.

The use of traditional and genealogical materials may occasion some derision among New Zealand and other Polynesian archaeologists who tend to doubt their utility, especially with respect to genealogical dating (Suggs 1960b:772). To some extent I share these views, but I feel that well documented materials from Samoa and elsewhere reporting events for the last 300 and 400 years, and recorded in the nineteenth century, are probably no less accurate than are radiocarbon determinations, for instance, and they certainly may often help in interpreting the materials recovered by the archaeologist.¹

From the known, Green works toward the unknown using recognised rules established by one variant academic tradition. For example, estimating 30 years reckoning² for a generation as adopted by the German surgeon cum ethnographer August Kramer. Drawing from mission sources, Kramer published his monumental collection in 1902.³ The European missionaries, in particular, the Congregational Christian Church (formerly the London Missionary Society) also first published its version in 1915.

¹ Green 1969:102. He also makes the point that 'materials gathered today in the islands by archaeologists who do not speak the language or possess a full understanding of the social context in which the information is given, are likely to be very inadequate.'(Ibid).

² Another variant academic tradition reckons 25 years for a generation, which seems more reasonable.

³ 'In 1897 Kramer obtained a notebook in which a missionary had written down extensive fa'alupega,' Field in P/M, July 1994, p. 53.
The numerous publications of village and family honorifics raise certain academic issues. Very few if any accounts exist of how the honorifics came into being nor the way they have been transformed. Without effective ways of reviewing the fa'alupega to reflect more accurately the changing social patterns in contemporary village Samoa, the ossified strictures of nineteenth century traditions has, as Nayacakalou of Fiji observed, a ‘dead weight on development’.1 In 1985, the Methodist Church of Samoa also published its first edition of the fa'alupega. From the point of view of the practicing orators, social scientists, Samoans and others, there are obvious benefits from the publication of the fa'alupega. But from the point of view of social and evolutionary development, there is an apparent feeling that documentation not only immortalises the past in the present but also incarcerated the present in the past. The Western technique of print capitalism generates an imagination of ‘authenticity’ in a supposedly predisposed order. The notion of ‘traditional authority’ became an industry for academics overnight.

One outcome was that successive generations of Samoans began to develop and perpetrate a false idea that the published pattern was the way things always were and would continue to be. The Western print medium, under its increasingly powerful patron, the lotu, froze nineteenth century patterns of authority and maintained them against the grain of twentieth century reality. Paralleling this trend, Samoans at another level were taking advantage of human rights and equality promoted throughout the non-Western world. The latter message legitimated indigenous people's rights to live according to a supposedly old order, a common rallying cry during the decolonisation movement. The same ‘traditional cry and order’ is now haunting the development efforts of successive Samoan generations. Behind the façade of common identity and similarity, the fa'alupega asserts the distinctive differences of each village reflecting the old conquerors but either fails or refuses to acknowledge the reality of enduring change as described above.

1 Nayacakalou 1960:117.
Limitation of study

There are obvious shortcomings of this study in Samoa's title system. The first is that it is elitist. It focusses only on four *tama'aga* titles in general and one in particular at the expense of the others. I hasten to add that this was difficult to overcome given the current restrictions placed on access to family materials. A more serious limitation was the dependency on dated archeological data from the 1960s for the early historical setting of villages and titles. A more serious limitation is the need to obtain views from other village protagonists in the dispute between the Matautu village council and the Congregational Christian Church pastor over alleged mis-appropriation of funds. The absence of the testaments of the village council chairman and his wife is particularly limiting.

As one may gather from these shortcomings, a comparative study of the history and process of custom and traditions involving the other high titles remains to be done. Comparative studies at the regional and sub-regional levels is another priority area which has not made much headway since the late-1970s. In order to access grassroots feelings, equally important is the need for local and overseas researchers to acquire extensive local knowledge and familiarity with the play and the players at the different social levels and spaces.
1. Defining the problem

This inquiry into the history and process of traditions is indebted to a prevailing interest pioneered by Pacific Island scholars otherwise known in anthropology as the politics of tradition.\(^1\) The notion of custom is taken to mean the conditions of past experiences which exist only in the present, and as such, custom is constantly and selectively invoked, re-created and re-packaged to advance the present. The contest under ‘custom’ is a perennial feature in the political culture of Samoa given its oral nature and reinforced by the constitution. As a condition of selective imagining and remembering of the past for present use, custom becomes contestable ground. Few studies explore this transformation process in sufficient detail to better understand the history and process of custom and tradition. No doubt there are good reasons, including safeguarding the identity of the researched group and the bond of mutual trust between the researcher and researched. But in the Island micro-states of the Pacific, confidentiality is never absolute, and in any case, concealing the identity of researched group defeats the principle values of historical inquiry. More importantly, it is reminiscent of the Western ethnographic myopia of the late eighteenth and early nineteenth centuries which unintentionally froze the dynamism of social evolution and change.\(^2\) In my view, exposing the views and identities of the researched enhances their engagement as partisans in a discourse about continuity and change, tradition and modernity, a discourse which non-indigenous Pacific Islanders control by default. The process of creating and re-packaging custom impinges on fundamental aspects of rural-village life affecting every Samoan. Whether their views can be adequately represented by another


person is a debatable point. My own point of view can at best be taken as only one of many possibilities or worse if it fails to stimulate a contrary view. My own role as a participant-observer will also become apparent in the discussion. As will be explained later, villagers were reluctant and some even refused to commit information about their own family's point of view. While the few villagers interviewed during archival searches had perhaps falsely assumed that my findings would be published, no one rightly assumed that I had a monopoly on their view of history. The opportunity for creative expression is a fundamental freedom guaranteed by the constitution. Expressions of contrary views in response to research findings stimulate the potential of identifying and examining real or imagined issues and principles of contention well before families and village lineages fracture and coalesce into political factions however benign their appearances.

Another reason for this kind of study is that it instructs the debate on economic development. It has been stated many times that a fundamental reason for economic stagnation and under-development in third world countries lies in the paradox\(^1\) of customs and traditions. Running through this thesis is an underlying proposition that the limits of such studies on contradictions in custom in the Islands or elsewhere can be pushed beyond the level of comparing introduced and ancient traditions to one of local-vernacular histories. In so doing, we can provoke and engage the participation of ordinary villagers in the study with the aim of enhancing their capacity and confidence to de-mystify some of the mysteries of development.

There is a long tradition of studies concerned with the dilemma of development concentrating on the contradiction between indigenous and Westernised traditions.\(^2\) In the wake of European contact, early chroniclers such as missionaries and colonial officials equated conversion with civilisation and

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\(^1\) In the sense of a 'self-contradictory statement'.

\(^2\) Considerable material exists on the ever growing gulf between the political independence ideal and the economic dependency reality. Pioneering work in the Pacific include that by Professors Fisk and Brookfield and their proteges at the ANU.
'development', against which performance was assessed. Negative performance was partially if not completely blamed on the performer's preoccupation with custom. Recent writers, both European and Samoan, point to the contradictions between ancient and introduced systems in connection with economic development and population growth. In 1971, Lockwood for example, listed a number of contradictions in Western Samoan economic life - a considerable development potential with unexploited natural resources and low cash incomes. Samoans recognise their responsibility to future generations, yet their energies are dissipated on short term returns. Rhetoric is long on long-term social and political goals yet short on economic achievements. Even fewer studies have focussed on the re-creative if questionable role of custom in legitimising corruption. Great development plans were devised from the land speculator's dreams in the 1870s to the Rural Development Programme of the 1970s. Perhaps the most significant results have been crass consumerism of remittances, ever-increasing intellectual and economic dependence and a corresponding reduction in self-sufficiency. Obviously there is more than a passing relationship between variant traditions and development.

Ever since the transition from colonial status to Independence, development plans have become a requisite part of modern nation building. For Western Samoa, the first Development Plan was presented to the Legislative Assembly in October 1958. It made the obvious points that the country was primarily dependent on agriculture and that development must take place mainly upon land subject to Samoan customary tenure. At the same time it advocated the establishment of secondary industries. But its analysis was imprecise and incomplete. No examination was ever made, for example, of the inhibiting effects

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1 Lockwood 1971:187.

2 The exceptions include Meleisea and O'Meara.

3 Davidson 1967:5 and 167.

4 Davidson 1967:341-2. It consisted of a 'restatement of ideas that had been in circulation for a considerable time'.
upon development of customary tenure or the absence of facilities for rural credit.
Nor was the case for secondary industries supported by any but the most general references to the availability of raw material or of markets. While development plans became a tradition for nation-building from World War II to the late 1980s, their non-realisation has also become a commonplace and indeed accepted. Due to their limited success, development plans are now given much less priority or credence.

Complicating the development issue for Samoa is the fact that at the core of society, an endless struggle rages around the problem of reconciling conservativism emanating from custom and usage and the imperative of adaptation to conditions of rapid change. The background of this inquiry therefore is set against the historical contradictions existing between two diametrically opposed sources of pule or authority - chiefly authority and tulafono or statute law - one derived from oral traditions of aganu’u fa’a Samoa and the other from verifiable public sources of law or pule fa’a le tulafono\(^1\). The argument is simple. For anyone living under a regime of duality and competing systems of pule, one can expect endemic double standards particularly in the sense of justice which inevitably affects the process of development.

This inquiry argues that no discussion of political economy in contemporary Samoan society (and in most other third world countries) can afford to ignore the role of customary authority.\(^2\) "The key issues," Marcus asserts, "are to define ethnographically the operation of status attribution systems and to state their significance for political economy."\(^3\) For in the regular encounter between custom and law, or o le fetau'a'iga a le aganu’u fa’a Samoa ma le tulafono fa’a papalagi, custom is being ‘reorganized and retraditionalized’. The argument advanced in

\(^1\) Often referred to simply as fa’a palalagi.

\(^2\) The terms ‘custom and tradition’ are used interchangeably in this study to refer to that body of knowledge transmitted by word of mouth and recognised by their authors as the basis of a distinctive behaviour and way of life. Many of these traditions have been textualised by early Christian missionaries who inaugurated Samoa’s orthography and print media.

\(^3\) Marcus 1989:197.
support of this thesis is premised on two basic assumptions. First, with the
demise of colonial rule, Samoans (and Pacific Islanders in general) inherited two
systems of authorities, one based on village custom and oral traditions and the
other on Western (or statute) law. Second, ever since first contact, Islanders have
been adapting Western White Middle-class values, in an increasing rate as
spawned by market-driven economies and international media.

According to a 1994 study, about 70% of Pacific Islanders are rural and
outer island dwellers.1 There is a high degree of mobility between the urban
centres and rural-villages with young people moving on a more permanent basis to
the urban centres for educational and economic reasons. As they transit between
rural-villages and urban centres, Islanders adapt from one system of authority to
the other. Nevertheless, the two authority systems compete in fundamental ways
given their diverse historical experience and sources with consequent
ramifications on Islanders' sense of logic, and behavioural and performance
patterns. Samoans have no illusions as to what they want and where they can get
it, as evident from the Samoan diaspora since the early 1950s.2 For those who
have chosen to remain in Samoa, how to obtain and retain the benefits means
having to re-think our colonial and pre-colonial inheritance, in particular our dual
and contradictory systems of authority.

An analysis of the problem must begin with the constitution for it
contributes directly to the paradox in all its social, political, cultural and economic
dimensions by aiding and abetting the co-existence of custom and common law. A
'mixed' system of pule is embraced in the constitution's preamble. On the one hand
is the fa'alupega (honorifics) establishing the conceptual framework for the fono
(village council), 'aiga (descent groups) with its constituent matai or titleholders,
nu'u (villages) and itumalo (dispersed district villages). In such a context its
members, irrespective of birth and achievement, are governed as subjects of a

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2 The current annual quota for New Zealand is 1,100. The 1996 waiting list total over 3,000. Pers.
comm. Doreen Ala'ilima, 27 August 1996. It would be vastly longer if they had the chance of succeeding. Others are migrating as far as possible beyond the legal limits.
chiefdom. On the other hand, the Westminster system regulates Samoans as citizens of a nation-state under the *fa'avae o le malo tuto'atasi* - constitution and rule of law. When these competing traditions of authority overlap and complement each other there is no apparent problem.\(^1\) When they do not, as for example when decisions of the Land and Titles Court contradict decisions of the village fono there is ambiguity and stagnation within the village community.\(^2\) Each source of authority generates its own set of contradictions but with one distinctive difference. Until very recently, the principle source of custom was orality while the sources of common law have an established tradition of documentation. The oral transmission of custom relied on a highly selective institutional memory. In retrieving this stored information, potentially disruptive details of information were filtered or camouflaged so as to maintain the appearance of consensus.\(^3\) As so often occurs in many other developed or developing societies, the details of the memory that prevail are that of the hierarchy. Those at lower levels of the hierarchy resign themselves, at least temporarily, to their fate but unyielding in their belief in the rightness of their positions.\(^4\)

When Europeans arrived in Samoa in the eighteenth and nineteenth centuries, the wars that featured so much during this period of Samoan history over the four ancient *papa* titles of Tui A'ana, Tui Atua, Gatoa'itele and Tamasoali'i were contested mainly by holders of tama'aiga titles, namely,

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\(^1\) At independence, voting and standing for Parliament (with the exception of Europeans and mixed-race Samoans listed in the Individual Voters) were restricted to matai. In relation to matai suffrage, Davidson (1967:377) wrote, 'It was assumed that the right to vote in the territorial constituencies would initially be limited to matai, but this restriction was omitted from the constitution itself, in order that suffrage could be amended as soon as there was a majority in the assembly in favour of such a change. As supreme law, the constitution stipulates in section 44 that 'the qualification of electors ... shall be prescribed by law.' Universal suffrage was introduced following a plebiscite in 1990.

\(^2\) Parallels in other Pacific Island nations exist as for example, O H K Spate for Fiji 1990. 25(1):104. Thirty years on, the fallacy of using a structure based on a relatively closed and self-sufficient socio-economic system with an ascribed hierarchy of rank as the basis of the electoral system is revealed. Its use in a modern, open and largely commercial (capitalistic monetised) economy with a socially mobile population is likely to prove fatal.


Malietoa, Mata'afa, Tupua Tamasese and Tuimaleali'ifano. To hold all four papa titles established one's ceremonial supremacy, though real power depended on control of the land. The most important consequences of these periodic campaigns was that the Samoans became poorer as in some cases, they fraudulently parted with their land to fund their campaigns. As a result, two and half times the total land area of Samoa was "sold" to foreigners.¹ The historical conflict formally ended on 14 June 1889 under the Berlin treaty concluded between the United States, Great Britain and Germany. A Supreme Court and a Lands Commission were among the treaty's most important creations.

With the treaty, the battles over the titles were contained within the Lands Commission. Initially, murders and other atrocities committed by ranking chiefs remained unpunished and the Supreme Court and the nominal government at Mulinu'u were powerless to exert any controlling influence. The major difference however was that the venue of conflict had changed from the villages to a court room often conducted behind a veneer of mission piety and colonial patronage. In December of 1899, the Berlin treaty was annulled and Samoa was formally partitioned in 1900, Germany taking the Western Islands (Western Samoa) and the United States of America the Eastern Islands (American Samoa). For sixty-two years of colonial rule, the question of succession to the ancient papa titles and thus of tafa'i fa was effectively curtailed by successive colonial governments. With Independence for Western Samoa in 1962, the process began to gather momentum using post-colonial institutions and techniques.

1.1. Custom and abuse of power under the constitution

Proclaimed in the Holy Name of God, the Almighty, the Ever Loving, the constitution's preamble designates Christianity as a state religion, and asserts that Independence is based on Christian principles and Samoan customs and traditions. With Independence in 1962, Samoans inherited the contradictory

¹ Gilson 1970:408.
impact of two sources of laws inherent in the constitution, each with a distinctive
culture and logic. 1 On the one hand are the instruments for a Westminster system
of government (human rights, a Legislative Assembly, an executive and judiciary),
and on the other is the law according to custom and usage as interpreted by
Samoans and the Land and Titles Court which legitimates the matai system. Each
system has its own courts, the Supreme and Magistrate Courts for the former and
Land and Titles Court for the latter. While recognising the ancient authority of the
village-based fono, a New Zealand-based Samoan matai and lawyer overstated the
contemporary function of the village fono by stating that the fono is both
parliament and court wrapped into one, its power is absolute and its decisions
unquestionable. 2

According to the modern Samoan historian Malama Meleisea, the
constitution was written in a spirit which assumed that all the contradictions
between fa'a Samoa and the modern state would be solved by the next generation. 3
The pre-supposition that the contradictions were apparent to the Samoans is a
matter of degree and those involved, Samoan or expatriate, could not possibly have
foreseen all the ramifications. While Members of the Constitutional Convention
may have intended that the law limiting voting and candidature for parliament to
matai would forge a temporary compromise between pule fa'a Samoa (custom and
usage) and pule fa'a palagi (Westminster Government), the constitutional Adviser
retained by the Samoans, J. W. Davidson, apparently expected this to change
quickly. 4 It was only in October 1991 that through a plebiscite that Samoans
agreed to change the voting system for 47 of the 49 seats parliament to universal
suffrage with nomination restricted to titleholders. In the meantime, as noted
above, the double-standard persist with ramifications on almost every aspect of
Samoan life. Another point of view is offered by a legal historian, Guy Powles

1 Powles 1990.


3 Meleisea 1987,211.

states that the mid-wives of the constitution, J. W. Davidson and C. Aikman were anxious to take advantage of the winds of change blowing through the corridors of power for a quick endorsement of Samoa's constitution through the UN's Decolonisation Committee.¹

The all-embracing concept of fa'a Samoa ought to provide the conceptual framework to explain the contradictions, but its changing contexts and meanings continues to defy precise definition. While variant traditions of aganu'u fa'a Samoa are legitimised under the terse rubric of custom and usage, the precise terms of its legitimacy are inimical to traditions of orality and has become a breeding house for abuse. The modern institution which is best able to define, classify and regulate custom and usage is the (Customary) Land and (Chiefly) Titles Court.

The establishment of the court recognised under Article 103 of the constitution to deal with matai titles and customary land ‘in accordance with Samoan custom and usage and with the law relating to Samoan custom and usage’.² The constitution is however mute on the precise details of these important principles of custom and usage, and as such, it has been the court which has attempted to interpret these in accordance with the cases presented before it. The power of the chiefs and thus the village fono stem from uncodified and arbitrary corpus of knowledge.³ The law on the other hand stems from a written constitution. The resulting compromise was a competing system of governance, the hierarchical-based village fono structure on one hand and the egalitarian-based Westminster structure on the other, each with a distinctive ideological foundation and mode of operation. The ramification and ethical basis of this dual system were


² Constitution of Western Samoa, Part IX, Land and Titles. §100. A matai title shall be held in accordance with Samoan custom and usage and with the law relating to Samoan custom and usage.

³ This has since been modified with the Village Fono Act, 1990, which gave legal recognition to decisions of the village fono. The Act requires the Registrar to keep a record of its decisions, and Minutes of its meetings. This has not been effected partly because there is no tradition of minute taking and partly because of the inadequate staffing. Another reason is that because of their access to closely guarded information, court officials are accorded high status by villagers and treated with deference and usually presented with ‘customary’ gifts. Their presence thus becomes an embarrassment and an unnecessary burden on the villages.
never considered a priority during the constitutional conventions of the 1950s and 1960s.

One consequence of living under this dual system of governance is that legitimacy can be easily be fused with tacit corruption. In Western Samoa as in most other parts of the developing world, the distinction between vested interest and custom is a difficult one to differentiate but one of increasing importance and concern. It would be difficult to ignore the growing incidences where custom is wielded as a justicificating ideology of the powerful. Several court cases have exposed in graphic details the dilemma of balancing custom and law. In 1980, Tariu Tuivaiti, an enterprising villager who had worked in New Zealand and returned home with his savings, was initially fined for irregular church attendance by the Matautu fono in Falelatai. He paid the fines but remained at home on Sundays to repair his buses. Consequently, his life was threatened and eventually banished. His livestock were destroyed, plantation crops uprooted and personal property torched. The village fono did not own the road and so his buses were allowed to run through the village but the fono black-listed them. When Nanai Likisone, a close acquaintance and a senior titleholder challenged the fono by patronising Tuivaiti's buses, he too was banished. As Nanai Likisone prepared to depart, the gerontocratic titleholders, piqued by the idea that one of their own member would openly defy them unleashed its troops, the aumaga-untitled men. Against a raging umu or earth-oven fire, Nanai Likisone was bundled out of his fale, trussed up, pig-like, and carried across the malae-village green while the fono pondered over his fate.

In 1992, a villager of Neiafu in Savai'i was similarly trussed up and paraded through Neiafu before an ominously burning umu as the fono pondered his fate. The nature of his alleged offence was not revealed but he later died of a heart attack.1 The most recent controversy which captured international headlines took place in Lona village on eastern Upolu. On September 1993, Nu'utai Mafulu, an enterprising villager and titleholder of Lona, was allegedly

1 SO, 29 September 1993.
barred from participating in the the fono for assaulting another titleholder while the latter was signalling the commencement of evening curfew. While serving out his sentence, Mafulu sponsored a rival neighbouring village in defeating Lona at a game of cricket. For this affront, the Lona village fono consented to and carried out Mafulu's execution and the destruction of his home, store and vehicles.\(^1\)

In another incident, the village fono of Vailoa in Savai'i chased out families from their homes following national general elections on April 1996 because the families allegedly voted against the sitting member and unsuccessful council nominee for their constituency of Palauli.\(^2\) In early 1997, a taule'ale'a or non-titleholder of Samalae'ulu village attempted to exercise his constitutional rights by introducing the Church of Jesus Christ of Latter-day Saints (Mormon) to Samalae'ulu. The Samalea'ulu fono decided it did not recognise the Mormom church as an legitimate village church and the villager almost found himself in an earth-oven. These selected sensational incidents represent the tip of the iceberg as many have occurred and continue to occur with increasing frequency, unreported and unrecorded, but unrelentingly 'justified' by village authorities as village customs and usage as having the force of statutory law.

1.2. Fa'alupega and nu'u: basis of pule

The primary unit of Samoan society is the nu'u each one possessing a fa'alupega (a set of honorifics) from which its basic political and administrative authority is derived.\(^3\) The fa'alupega\(^4\) is thus a preliminary point for understanding the social organisation of the nu'u. It prescribes the status of each nu'u and the relative ranking of its matai within and in relation to other itumalo

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\(^1\) PIM, 1993 (Nov.):17.

\(^2\) The reported number of families affected was 16. SO, 22 September 1996.


\(^4\) It is periodically published for both Western and American Samoa as O le Tusi Fa'alupega.
or district polities. While all villages look alike, each is distinctive in terms of its matai titles, land allocation, genealogical and political connections and in recent times its religious and political party affiliation. Although unacknowledged in the Tusi Fa'alupega, God's representatives, the fa'ife'au (clergymen), occupy a pivotal position in the village power structure. Their position is enshrined in the nation's motto, Fa'avae i le Atua (Founded on God) and they act as a sanctifying arm of the secular village fono. While everyone may not have access to either the Tusi Fa'alupega or the Book of honorifics, almost every literate family member has their own Tusi Fa'itia (Bible) and Pese (Hymn book), each read and sung respectively in church, at least twice each Sunday.

On a daily basis, the chiefly-clerical alliance effectively controls and maintains law and order. Acting as the village court, the fono adjudicates on civil disputes and criminal offences, including customary land and in some cases, matai titles. Protocol and methods of procedure are derived from and prescribed by the fa'alupega. When they fail or competing parties feel dissatisfied, the dispute is referred to the courts, in particular the Land and Titles Court which as a general rule supports the fono's decisions. Together, these constitute a customary law regime. However, the practical usefulness of the arcane fa'alupega-driven procedures and honorific-oriented fono for contemporary life is questionable. The fono, not being formally constituted as a court, does not have judicial authority.¹ But with the passing of the Village Fono Act in 1990, the anachronism was reinforced and its decisions in a restricted sense are recognised.

It has been asserted that in colonial times the court was employed as an instrument of central government policy to frustrate and break the power of the matai and the Village fono.² The government’s commitment to the court reflects a popular concern for its legitimate function as a protector of worthy customs. But the Village Fono Act of 1990 has conferred on the village fono powers, in the sense

¹ Powles points out that village council's customary law powers are partly 'judicial'. They are recognised as matai law under the constitution and as decisions of the Land and Titles Court and thus are 'customary law' as defined in the constitution.
² Meleisea 1987b:64-70; O'Meara 1990:142.
of introduced law recognising pre-existing customary law, in accordance with the custom and usage of each village. This had tended to intensify tensions between the court and the fono over a uniform view and definition of 'custom and usage'. Reconciling existing contradictions in the dual system of governance perhaps, presents the greatest single challenge facing Samoans and their leaders. Over 80% of Samoans live out at least 50% of their lives under the authority of the village fono. But the question remains. How can one reverse let alone stay the authoritarian regime of the village fono, sanctioned by a powerful and self-seeking clergy, thus releasing the creative energies of its people to cultivate and develop their resources secured by one common rule of law? The courts and now the Village Fono Act of 1990 allow each governing institution a free hand in interpreting custom and usage without articulating and defining principals on which the regulation of that authority is to be exercised.

1.3. The Land and Titles Court

Under article 103 of the constitution, the Land and Titles Court is on par with the country's criminal and civil courts. When villagers refer to the tulafono in matters relating to aganu'u fa'a Samoa, they generally have in mind the Land and Titles Court (a meaning which I shall adopt throughout the discussion unless otherwise stated). It is to this institution that Samoans defer for decisions concerning customary land and chiefly titles. It was created in 1903 as a Commission and functioned as a tribunal to enable the German Governor to intervene in major land and title disputes. When New Zealand troops took over the Islands at the outbreak of World War I in 1914, the Commission was retained. Twenty years later in 1934, its name was changed to a 'court' but its powers and functions remained unchanged, operating as an administrative tribunal rather than as a court of law.¹ Yet other Samoans see it in a different light. In opening

the Saleologa branch of the Land and Titles Court in 1970, Tupua Tamasese Lealofi IV, as Prime Minister, outlined its stated purpose.

The respective roles and function of the two courts are different. One is for the maintenance of law and order, the other is for the protection of rights to customary lands and titles - the two basic and fundamental things which form the very core of our Samoan society. The decisions of the Criminal Courts will affect only those accused whereas the decisions of the Land and Titles Court have far reaching effects for they are binding even on unborn generations.¹

The court has contributed to the inflexibility of custom by freezing in written records and in court decisions variant traditions of history which individual parties invoke at different times for different reasons. Consequently, the nature and direction of change is far from clear. The obvious but often neglected conclusion is that Samoan 'customary' laws and procedures lost their fluidity in the colonial encounter, and became much more rigid than they ever had been before.² Meleisea observes that:

'The (Land and Titles) Court is now the only institution of the central government with the specific role of guarding and defining fa'a Samoa. In 1981, an Act of Parliament was passed establishing the Land and Titles Court as a separate department under the Ministry of Justice. Without clearly realising the implications, the Government was also consolidating the existence of an institution which continues to perpetuate contradictions between the two types of authority.'³

As families flood the court with their disputes the most immediate concern of defining fa'a Samoa or custom and usage becomes secondary to the concerns of retaining the status quo, social order and harmony. But as these decisions are subject to wide interpretations, many disputes quickly re-surface in the court. While the number of disputes has increased exponentially, the resources of the court have become woefully inadequate to the extent that allegations of nepotism

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¹ Samoa Times, 14 August 1970, quoted in Meleisea 1987b:206. The rulings of criminal courts also have far reaching effects on the unborn and agoa'u.


³ Meleisea 1987b:207.
is becoming common. The extent of the flood since the 1950s can be gauged from
the following table:

Table 1.1 Number of disputes brought before the court
(1975+1977 from Powles, 1979:161)

<table>
<thead>
<tr>
<th>Year</th>
<th>Titles</th>
<th>&lt;%&gt;</th>
<th>Land</th>
<th>&gt;%</th>
<th>Other</th>
<th>Total</th>
<th>&lt;%&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>109</td>
<td></td>
<td>167</td>
<td></td>
<td>75</td>
<td>351</td>
<td></td>
</tr>
<tr>
<td>1971</td>
<td>137</td>
<td>26&gt;</td>
<td>174</td>
<td>4&gt;</td>
<td>28</td>
<td>339</td>
<td>&lt;3</td>
</tr>
<tr>
<td>1972</td>
<td>107</td>
<td>&lt;22</td>
<td>141</td>
<td>&lt;19</td>
<td>91</td>
<td>339</td>
<td>0</td>
</tr>
<tr>
<td>1973</td>
<td>183</td>
<td>71&gt;</td>
<td>302</td>
<td>114&gt;</td>
<td>3</td>
<td>448</td>
<td>44&gt;</td>
</tr>
<tr>
<td>1974</td>
<td>208</td>
<td>14&gt;</td>
<td>252</td>
<td>&lt;17</td>
<td>-</td>
<td>460</td>
<td>6&gt;</td>
</tr>
<tr>
<td>1975</td>
<td>161</td>
<td></td>
<td>165</td>
<td></td>
<td>49</td>
<td>375</td>
<td></td>
</tr>
<tr>
<td>1976</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Not available</td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>292</td>
<td></td>
<td>110</td>
<td></td>
<td>43</td>
<td>445</td>
<td></td>
</tr>
</tbody>
</table>

In addition to disputes over titles and land, other kinds of disputes include
banishment from customary land, the site or height of the foundation of a house,
boundary disputes, removal of titles, various rights to confer titles, confirmation of
a private venture on customary land, and objection to licenses for commercial
venture on customary land. Although many commentators have described the
growth of disputes appearing before the court, like defining fa'a Samoa, the exact

1 Number of cases before the court.

2 Based on judgments given by the court. Land and Titles Court Annual Report 1977.

3 Cf. The Savali, 31 July 1989. The number quoted is 102.
number for individual years can be elusive. Taulapapa Anesi refers to a
dramatic increase and 'A'eau describes the growth as greater than the population
or birth rate.¹ The number was 100 in 1958 and by the mid-1980s, it had reached
between 300 and 400.

The number of disputes that are settled outside the court through the Land
and Titles Department's conflict resolution procedure varies considerably and
figures are difficult to come by. Taulapapa Anesi estimated in 1988 that it was
40%² and the Registrar G. N. N. Schmidt says it was about 60%.³ Despite these
promising percentages, the systematic abuse of the court process is public
knowledge, as publicised by annual Reports of the Department of Land and Titles
Court (DLTC) to Parliament over recent years. A favourite tactic of frustrating
court procedures (and inconveniencing other parties whose members may have
incurred considerable travelling costs to attend) is for party leaders and witnesses
to claim overseas absence on the pretense of tending to social obligations (funerals,
birthdays, weddings, commemoration of church buildings, dependent's graduation,
etc. during which some of them engage in the illicit practice of sponsoring and
bestowing titles in return for money and other gifts). Another is to plead non-
availability because of bad health, failure to be properly informed or non-receipt of
notification by court officials. A favourite among party members who are also
national politicians is to appeal to prestige. Usually on the day of the hearing, they
inform the court (and through the court their rivals) that they are tending to
important matters of state such as parliamentary sessions, a cabinet meeting,
receiving an important overseas delegation, or a church function. Other tactics
include a party seeking postponement on the pretext of inadequate preparation, or
for a new party to file a petition, or for an existing party to change the nature of
their original petition, all of which are filed on the day of the hearing. Yet another
reason for postponement is due to objections from parties against sitting judges


suspected of being partisan to other parties, and if upheld, means adjournment for the court to re-constitute itself. Other reasons for postponement include, the appointment and confirmation of a holder to a senior or principal title, the prior decision of a related case, pending peace-making efforts outside the court, a decision of the land commission, and results of appeals.\(^1\)

Since the Samoans widely accept the role of the Land and Titles Court as the major determinant of fa'a Samoa, the practice of these widely known tactics have resulted in an enormous backlog of cases and thus calling into question the symbolic meaning and significance of fa'a Samoa as a cultural norm considered as conferring on Samoans its distinctive cultural value. In 1987, the backlog of cases totalled 1,805 with only a quarter of the total being dealt with in that year. The only branch of the court is located in Tuasivi on the north-eastern side of Savai'i. The Registrar declared that based on an average of seventy court decisions per year between 1987 and 1988, it would take twenty five and a quarter years to deal with the backlog in Tuasivi alone, most of which concern titles rather than land.\(^2\) The total backlog for Samoa climbed to 2,288 in 1988 and has not dropped below 2,000 over the last five years. In 1989 it was 2,448, 1990 - 2,310, 1991 - 2,371, 1992 - 2,357, 1993 - 2,299.\(^3\)

1.4. Reviewing the problem

The assertion of chiefly authority particularly in politics was achieved at a high price. Under the recent demands for votes, Samoans indulged in the practice of widespread splitting of existing matai titles and inventing new ones and created a new category of titleholders, matai palota or matai titles for the ballot box. Some of the country's highest titleholders including tama'aiga titleholders have been

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1 Report, DLTC for 1989 & 1990, Appendix II.


involved in this abuse through their prerogative to invoke and bestow dormant titles. Many abuses were reported with titles created out of tropical cyclones ('Ofa) and canned meat *pisupu* (from the localised American pea soup). The outcome was interminable disputes over customary land and chiefly titles. When electoral laws confined the vote to matai, Samoans responded by subverting their most revered social institution and power base in the name of custom. In his review of Meleisea's 1987 study, Powles points out that

While each Pacific Island nation has made the transition to Independence with a different mix of indigenous and imported thinking, Western Samoa was distinguished, first, by the importance attached to its chiefly system. It was entrenched in the system by formal law, in the electoral provision for matai suffrage, and protection of matai-controlled land tenure. But perhaps most important of all was that matai power remained unchecked by the absence, in the formal legal structure of the state, of any explicit constitutional provision for regulating local governments at the village and district levels, in other words, its power base. Over the two and a half decades since Independence, this constitutional environment has permitted the chiefly system to grow and assert itself in the Church, Government and business sectors....¹

Western Samoa today faces a dilemma, some say a crisis, for the way ahead is unclear but seems likely to involve the further erosion of cultural values and dilution of prestige of its matai. This would not matter if effective alternative mechanisms were evolving or created, but this is not yet happening. The constitution provides no immediate means for resolving the inevitable impasse arising from the competing systems of pule.² Amendments to the constitution are almost impossible as there is no mandatory requirement in the constitution for a periodic review. The only available option is a two-third majority as stipulated in Article 109:

..., any provision may be amended by or repealed by Act ... if ..., supported at its third reading by votes of not less that two-thirds of the total number of Members of Parliament (including vacancies) and

¹ Powles 1990:125.

² Local varieties for authoritarian rule include *pule pule malos*, *pule pule tutu* and *pule fa'a Hitila* (like Hitler). For liberal authority, the term often used is *loto fuataifo* - freedom of conscience.
if not fewer than 90 days elapse between the second and third readings of the bill.¹

This option was taken by the Tofilau government in 1990. Through its numbers, Tofilau succeeded in introducing universal suffrage with candidates restricted to matai after a referendum voted in favour of it by simple majority. By opening the vote to all Samoans, twenty-one years and over, it diffused the need for the obnoxious matai-palota or ballot titleholder. But as the supreme law, the constitution has implicitly failed to facilitate the proper role of custom as an integral part of Samoa’s evolving body of law. Clashes between the two systems, as played out before the village fono and the courts, degrade both tribunals. I believe that this duality, of operating a justice system under a dual system of authorities, is the most serious obstacle to the effectiveness of courts and development faced by most Pacific Islands countries. Powles has likened the plight of Justice to ‘poor cousins’ in the allocation of resources and development plans.² And when a peoples’ sense of justice is not effectively addressed, the loser is self-confidence, that most vital ingredient in any form of development. Without it, it is difficult for any nation to advance beyond instant gratification and band-aid development.

1.5. A possible solution

Australian scholar, Martin Chanock, challenges the concept of an identifiable and coherent customary law. He argues that customary law came about in response to the advent of Western evangelism, anthropology and law. In short, it came by way of Western contact and colonialism. It is by no means regular and of time immemorial, but is even now in the act of being created.³ Although slightly overstated, his argument contains an element of truth in that

¹ The University of the South Pacific, 1988.

² Powles 1988:35.

the specific forms of custom today were influenced by Western evangelism and even more so by a monetary economy, high technology and personal mobility. In Samoa, when village fono procedures fail, the court adjudicates. Whatever authority decides, custom is re-created or at least influenced. Certain indigenous values may be reasserted in the process, but there is no automatic validity about any of them. Chanock asserts that if we see the fixing of customary law as following, not preceding, the evolution of the state, all is possible. In other words, custom is not a set of dogma set in concrete but is malleable as clay and thus is contestable. With the advent of the state come recorded law suits and out of recorded law suits comes customary law. But, '... writing and precedent do not fix legal development', says Chanock, 'they make it possible'. Implicit in this is that the moral first principles forming the basis of recorded law suits and subsequent customary laws are debatable.²

1.6. Methodology and epistemology: Which tradition?

From whose points of view are the issues described and analysed? Here we turn to analysing the analysts. I had two reasons for studying the transformation process of tradition through my own descent groups. First, descendants have a right of access to their family documents at the Department of Land and Titles. Second, it was the only set of tradition that I could access and study with minimal threat and in some depth to demonstrate the application of custom and usage and consistency thereof in the court and in the village. According to the Land and Titles Department court procedures, proper identification is required for the release of written statements for access and perusal. Access is restricted to written statements of the applicant's family party and access to other family factions require their written permission. Policing this requirement is however a major

¹ Chanock 1985:237.

problem. Instead of separate files for individual statements, files are often handed out containing written statements of all parties to the dispute.

I first began collecting Samoan material in 1975 as a matter of curiosity when I was drawn into family disputes over titles. Wherever there was political advantage, almost all senior titleholders were involved in one or more campaign concerning title or land in different parts of Samoa. One of the requirement was that written objections be submitted to the Land and Titles Court in both Samoan and English. As one more proficient in English than in Samoan, I was given Samoan texts to translate into English while an undergraduate student. This involvement continued when I was in Samoa from February to October 1982 working as an administrator for USP’s Alafua campus. The material collected centred on aspects of fa’a Samoa under the categories of lauga (oratory fa’a Samoa and lotu), fa’alupega (honorifics), gafa (genealogies), tini and solo (chants and poems). To these were added church listings of members, ex-communicated members and those under supervision before re-admission, tithes and alofa (monetary collections for the pastor), lists of successive pastors, records of church construction and more recently, listings of ceremonial gift-exchanges. As I was unaccustomed to an indigenous form of epistemology, the growing number of folders of information were categorised under simply fa’a Samoa. By coincidence, I came to wonder about a Samoan sense of epistemology. How do Samoans order and categorise their knowledge and information as a way of acquiring a systematic approach approximating to that of a native Samoan point of view? My search revealed the extent of my ignorance and I tentatively concluded that whatever indigenous approach there might have been in the past has since disappeared or had been overwhelmed by another epistemological tradition such as ‘Western’ derived - anthropology, ethnography, geography. In introducing their Cultural Identity and Ethnicity in the Pacific, Linnekin and Poyer state their intention;

1 Most had been collected by my father who had transcribed them from Tualetono Malae’ulu Sulu, an elderly tala’afe of the Sā Va’a orator clan in Leulumoega.

2 I am grateful to Pastor Keilani Pele Tagoa‘i F.S. for access to the ‘Api o le Galuega’, (the Record Book) of the Matautu, Falcatai parish in 1982.
we are initially concerned with the cultural dimensions of identity; that is, with symbols, meanings, and indigenous categories. ... Pacific Islanders may or may not share Western assumptions about what makes others the same or different. In other words, Oceanic ethnotheories are not necessarily ethnic theories. ¹

But as they do not suggest any answers to these seemingly elusive questions, it may be worth re-stating them again. What are Island categories of knowledge?

When I took up further studies in 1992, the task of developing a theoretical framework into which aspects of interest and significance to the economic and political development of my own society could be incorporated also proved frustratingly elusive. Does an indigenous system of knowledge exist?² The issue of ordering and categorising knowledge or rationalising data according to indigenous as opposed to Western categorisation of knowledge of ‘tradition’ proved elusive. What was ‘tradition’? Who decided when information and knowledge entered the realm of ‘traditional’ and how was the information ordered? Formulating a personal let alone a Samoan point of view was a completely novel undertaking. In terms of ordering data, I began with the category of things under ‘Fa’a Samoa’ hence letter ‘F’ for fa’a Samoa and fa’alupega. But then what? There was no written corpus of indigenous knowledge in which the data could be contextualized. And here was the crunch. Did an indigenous epistemology exist? In what form was it conceived? What was the equivalent in Samoan traditions of the Western society’s Bachelor’s, Masters and PhD degree? Qalo alluded to Fijian epistemology derived from myths, legends, totems and so on ...’ but he does not elaborate.³ As another indigenous post-graduate candidate in search of indigenous epistemology upon which the collected body of data could be categorised, I fell back on the only body I


² Epistemology, from the Greek word episteme meaning knowledge, is defined as ‘the theory of the method or ground of knowledge’.

³ Qalo 1992:169. When he presented his paper in 1990, he was a PhD candidate and presumably was grappling with epistemological issues grounded within an indigenous system of knowledge.
knew, the Western social science tradition. Hence the re-ordering from a vacuous 'Fa'a Samoa' label to the more familiar categories of anthropology, history and related sub-categories. The bulk of data eventually found its way into the category of history but it could easily fit in any other social science classification.

1.7. Sources

Given that outsiders have been responsible for the initial documentation of early indigenous given history, the persistence of imperial history tinged with mission influence cannot be totally ignored. The emergence of a Pacific Island-oriented tradition in the 1940s at the Australian National University's Research School of Pacific and Asian Studies led to the studying of Pacific (Islands) history in its own right. While one pins one's hope on documented oral traditions for the pre-papalagi era as well as the colonial period, one cannot get away from the pervasive external influence of documented sources. The secondary sources will become apparent from footnotes and bibliography. The documents which form the primary sources were obtained from the Land and Titles Court and called Tala Tusia (Written Statements - Writ. state.) prepared by contesting parties, written or typed court proceedings and deliberations by the Bench. The main primary sources consist of files kept in the Land and Titles Court under two categories. The first category of records comprises files organised under the LTC (Land and Titles Court) heading and consists of disputes resolved by court officials under the court's conflict resolution mechanism. The files relating to these disputes are organised alphabetically by villages of which there is a total of 235. Once the dispute appears before the full court for hearing and a decision, the file is transferred to the LC (Land Commission cum Court)\(^1\) which forms the second category of record. Again

\(^1\) The precise nature of the LC abbreviation is obscure at this stage. The case files during the German period were marked LK for Land Kommission. One presumes that LK (Land Kommission) changed to Land Commission (LC) with the New Zealand take over and became a Land (and Titles) Court.
the files were organised under an alphabetical listing of 192 villages. What can cause some confusion is the fact that a number of disputes appear under both index categories (often without appropriate notation as to its re-classification), often under a different heading and almost always with a different case number. In the early 1980s, during Meleisea's Land and Titles Court archival search, he asserted that the court held more than 8,000 files of which he claimed to have seen a little more than 200.¹ In 1988, senior deputy president Taulapapa Anesi reported that 9,000 or so files (presumably the number held in the main office at Mulinu'u) and also referred to a larger collection of files of disputes which had not appeared before the court.²

In 1992, Va'ai referred to 15,000 files, 10,000 at headquarters in Mulinu'u and 5,000 in the Savai'i office at Tuasivi which excluded many other files relating to disputes which had not appeared before the court either because reconciliation was reached through the court's conflict resolution procedure or because the petitioner failed to follow up on the initial petition. In my own searches from January to March 1995, the LTC category of files listed 235 villages and the LC category 192. As I had not obtained the total number of files, I made a rough calculation by multiplying 235 villages by 45, being the number of files for Matanofo, one of the researched sub-village of Falelatai. The resulting 10,575 total is an over-estimation as a considerable number were re-classified under the LC category as and when they appeared before the court. Similarly, for the LC category, I multiplied 192 villages by a conservative 150 files (instead of the 190 for Falelatai). This totalled a staggering 28,800 files for the LC category alone. Without adding the LTC category, the 360% increase of LC files is difficult to comprehend in the light of Meleisea's 8,000-plus files a decade earlier, an indication of the phenomenal growth of disputes that appear before the court quiet apart from the unconfirmed 10,575 cases handled by the court bureaucracy.

¹ Meleisea 1987b:xiv.
² Taulapapa 1988:112.
Apart from the phenomenal growth of disputes is the associated cost of staging installation ceremonies. The cost of conferring the papa title of Tui Atua in 1986 was conservatively estimated at not less than one million tala. It entailed the presentation of over 2,000 *ie toga*, ten heads of cattle, 100 kegs of beef, a sum of $5,000 in cash, monetary gifts to orators and three lineage spokesmen, as well as serving of meals and refreshments to thousands of supporters at the event quiet apart from the manhours.¹ An installation of this magnitude is not common, but it does indicate the exorbitant lengths to which Samoan families are committed to maintain their titular system.

The staging of a *lagi* or funeral ceremonies for deceased titleholders constitute another major expenditure. The funeral ceremony for Tuimalaleali'ifano Suatipatipa II in June 1974 obliterated the cattle stock and cleaned out the only store for the Matanofo cooperative society. The store was revived in the late 1980s but that soon got wiped out with assistance from Cyclone ‘Ofa in 1991. Both projects are not likely to be revived for some time. It is doubtful whether the projects realised any proceeds and outstanding debts to the government agriculture department were fully repaid. The scale of wealth distributed at the funeral ceremonies of non-tama'aiga titleholders are not much different. To take an example of Le'apai Sefo of Malie, a *tulafale* titleholder who died in January 1976. The *si'i alofa* or the wealth received totalled 600 *ie toga* or fine kilts and the sum of $WS2,000. The *lau'ava* or returned gifts distributed by the deceased orator's family comprised of 12 heads of cattle, 40 pigs and 300 cartons of mackerels. They further gifted 200 *ie toga* and an unspecified sum of money to the orator group of ‘Auimata'gi in which the Le'apai title belonged.²

Under section 94(2) of the Land and Titles Act, 1981, I was allowed access to my paternal village and family files classified under these two categories. There

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¹ *ST*, 12 December 1986.

² *South Seas Star*, 21-28 January 1976.
were 45 files under the LTC category related specifically to Matanofo.\footnote{Matanofo files M25. See Appendix A. Some were missing e.g. M25/15 - 1970. One had a folder without any papers. e.g. M25/40.}

Similarly, there were separate listings for the other six sub-villages of Falelatai,\footnote{Separate file indexes exist for Falevai (F7), Levi (L10), Matautu (M10), Pata (P1), Sama‘ilauago (S15) and Si‘ufaga (S30).} but I could not consult them partly because of the legal requirement\footnote{I became aware of this requirement when typing the complete file index for the department.} and partly because of the time limitation.

The 190 files listed under Falelatai contained cases which had passed through the LTC category and many others which had not.\footnote{LC card index F18 - Falelatai. See Appendix B. Searched January 11 - March 24 1995. They ranged from bulky three/four part files to folders with scant papers. Some files recorded in the index could not be located, e.g. LC5762 Leavaise‘eta title.} Many of the files were unnecessarily bulky owing partly to the multiple copies of written statements and attendant *gafa*,\footnote{The department requires multiple copies of written statements, 2 in English and 8 in Samoan. Of the 8 Samoan copies, 6 are for judges and assessors and 2 for the file. Of the 2 English copies, 1 is for the President and the other for the file. After the hearing, all copies are recalled and unless re-possessed by respective parties, all 6 copies are kept in the file thus accounting for the volume of bulky files. For a 5 party case requiring 5 written statements, a file can contain 40 Samoan copies and 10 English copies.} and partly to numerous appeals by aggrieved parties. I went through every available file in the first and selectively through the second category. I also consulted files in other villages with relevant connections to Matanofo such as Afega, Lepa, Saleilua and Satuimalufilufi. But within the Department, other regulations were brought to my attention which were not hitherto mentioned in the Act of 1981. Access was limited to records and written statements pertaining only to parties to which I was directly related and represented. Records and written statements of other family branches were not accessible. This posed one limitation on the study. For without access to all known family files it is impossible to incorporate all the recorded variant traditions of family history. The only other way of obtaining these sources was to obtain the whereabouts of the respective parties, a tedious and lengthy task. There was neither time nor funds to do this, so I continued to document these versions
Despite this limitation and official advice to the contrary. In selecting cases to
document this elusive process of the transformation of tradition, I drew on
examples from the documentary evidence of the cases in which I had legitimate
access, namely the family disputes of 1949 and 1977. The main source available
under the primary category comprises written submissions by sulī moni1
descendants of past titleholders) and maximal lineages as well as court
deliberations. I also drew on the court decisions and relevant documents of the
three other tama'aiga titles, Malietoa, Tupua Tamasese and Mata'aafa for
comparative purposes.

The second type of primary source was derived from available private
collections such as Justice C. C. Marsack, Collection of Gafa compiled by Cyril G R
McKay, former Secretary of (Samoan) Native Affairs. In addition were family
collection of gafa, speeches and chants as referred to above. Interviews were
conducted over a twenty year period with elders and supplemented by personal
correspondence.

Apart from interviews with people from outside Falelatai, much of the
primary sources is based on published material and written submissions. Indeed,
as new disputes arise and old ones reappear before the Land and Titles Court,
customs and traditions are re-negotiated and re-formulated. Countless letters
seeking discussion and requesting information remained ignored.

While conducting fieldwork, a minor crisis occurred over my parent's
headstone which led to a formal exchange with the current Tuimaleali'iifano family
titleholder. In the discussion relating to my father's headstone, he alluded to my
research project and stated that he did not approve of my accessing family
information from the Land and Titles Court. His ground was that; 'e fa'atasina ai
measina a le aiga (it threatens the sanctity of family sources and identity) through
public exposure. This attitude reflects an unfortunate but widely held view
amongst Samoans who fear something will be lost. The real fear is that in the
comparison of sources, the fragile nature of the negotiated consensus and thus

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1 As opposed to sulī fai-adopted heirs, which are also recognised in many traditions but to varying
degrees.
their false sense of security is exposed. By concealing traditions, variant traditions and alternative points of view are strangled. In so doing, indigenous and local participation in making and re-creating history is marginalised and trivialised. At worse, well-intentioned writers from both inside and outside are led to re-construct an imagined past from limited sources and point of views.
2. Falelatai: Physical and Cultural Setting

The Western concept of boundedness has become the convention to describe and categorise the physical and cultural setting of many academic inquiries. The setting of this inquiry is no exception. By world standards, the Samoan archipelago is tiny. On a Pacific ocean-centred map, the bits comprising the group can be difficult to see even for the trained eye. By following the international dateline to the south Pacific, the Samoan or Navigator's archipelago lies in the central south to the Western fringe of Polynesia, within an area bounded by latitudes 13 degrees and 15 degrees south and longitude 168 degrees and 173 degrees west. Its climate is tropical, characterised by heavy rainfall, a year round humidity averaging about 80%, and average temperatures ranging from 21 to 32 degrees centigrade. There are seasonal variations, the December-March period being hot, wet and windy compared with the rest of the year. The highland interiors of Savai'i and Upolu are likely to be cooler all year. The archipelago lies within the South Pacific's notorious cyclone belt receiving a few devastating blows over the years including two recent deleterious cyclones, 'Ofa in 1990 and Val in 1991, and little known Lin in 1993. Samoa's nearest neighbours are Tonga and Niue to the southwest, Tokelau to the north, the Cook Islands to the east, Wallis and Futuna to the west. The shortest intervening distances between these other islands and Samoa vary from about 322 to 483 kms (200 to 300 miles). The closest major overseas ports are Suva 1,126 kms (700 miles) south, Auckland 2,574 kms (1,600 miles) south, Honolulu 3,701 kms (2,300 miles) north-east and Sydney 3,862 kms (2,400 miles) south-west.

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1 A different kind of cyclone visited in 1993. A taro leaf blight decimated the country's major export crop, taro worth an annual NZ$4 million export and W$20 million local. During 1994-1995, the African snail threatened recovery efforts.
The islands are of recent volcanic origin and comprise a total of 2,830.8 sq. kms.\(^1\) (1,100 sq. miles or 284,898 hectares). Of the nine islands which form Western Samoa, Fanuatapu, Namu'a, Nu'utele, Nu'ulua and Nu'usafe'e are tiny and uninhabited. The remaining four islands of Savai'i, Upolu, Manono and Apolima were in 1991 inhabited by 161,298 people.\(^2\) The largest island, Savai'i, lies to the west. It is 1,700 sq. kms., (660 sq. mls.) and possesses the highest point, Mt. Silisili, rising 1,859 metres (6,095 feet) and six other mountains 1500 metres above the Pacific ocean. Volcanic activity at the turn of the century created two large lava fields in northern Savai'i\(^3\). In addition, poor harbours, stony soil, and scarcity of readily available fresh water have limited cultivation and population density on Savai'i.\(^4\) In 1981, its population of 43,100\(^5\) was distributed among some 85 villages, of which all but 13 are coastal settlements.\(^6\)

To the south-east of Savai'i lies Upolu, much smaller with 1,114 sq. kms. (430 sq. mls.), its highest peak at 1,100 m. (3,608 ft.) but having the highest population of 113,200 distributed over about 165 named villages.\(^7\) Unlike Savai'i, Upolu has a fairly good natural harbour at Apia on the north coast, although a true deep-water wharf had to be dredged. Upolu's more favourable water supply with more fertile soil and broad gently sloping coastal lowlands in the northwest, all facilitate the island's high population density and more developed character.

Between Savai'i and Upolu lie the islets of Apolima and Manono with a combined land area of about 3.9 sq. kms. (1.5 sq. mi). The smaller of the two, Apolima, has one village with 250 people and sits atop an extinct volcano. Only experienced rowers attempt daily the perilous journey between Apolima and

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\(^3\) The villages of Le'auva'a and Salamumu in Upolu comprise of people uprooted by these eruptions.


\(^5\) Statistics Department, op cit. p. 19.

\(^6\) Shore op cit.

\(^7\) Shore op cit. p. 2. cf.
Upolu. With a rising population and poor soil, Apolima villagers were given a section of arable land by the government on the northwest coast of Upolu to form a new settlement which they called Apolima Uta (Apolima Inland). Similarly, Manono with a population of nearly 2,000 in four villages on land just under 3.5 kms in circumference, was also granted a parcel of land near Apolima Uta, where a settlement was established called Manono Uta. Manono has throughout history exercised political influence over the archipelago disproportionate to its size. Strategically located between Savai'i and Upolu, with Apolima as a sea fort alongside, possessing a wealth of boat-building expertise and navigational skills, Manono provided the naval armada for any able chief bent on playing a pivotal role in Samoa's polity. The imperialistic Tongans understood its crucial role in any military strategy. From Manono, Lei'ataua Tonumaipe'a Tamafaiga, the warrior-priest, held Samoa in his grip from the turn of the nineteenth century until his assassination in Fasito'outa by A'ana people.¹ This precipitated the rise of Vaiinupo, the first of Sa Malietoa to occupy the pre- eminent and ceremonial status of tafa'ifa, which throughout history had been controlled by elite orators of Sa Tupua.

... in preparing for the subsequent war of vengeance, much of Savai'i and Upolu had joined with Manono in a powerful alliance headed by Malietoa Vaiinupo.²

While this thesis is set in Samoa, references will be made to American Samoa as the two are historically linked by a common language, political culture and fa'alupega. The smaller of the two, American Samoa lies to the southeast separated by fifty miles of sea. The administrative centre is on Tutuila, the main island, flanked by the two islets of Taputapu to the south-west and Aunu'u to the north-east. A hundred kilometres east, lie the three small, dramatic outcrops comprising the Manu'a group: Ofu, Olosega and Ta'u. The remaining two islets are

¹ For a recent recount of the event, see Tui Atua Tupua Tamasese 1995, 30(1):15-16.
² Gilson 1970:70.
Swains to the north (which forms part of the Tokelau group) and at the eastern extremity lies uninhabited Rose atoll, a US wildlife refuge.

The earliest known evidence of human occupation in Samoa is a Lapita settlement site partially submerged in the lagoon at Mulifanua on Upolu, which carbon dating has tentatively fixed at 1000 BC.\(^1\) Based on evidence of Lapita seafarers and local oral traditions, considerable parts of the archipelago came under Fijian influence.\(^2\) From the same corpus of oral traditions, Fijians were superseded by Tongans under the reign of Tu'i Tonga 'Aho'eitu (Asoaitu) to Talakaifaiki (Tala'aifei'i).\(^3\) The period of Tongan domination is generally placed between the tenth to about the end of the thirteenth century.\(^4\) However, at least one tradition situates the Tonga period much earlier to between 600 to 1000 AD.\(^5\)

Remnants of the Tongan presence persist throughout the archaeological and genealogical records of Samoa, most noticeably in Manono, northern Savai'i, Fagaloa and Saina in eastern and northern Upolu respectively.

The first European missionaries arrived in the form of the London Missionary (L.M.S) and Wesleyan Societies in 1830 and 1835 respectively, followed by the Catholic Marist mission in 1845. Each mission sought and cultivated close relations with a major chieftain, the London Missionary Society with Malietoa Vainu, the Methodists with Lilomaiava of Satupaitea in Savai'i and the Catholic with Mata'a'a Tafagamanu of Sa Tupua.\(^6\) However, in the eyes of Samoan Methodists, Methodism arrived first when Saiva'ia, a matali of Tafua

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\(^1\) Howe 1984:13. Quoting Shutler and Shutler, 1975:79-81. Also Meleisea 1987c:1821. Lapita pottery is characterised by a particular stumped and incise surface designs. The name is taken from an excavated site at Lapita in New Caledonia where it was first discovered.


\(^3\) Gunson 1990:176.


\(^5\) From a chronology attributed to G. P. S. Sio in Meleisea 1987c:203.

\(^6\) Mata'a'a had experimented with Sio Vili and Methodism before Catholicism. Pers. comm. N. Gunson.
village in Savai'i brought to his village news of the *lotu Toga* in 1828.\(^1\) What precisely happened in Samoa during the intervening years between Saiva'aia's arrival in Tafua and Turner's arrival in Manono on 1835 remain untold. But the Samoan perception was re-affirmed at centenary celebrations held on 7 November 1928 in Satupa'itea.\(^2\) The choice of Manono as Turner's base was due to Manono's long established connections with Tonga. For example, a daughter of one of Manono's high chief Tuila'epa Matetau, Salata, was married to Taufa'ahau of Ha'apai and future King George Tupou I of Tonga.\(^3\)

After Malietoa's death in 1841, internal squabbling primarily over succession to the tafa'i'fa between Sa Malietoa and Sa Tupua continued for 25 years. From the 1840s, the major powers of Germany, United States and Great Britain extended their influence by protecting and developing their national's commercial interests in Samoa often exploiting internal tensions within and between Sa Tupua and Sa Malietoa. In 1867, thousands of Samoans were under arms - half in support of one candidate and the other half supporting another. This stand-off remained for nearly two years, with Samoans getting poorer as they bartered their possessions and lands for food and arms. The island was ripe for the picking by anyone with gunboats and a flag. As local rivalries intensified and foreign powers became embroiled in the affairs of the archipelago, the stage was set for a show-down as each power sent in warships. A hurricane on 16 March 1889, which sent six of the seven ships to the bottom of Apia harbour was a contributing factor to the aversion of a confrontation. An elaborate agreement followed amongst the three powers on 14 June which resulted in the Berlin treaty and Samoa remaining a 'neutral' state. The peace was short-lived as internal rivalry flared once more after the death of Malietoa Laupepa. In 1892, a year after his arrival in Samoa, Robert Louis Stevenson wrote,

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\(^1\) E.g. Gatoloai Peseta Sio asserts that 'The first Methodist missionaries visited Samoa from Tonga' in Meleisea et al. 1987c:203. Sio does not identify them but the term Methodist missionaries implies Methodist converts if not European missionaries.

\(^2\) From an inscription on a monument erected opposite the Methodist Church on Beach Road, Apia. Pers. comm. A. V. S. Va'ai, 24 February 1997.

\(^3\) Garrett 1974:65.
... one is never surprised to hear that the land is full of war or
mours of war. Scarce a year goes by but that some province is in
arms, or sits sulky and menacing, holding *fonos* and disregarding the
King's proclamations.¹

Stevenson also dabbled in local politics on the side of Mata'afa Iosefo, and was
roundly condemned by the European authorities. In 1899, Germany and the
United States divided the archipelago into German controlled Western Samoa and
United States controlled Eastern Samoa. After the First World War broke out, a
contingent of 1,365 New Zealand troops occupied Western Samoa without
opposition on 29 August 1914 under Colonel Logan as military administrator.
Governor Schultz and various German officials were interned in New Zealand.
During the New Zealand military occupation, the German ordinances and
administrative policies were continued without local incidents. After the war in
1919, New Zealand became administrator of Western Samoa under a mandate of
the League of Nations and then as a Trust Territory of the United Nations after
the Second World War. During this period, New Zealand's authority was
challenged by chiefs who formed themselves as the *Mau o Samoa* (the opinion or
wishes of Samoans), a local movement initiated by the Savai'i orator-chief, Lauaki,
during the German period in 1908. He had campaigned for changes in
government, control of taxes, and greater recognition for Mata'afa Iosefo and
Faipule etc.² In 1936, with the New Zealand Labour Party in power, the once
sedulous Mau gained legitimacy as a political party. Preparation for the transition
to Independence began in 1953 and Samoa gained Independence on 1 January
1962.

2.1. Nu'u and population

¹ 'Chronology of Western Samoa,' compiled by McKay n.d:16.

² Davidson and Scarr 1976:267-299.
Drawing on the works of fellow archaeologist Golson\(^1\) and soil scientist Wright,\(^2\) archaeologist Janet Davidson claims that prehistoric settlements had been predominantly inland and present patterns of nucleated coastal settlements are historically recent, becoming typical as recently as 200 to 300 years ago, probably coincidental with Western contact.\(^3\)

Contrary to popular view, Samoans were not primarily shore dwellers, as they became from the 1830s. Rather settlements were widespread over both coastal and inland areas. It was the arrival of European shipping, and missionary activity that tended to attract Samoans out of the hills.\(^4\)

The London Missionary Society (LMS) printer, John B. Stair, lived in Samoa for seven years from November 1838 until 12 November 1845. As a twenty-four year old printer, he was assigned to set up the first printing press in the country to Matanofo, where he lived from 1838 to 1840. In his *Old Samoa*, he recorded;

> In various parts of Upolu I have often noticed traces of a much larger population, and the general testimony of the natives confirmed this belief. Sites of deserted villages and remains of plantation walls could often be seen in the wild bush. And in many parts of the islands places once largely populated have now very reduced numbers.\(^5\)

As an example, he cited the road across Upolu from Falelatai to Fasito'otai in A'ana, a distance of fourteen to sixteen kilometres (nine to ten miles), formerly lined with detached habitations so close to each other that a child could wander safely the entire distance and never be out of earshot of a habitation. In 1845, there was not a single house standing on this trail, though there were plenty of traces of former dwellings. As recently as 1829 there had been a flourishing

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\(^1\) Golson in Green and Davidson 1969:14-18.

\(^2\) Wright 1963:91-93.

\(^3\) Davidson 1969:48-49.


community in the centre of the trail whose inhabitants were either killed in the
war of 1830 or joined other villages.\textsuperscript{1} Archaeologist Davidson confirms Stair's
observations.

This account from an observant man living in A'ana only ten years or
so after the last of the settlements along the trail was abandoned,
closely parallels our archaeological evidence for the abandonment of
the traditionally known villages of Vaigafa in the mountainous
interior of Atua district near the Mafa Pass, between 1750 and
1838.\textsuperscript{2}

There is general agreement that the nu'u, in which the entire population
including that of Apia is distributed, constitutes the basic political unit.\textsuperscript{3} But how a
'typical' nu'u or village is defined, is problematic. Social and demographic
boundaries fluctuate as indicated by the changing total number of villages with
each successive census. The fluctuation is partly due to changing political
circumstances and partly to the fact that ‘isolating discrete territorial units is
frequently difficult in Samoa because of the ambiguous and shifting boundaries
separating village (nu'u) subvillage (pîtonu'u) and district (itumalo).\textsuperscript{4} The term
'a'ai in recent years is applied to settlements, particularly of migrant Islanders
such as Elise Fou (Tuvaluans), 'A'ai o Niue (Niueans), 'A'ai o Fiti (Fijians), and
Melanesian communities such as Sogi and A'ai o Solomona (Solomon Islanders)
which for census purposes are classified as villages.\textsuperscript{5} For these migrant
settlements, it connotes a nascent village. While nu'u refers to the village as a
whole including its lands, 'a'ai specifically refers to the residential site where

\textsuperscript{1} Ibid, Stair p.57. Janet Davidson quotes Pirie's references to 'the community of Afolau, described by Stair (p.38,
University, Canberra.

\textsuperscript{2} Davidson 1969:54.

\textsuperscript{3} The standard references of Samoa's polity up to the nineteenth century are the first two chapters in Gilson (1970)
and the first chapter in Davidson (1967). See also a discussion by J. M. Davidson 1969:55-60 on village and
settlement.

\textsuperscript{4} Shore 1982:303 n2. cf. O'Meara 1992:155. 'The country itself is further divided into [electoral] districts, then
villages, then extended families, and now into nuclear families - each with its own chief.'

\textsuperscript{5} The Vaipouli boarding school in Savai'i for Census purpose is also classified as an 'a'ai - village settlement.
villagers live and eat as a community. It is often referred to by speakers as 'home' when they are placed outside the residential area such as in plantation lands.

Socially and politically, o Samoa o le atunu'u ua uma ona tofi, Samoa as a country has been charted with each nu'u defined and constituted by its fa'alupega, under which, the nu'u 'approximates in miniature an independent state'. Oral traditions frequently remind Samoans of another old saying, e tala tau Toga ae tala tofi Samoa (Tongans debate war while Samoans debate chiefly appointments) implying the re-assertion of another (or new) order in the wake of Tongan expulsion. The creation of the Sa Malietoa lineage is approximated from the Tongan departure. While it is not known for certain what form the fa'alupega took before and during the Tongan period, the majority of traditions take the Tongan period as another point of departure for the further development of the fa'alupega as the 'traditional authority'. The fa'alupega suggests a timeless ordering of village segments as well as particular ranking of the constituent parts of the village at any time in history. Thus, both fono and fa'alupega form simultaneously general patterns for social organisation and particular political configurations at any particular time.' O'Meara describes it as 'a ritualised list of the history and status hierarchy of [a] village's chiefly titles' while Field portrays it as 'ceremonial greetings' which together with gafa (genealogical pedigrees) and oral treasures prescribe Samoan behaviour. The possession of a fa'alupega effectively demonstrated a particular village's autonomy. As well as providing a conventionalised record of the village's history, in terms of kinship and social status, it defined the constitution of village council meetings. It recognised the land over which the various title holders have pule (authority). In most cases this embraced a geographical area, including a portion of the coast and extending far

3 O'Meara 1990:207.
inland, with well known boundaries. The unused and central areas associated with present day villages are often stated to be under the pule of the highest title in the area under whose general overlordship all the parish lands are grouped.¹ But the present fa'alupega owes much of its present form to this period.

Ever since contact, Western tradition has tended to be municipality-oriented whereas local tradition is rural-village oriented. The rural villages inhabit the rural coastal fringes whose number and size have varied considerably throughout history. As Samoans and Europeans came out of their respective hills and ships, two distinct but related residential sectors developed, fa'a Papalagi (the European or Western way) mostly concentrated in the commercial life of Apia and fa'a Samoa (Samoan or native Way) elsewhere, both of which are part of a whole rather than discrete or opposed parts. On the basis of a survey of village fa'alupega in the late nineteenth century, Kramer estimated there to be at least 122 villages. Approximately thirty years later in 1930, Keesing estimated 230 villages.² In 1961, while not stating the nature of the Apia eniron as a loose collection of villages of which Apia is only one, Lockwood stated that `the rest of the population live[d]in the 250 or so villages ....'³ Using same 1961 census, Boyd calculated 220 villages, comprising of 125 villages in Upolu including Manono and Apolima, and 95 in Savai'i, and that 88% of the 114,427 people were village dwellers.⁴ Ten years later in 1971, Shore approximated a total of 255 villages made up of `some 85' for Savai'i, `about 165' for Upolu (Apia being a loose confederation of about 50 distinct villages of which Apia is only one), one in Apolima and five for Manono.⁵

In an attempt to show the variation of village numbers, the total number of nu'u and pitonu'u from the last three Censuses were listed. The fluctuation in

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² Ma'ia'i 1973:2. Unpublished manuscript, SED.

³ Lockwood 1971:25.


number was minor. For comparative interest, two village listings held by the
Land and Titles Court of Records in Mulina'u for the country as a whole were
consulted. One listed 235 villages and another 192.1 While the total number of
villages has not changed much, the fluctuation in village populations has been
noticeable.

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1 See Appendices A and B. The listings do not distinguish between mu'u and pitomu'u.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
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<td>4.5 Sagaga Le Usoga</td>
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<td>4,250</td>
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<td>4.6 Sagaga Le Falefa</td>
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<td>13</td>
<td>7,497</td>
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<td>19</td>
<td>9,642</td>
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<td>2,183</td>
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<td>16</td>
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<td>5.8 Falelatai &amp; Samatau</td>
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<td>6</td>
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<td>5.13 Safata</td>
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<td>11</td>
<td>5,472</td>
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<td>5.14 Siumu</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>2,239</td>
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<tr>
<td>5.15 Va'a o Fonoti</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>1,499</td>
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<td><strong>6 Savai'i</strong></td>
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<td>15</td>
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<td>Population 2</td>
<td>Population 3</td>
<td>Population 4</td>
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<td>--------------</td>
<td>--------------</td>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>6.6Fa'asaleleaga IV</td>
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<td>3</td>
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<td>1,524</td>
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<td>3</td>
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<td>3</td>
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<td>1,497</td>
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<td>2,549</td>
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<tr>
<td>6.15Palauli Le Falefa</td>
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<td>8</td>
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<td>6.16Palauli West</td>
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<td>3,576</td>
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<td>6.17Salega</td>
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<td>3,860</td>
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<td>6.18Satupa'itea</td>
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<td>4</td>
<td>1,795</td>
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<td>6.19Vaisiganu East</td>
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<tr>
<td>Total villages</td>
<td>330</td>
<td>329</td>
<td>330</td>
<td>161,298</td>
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</tbody>
</table>


Western Samoans natural birth rate has been consistently high at about 3.1% per annum since 1951. But this has been disguised by outward migration to the remunerative Pacific Rim labour markets resulting in 50% of the country being aged 15 years or younger since the 1970s. In the absence of written records, the average village size before Western contact can only be guessed at from guesses by early European missionaries and explorers, and recent archaeological evidence. Amongst scholars, there is considerable variation as borne out by the subsequent literature. Janet Davidson, drawing upon the scattered evidence, concluded that the population in the 1830s was contradictory. Gilson stated the population as `approximately forty thousand, among small independent villages ranging from about 50 to 300 persons. This contrasts with Meleisea's pre-

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1 Lockwood 1971:25.
2 Janet Davidson 1969:74.
colonisation figures of 300 to 600 people; and Thomas 300 and 400 people. Nayacakalou noted anything from 100 to about 2,000. Meleisea later revised his estimates from 200 to 500. But these disparities may be attributed to differing interpretations of what is a village as distinct from a settlement.

Generally speaking, the first is by far the largest group and live on customary land which constitutes about 80% of all land and the second under freehold or leased land. Between these two worlds of fa'a Samoa and fa'a Papalagi is 'a sea on which anyone could sail'.

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1 Meleisea 1980:23.
2 Thomas 1983:2.
3 Nayacakalou 1960:106.
Table 2.2 1981 Village population by size-class of village and sex

<table>
<thead>
<tr>
<th>Vill. size</th>
<th>No.</th>
<th>Males</th>
<th>Females</th>
<th>Total</th>
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<td>Total vill.</td>
<td>329</td>
<td>81,027</td>
<td>75,322</td>
<td>156,349</td>
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<tr>
<td>&lt;100 persons</td>
<td>26</td>
<td>984</td>
<td>751</td>
<td>1,735</td>
</tr>
<tr>
<td>100-249</td>
<td>89</td>
<td>8,282</td>
<td>7,727</td>
<td>16,009</td>
</tr>
<tr>
<td>250-499</td>
<td>106</td>
<td>20,653</td>
<td>19,155</td>
<td>39,808</td>
</tr>
<tr>
<td>500-749</td>
<td>54</td>
<td>17,482</td>
<td>16,045</td>
<td>33,527</td>
</tr>
<tr>
<td>750-899</td>
<td>12</td>
<td>5,310</td>
<td>4,938</td>
<td>10,248</td>
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<tr>
<td>900-1,199</td>
<td>18</td>
<td>8,925</td>
<td>8,495</td>
<td>17,420</td>
</tr>
<tr>
<td>1,200-1,399</td>
<td>12</td>
<td>8,183</td>
<td>7,727</td>
<td>15,910</td>
</tr>
<tr>
<td>1,400-1,599</td>
<td>4</td>
<td>2,993</td>
<td>2,827</td>
<td>5,820</td>
</tr>
<tr>
<td>1,600&gt;</td>
<td>8</td>
<td>8,215</td>
<td>7,657</td>
<td>15,872</td>
</tr>
</tbody>
</table>

Statistics Department, Government of Western Samoa. p.55

On the eve of Independence in 1961, 86.7% of the population was living under a matai and occupying land under customary tenure.¹ In 1992, there were 18,000 registered matai titleholders who through the fono or village councils govern 362 villages inhabited by 87% (or 140,990) of Samoans who live (wholly or partially) in villages.²

¹ Meleisea 1987:212. In comparison, 81% of Papua New Guinea's population live in customary land comprising 97% of the total land area (i.e. only 3% of the country's land had been registered under the state in 1979), Smith's Weekly, 16 September 1994 and Pambu newsletter, Series 5, No. 6, December 1997. In Vanuatu, the concept of freehold land is non-existent. But strong indications exist for transference of land from leasehold to freehold. It would appear that villagers would soon also want to transfer their custom land to freehold. Similarly in the Solomon Islands, surveying is slow but the urge is toward freehold land.

2.2. Demographic regions and population

Demographically and economically, the most developed island is Upolu with the country's commercial centre based in Apia. The country's only international airport is at Faleolo, 40 kms from Apia. Over the years, Upolu has spawned three distinctive regions. Apia, the urban and commercial centre, is a loose association of 62 villages including Apia village (See Table 2.1). The area encompassed as 'Apia' has no legal existence and its precise boundaries are difficult to draw. The second region comprises 55 villages lying on the 40 kms (25 miles) stretch of north-west road between Apia and Faleolo airport. These are urbanised or transitional villages, distinguished by a comparatively higher population density than rural areas and with a greater dependence on Western culture and cash economy than villages in the more rural areas. The third region comprises the rural villages, colloquially called t/kua-back, outback, with limited access to the urban market and greater dependence on the subsistence economy than other parts of the island.¹ The majority of villages, 213 in Samoa's four inhabited islands fall into this category.

The image of them as t/kua-back resonates throughout the Pacific. In Tonga, the commoners are stereotyped as me'a vale (the ignorant ones) by Tongan nobility, a remnant from an era when knowledge was the preserve of Tongan aristocracy.² In Samoa, the technique of typecasting people of low birth is rendered as mea valea, perhaps of Tongan origin. The pronoun mea suggests things or objects and property with little if any form of intelligence. Mea valea had parallels in Roman times as plebeian, of common origin, of low birth, uncultured, coarse, base, ignoble.³ In Fiji, coastal and town dwellers perceive their remote interior kinfolk as 'kai colo', connoting backwardness and behind the times, lacking in sophistication and experience in skills of the developed Western world. They

¹ Shore op cit. p. 2.
² Hau'ofa 1994, CP 1(1):149. This is similar to Tongan attitudes to people of Niuas in the north.
³ ACOD 1987:836.
unashamedly display outward fascination at new objects and ideas, often to the 
amusement, if not intolerance, of their worldly and matter-of-fact urban kinsfolk.\(^1\) 
Kabutaulaka echoes similar sentiments for Solomon Islands; [Melanesians] 'have 
been led to believe that they are inferior, not only in the international community 
of the 'white man', but also in comparison to their neighbours in the eastern 
Pacific'.\(^2\) Similar attitudes prevailed for kanakas of Papua New Guinea.\(^3\)

2.3. Fa'a Samoa and the cultural setting

Any inquiry into Samoa needs to make sense of fa'a Samoa (as indeed faka 
Tonga for Tonga and vaka Viti for Fiji). Commonly referred to by both Samoans 
and non-Samoans as 'the Samoan way' or 'the way Samoans behave', pin-pointing 
precisely these 'ways' has eluded many, including Samoans. J. W. Davidson points 
out that Samoa (as indeed other countries) continues 'to evolve according to the 
particular logic of its own culture.'\(^4\) Part of the problem lies in the oral culture of 
the language, aspects of which are dismissed in generalities without precise 
attention to detail. Generalities are emphasised and details are played down. 
Social relations are emphasised i.e. teuteu le va as oppose to the detailed 
calculation of economic exchanges i.e. de-emphasising the economic costs. For 
example, a commitment to trade is often entered into because of keeping good 
relations rather than obtaining the best possible price. Effecting peace and 
harmony based on Western notions of 'individual' has not found readily acceptance 
to the logic of fa'a Samoa.\(^5\) As Shore points out, 'Causality is linguistically

---

1 Ravuvu 1988:4-5.


3 Julien Kama, pers. comm. 13 November 1995.

4 Davidson 1967:75.

5 The quote from Shore (1982:136) on the Samoan concept of a person is an apt one. 
Lacking any epistemological bias that would lead them to focus on "things in themselves" or the 
essential qualities of experience, Samoans instead focus on things in their relationships, and the 
contextual grounding of experience.
suggested in Samoa by the morpheme *fa’ar* which, appended to a verb, implies that the action is caused by an external agent.¹ For example, the verb sa meaning taboo, sacred or prohibited becomes *fa’asa*, thus implying that a prohibition is an act caused by an external agent. When fa'a- is appended to a noun, for example, fa'a Samoa or fa'a Papalagi, it suggests the transformation of the object into the character, manner and image of Samoa or Europeans, such that for every Samoan or European conceivable imagination there is a corresponding transformation or creation. Because there is no agreed documented notion of an idealised fa'a Samoa, it is likely that what constitutes fa'a Samoa may also vary amongst its 162,000 local inhabitants and similar number abroad.

Simply put, fa'a Samoa is the values and institutions of people who call themselves Samoans,² with a distinctive organisational framework based on the *fa'alupega, gafa* and its oral traditions. The foremost determinants of any decision-making organisation are considered to be kinship and status,³ a claim readily made without detractors.

Political organisation in Samoa, as in Polynesia [and Fiji] generally, was based on ties of kinship and of locality.... The standing of an individual within a village or district depended upon his position within his family, and the latter could, in turn, be affected by a village or district decision. The structure of authority within territorial units, and the character of the relationships between them, [is] derived from the network of ties between their constituent lineages.⁴

In settings outside Samoa, early LMS European missionaries noted certain behaviour which they imputed as peculiar to fa'a Samoa. Wetherell, historian of


² Pitt 1970:7. Freeman (1983:328 n7) asserts it means (or originated as) the way of the family of Sa Moa, where the particle Sa is used as a prefix to refer to a family lineage. In this case it refers to the family originating from Moa-atoa, the first Tui Manu’a.

³ Ma'ia'i 1974:147.

⁴ Davidson 1967:16.
mission work in Papua New Guinea noted in Papua New Guinea that 'not all
Samoa missionaries made good, and there were periods when it was feared that
failure would occur not only for reason of the difficulties and temptations that
beset all missionary work, and to which Europeans have succumbed, but on
account of characteristics peculiarly Samoan'.\(^1\) Another church historian refers
specifically to 'an unwritten body of tradition but chiefly, to something still more
subtle and indefinable; a characteristic mode of reaction to certain demands and
challenges, the persistence of ancient loyalties, standards and beliefs which
remain incompatible with any other way'.\(^2\) The same lack of resolution on what
constitutes fa'a Samoa is echoed by Ma'ia'i.

Fa'a Samoa derives from the cultural heritage of the Samoan people
and this heritage is a living entity that constantly prescribes and
modifies psychological, religious, sociological and political patterns of
identification in the political sphere.
Those involved in political processes validate and rationalise their
thinking and actions by claiming them to be in accordance with fa'a
Samoa. But they do not identify any one standard or code which
could be used as a frame of reference. Consequently, it is impossible
to document precisely the various notions and connotations of fa'a
Samoa.\(^3\)

In Western scientific traditions, disclosure of one's personal point of view on
religious and political matters is not merely tolerated in the pedagogical process,
but obligatory to understanding. The Canberra school of Pacific Island history
promoted an Island-oriented approach on the assumption that it re-dress the
imbalance created by imperial history. But what is an Island point of view? How
does one formulate a point of view and what are the determining factors? For in
the fa'a Samoa, the right to a personal point of view is secondary to a communal
point of view. In Western traditions, the young are encouraged to think and
discuss their feelings with the aim of developing an individual point of view. Not

\(^1\) Wetherell 1980:130-154.
\(^3\) Ma'ia'i 1974:146.
so in Island rural and village-based societies. Despite years of constitutional
Independence there has not been much noticeable change in the rearing practices
of Island children. The promotion of an individual point of view presumes the
acceptance of the person as an individual in his/her own right. For fa'a Samoa, a
point of view is revealed only when prompted within a socially created context.
Children are not merited with a point of view and as long as individuals remain
non-titled and non-ranking, they remain as children without the right entitling
them to form an opinion no matter how qualified one is in the Western sense. Thus
by denying a standard frame of reference for fa'a Samoa, Ma'ia'ie implies that each
and every Samoan will be able to adjust the term to suit a particular context. Just
as there are many versions of 'the' truth, similarly there are many versions of fa'a
Samoa. The present seeks a past to validate and ratify contemporary relations.
Defining fa'a Samoa thus remains a contestable ground between the past the
present.

2.4. Origin of Falelatai

Oral and genealogical traditions claim the place name of Falelatai came
from a south-western migration in Fiji. All accounts concur that the legendary
Samoan cognates, Latai and Se'ela originated from Fiji. According to traditions
recorded by Turner in 1884, Latai and Se'ela were children of a Fijian couple.¹ One
hundred years later, a descendant of the Fasavalu family in Falevai, Sio, related
that the two were tautai (master fishermen or navigators) for the Tuifiti who had
come to Samoa in search of the Tuifiti's son. They decided to stay and Latai
became the ancestor of Falelatai and Se'ela that of neighbouring village
Falease'ela.²

¹ Turner 1884:248-249.
² Sio 1984:84. cf. Written statement by the Falefa of ‘Aiga Taua'ana dated 18 February 1949 for LC 1006 court
dispute over the conferring of honours on Salu and ‘Auva'aipeau. The gafa submitted by the Falefa begins with
Latai 'marrying' Sinamoe'lala. p. 2.
Figure 2.1 Map of Samoa
Sa Fasavalu traditions continue to relate that in the dawn of Samoan history before Fijian influence, *Fale-Selau-o-Salogo* (the Hundred Houses of Salogo) encompassed the villages of Falese'ela and Falelatai during the dynasty of Tui A'ana Tias'i'utele. An ancient alliance between the two (encompassing the surrounding Lefaga district) was known as *Laulua a to'omaga*. More recent alliances were formed through marital ties between 'Aiga Taulagi (Va'afusuaga and Fenunuti) and 'Aiga Taua'ana (*Falefitu*). Sio goes on to relate the visit by the Savai'iian warrior-chief Lafai to Fale-selau-o-salogo. In honour of Lafai's rank, the latter presented food to him and his party in the form of a *Tu'utaoto* (presented lying down) instead of carrying by hand. Each carrier presented the food tied around his or her waist for Lafai and his party to untie it, thereby freeing the food carrier. But instead of untying the food baskets, Lafai appropriated the food carriers. The outcome was war and Lafai was killed.

2.5. Fa'alupega and social structure of Falelatai

Important place names are derived from this encounter in Falelatai. Fagaiofu Bay or the Bay of Offal lying between Falese'ela and Falelatai was where Lafai's body was cut up, wrapped and apportioned out. Behind the pitonu'u of Matanofo, in Penapena or the Carving place, other parts were further apportioned. Revenge was not long in coming from Savai'i. War continued until Tuia'ana Tias'i'utele was captured at Afolau, an inland place of great significance in oral traditions as the headquarters of legendary kings and warrior-chiefs such as Tuia'ana and

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1 In an undated letter to Tuimaleali'i ifano Suatipatipa II, it is rendered as *Faleselau-o-Salogo* in unconfirmed handwriting as belonging to Fasavalu Tias'i'utele Si'uamoa Sio, the brother of Peseta Sio. Peseta's translation of this name differs from that of his brother Fasavalu T. S. S. Peseta translated it as the 'House of a Hundred Parts'. *Ibid.*


3 Sio 1984:84.
Malietoa,¹ and confirmed by recollections of early missionaries and subsequent archaeological excavations.

This historical inquiry into the variant traditions of history and its effects on village and development is centred in the pitonu'u of Matanofo in the nu'u of Falelatai, which is located just over 60 kms south-west from Apia and 21 kms south from Faleolo airport. From the airport, Falelatai is a 35 minutes bus ride or 25 minutes by car along the main north-west road skirting the western half of Upolu. Approximately two kilometres west of Faleolo is Mulifanua wharf, the docking port for inter-island ferries plying the Apolima Strait between Upolu and Savai'i to Salelologa wharf. From Mulifanua, the buses turn south through the villages of Sagafili, Samea, Fuailolo'o, Lalovi and Satuimalufilufi followed by the resettled island/village communities of Apolima Uta and Manono Uta. Manono and Apolima islets sit placidly on the right as the bus passes by. At Cape Tulivae, the bus makes another left turn until it is facing east along the main south road. Within minutes, Sualo, the first pitonu'u of Samatau² appears unannounced. Village signposts appear during major annual events such as the Teuila Festival in September and normally remain over the Christmas and New Year holiday period. But the corrosive effect of sun, sea, rain, stray animals and vehicle drivers ensure no permanence. For first time visitors, with minimal fluency in Samoan, village elders or church clerics provide the best guides.

The first inkling of arrival in Falelatai is the sight of a weatherboard and corrugated iron roof government hospital which once had a signpost in its rocky front yard. Emblazoned across it was 'Falelatai and Samatau District Hospital'. It is situated at Si'ufaga, the first of Falelatai's eight pitonu'u. A small room next to the main entrance of the hospital building houses the Post Office and the only telephone line for the district. A hundred metres further, the road passes between the Congregational Christian Church (CCC) building and pastor's residence, both buildings face each other and are separated by the road. Twenty meters further

¹ A Manono-oriented tradition was related to me on the fale Afolau of Malietoa during fieldwork in March 1995 by Lei'ataua Vaiao Ala'ilima. Whether this was the same fale Afolau for Tuia'ana was not substantiated.

² It combines with Falelatai to form an electoral constituency of Falelatai/Samatau.
stands the Catholic Church building. Both church buildings dominate everything in sight. Since the mid-1980s, the telephone line was re-wired from the Hospital first to the front-yard of the Si'ufaga pastor's residence and later moved inside his house with virtually every call and caller monitored by his household on behalf of the Post Office Department. The drive through the remaining pitonu'u to the last, Sama'ilauago (Sama'i), takes 10 to 15 minutes from where the bus makes a three-point U-turn and returns to Apia. Sama'i lies at the bottom of a high ridge overlooking Falelatai to the west and its neighbouring village of Falese'ela to the east; the two are separated by a distance of just two kilometres. In recent times, government attempts to join Sama'i and Falese'ela through a stretch of road over the hill has been frustrated by frequent torrential rain and landslides.¹

The impact of road transport has been considerable in opening villagers to the outside world. In the 1950s and 1960s, the Mulifanua-Falelatai main south road saw only one daily bus trip on the old meandering coastal road, starting at dawn and returning before the village curfew in the evening. Road improvements began in the early 1970s to mid-1980s with the distance to Apia reduced to 60 kilometres and travel time cut to 90 minutes. After further improvements in 1989, this was reduced to under an hour by bus and about 40 minutes by car. In January 1997, a telephone exchange was installed giving every Falelatai villager direct access to the world.

¹ Falese'ela-bound traffic use the cross-island road at the Leulumoega turn-off.
By Samoan standards, Falelatai is a large village. The latest available Census in 1991 puts the population at 2,117, the lowest ever over three Census as the following table indicates; 2,382 for 1986 and 2,446 for 1981. The decline is suggestive of the continuing outward migration, mainly to Apia and overseas, experienced since the early 1950s.

Table 2.3 Population of Falelatai by pitonu'u

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<td></td>
<td>F. M.</td>
<td>Tot</td>
<td>F. M.</td>
</tr>
<tr>
<td>Sama'ilauago</td>
<td>92</td>
<td>89</td>
<td>181</td>
</tr>
<tr>
<td>Falevai</td>
<td>136</td>
<td>163</td>
<td>299</td>
</tr>
<tr>
<td>Matanofo</td>
<td>93</td>
<td>100</td>
<td>193</td>
</tr>
<tr>
<td>Levi-Sagogo</td>
<td>107</td>
<td>105</td>
<td>212</td>
</tr>
<tr>
<td>Matautu</td>
<td>111</td>
<td>121</td>
<td>232</td>
</tr>
<tr>
<td>Nefunefu</td>
<td>134</td>
<td>132</td>
<td>266</td>
</tr>
<tr>
<td>Pata</td>
<td>215</td>
<td>244</td>
<td>459</td>
</tr>
<tr>
<td>Si'ufaga</td>
<td>286</td>
<td>318</td>
<td>604</td>
</tr>
<tr>
<td>Totals</td>
<td>1174</td>
<td>1272</td>
<td>2446</td>
</tr>
</tbody>
</table>


Falelatai is the home-base of a major family lineage, *le Falefitu o le 'Aiga Taua'ana* (Seven houses/families) of the Taua'ana lineage and Tuimalaeali'iifano title of tama'aiga rank. Falelatai was catapulted from obscurity to the print world by John B. Stair, the Matanofo-based L.M.S. printer when he recorded in his 1897 *Old Samoa*, an incident of over a century earlier. A large party from Upolu was visiting Fagasa, Tutuila (American Samoa), at the time the French explorer, La Perouse appeared in 1787. A French watering party was sent ashore and a bloody encounter developed between the two visiting parties at Fagasa during which over ten Frenchmen were killed. The Upolu party, claimed the London Missionary Society printer John B. Stair, was from Falelatai.¹

¹ Stair’s informant was Lavasi'i. In *The Cyclopaedia of Samoa*, 1988:2, another missionary, Rev. Turner contradicts Stair. Turner claims the Upolu visitors were from his mission station of Manono. It is likely that the Upolu visitors were either from both or had connections to both villages.
Political organisation rested largely upon the village lineage and the local extended family. The principles of kinship and locality cut across polities. Contemporary Falelatai is divided in two distinct organisational polities, an ali'i-oriented polity for noblemen or titular titleholders and a tulafale-oriented polity for orators and heralds. Amongst the eight pitonu'u, seven are ali'i-oriented and one, called Pata, is tulafale-oriented. While all pitonu'u are interconnected by genealogy and titles and on occasions combine in dealing with common problems, to a large degree, each pitonu'u functions as an autonomous unit. The two ali'i-oriented polities are centred in Matautu and Si'ufaga and the tulafale-oriented polity in Pata. In addition to its own descent group of Sa Nanai, the Matautu fono encapsulates six pitonu'u; namely, Sama'ilauago and the residential site of the Sa Lupematasila (Sila) descent group, Falevai for Sa Fasaivalu and the constituent titleholders of Salu and Auva'aipone, Matanofo for the tama'aiga title and the constituent titles of Leavease'eta and Asi, Levi for the orator family of Tuivaiti, Sagogo for Sa Anae and Nefunefu (aka Puna) for Sa Misa. The Si'ufaga centre comprises the Faletolu (houses of three); Fa'alava'au in Matagimalie, Lealaitagomoa (aka Tagomoa) in Tausunu and Taefu in Tupatupa. In-between Si'ufaga and Matautu lies Pata, the largest pitonu'u and ritually intoned by its honorifics, Galu e fa ma Falelatai (the four waves and the house of Latai). The four waves refers to four prominent orators.\(^1\) In 1985, the Methodist church published its version of Tusi Fa'alupega\(^2\) and specified the 'four' Galu as Tuisau'a, Sa'ula, Tologata, Ti'eti'e and Va'atu'itu'i.\(^3\) As an indication of prominence in the distant past, Pata's original name was Falelatai,\(^4\) the contemporary name of the village district.

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1 It has swollen to five to include To'omaga.

2 The Methodist Church, *O le Tusi Fa'alupega o Samoa Atoa*, pp. 42-44. The publication was allegedly criticised for digressing from the Congregational Christian Church published version. The Methodist publication was selling well in the mid-1980s.

3 The 'four' are supported by titles called tua-galu, literally back-waves. Pers. comm. Laumatiamanu Loi Tolo, 12 July 1985.

4 Nanai Tanielu Segi, pers. comm. Matautu, Falelatai.
As a subsistence based economy, Falelatai is an example of an ultra-conservative village with a national reputation of being fiercely independent and living by its customs and traditions. Once village council decisions are made, they are intoned censoriously as the *afioga tutasi* (a council decree). They are deemed irreversible and range from monetary fines to banishment. There are two forms of banishment; in the first form, victims are banned from village government but allowed to remain in their village land and houses, and the second form is commonly known as *ati ma le lau*, involving the wholesale uprooting of family and property from the village. Anything left standing is slashed and burnt.¹ Associated with the second form of banishment is the deletion from memory of any form of existence, past, present or future. While unyielding in the defence of its customary authority as prescribed and constituted by its fa'alupega it also prides itself in adapting to modern conditions.

The single most significant factor in reinforcing this organisational orientation are the churches, in particular the Protestant Congregational Christian Church (CCC). The CCC buildings are centred in Matautu, Pata and Si'ufaga. Regular village-wide gatherings rally around church activities such as preparation for the *fonotele* (annual general meetings) and annual fund-raising for the Protestant Congregational Christian Church. In comparison to three Protestant Church centres, the rival Catholic Church has two locations; the Si'ufaga centre for Pata and Si'ufaga and a small centre in Sama'i for the remaining pitonu'u.

2.6. Mission and government education in Matautu

The Protestant's Church's dominance prevails throughout all eight polities of Falelatai not only in terms of membership and the enormity of its church buildings but also through education. The *Papalagi* Protestant and Catholic missionaries sowed the seeds of Western education from the mid-nineteenth

¹ Milner 1966:26. 1. pull up (by the roots). It is referred to in other places as *soloa ma le afuefue*. 
century out of which a powerful tradition evolved and contributing to the make-up of fa'a Samoa.

Until late adolescence, all Protestant children in Samoa, with few exceptions, attend Sunday School. The younger children attend the daily Pastor's School where the pastor and his wife teach basic literary and Bible lessons. Much of the early socialisation of young children, in terms of basic manners, speed styles, proper sitting posture, and reading and writing skills, is in the hands of the pastors.¹

As in other Samoan villages, a dual mode form of education exists at Matautu, Falelatai. Two educational institutions face each other across the main government road with their external boundaries drawn by village houses on the outskirts. The first to be established on the landward side was the a'oga faife'au or pastor's classes² which are held in the afternoons as soon as children can walk and talk. The classes are held on a daily basis except the week-end when special evening services are conducted by the pastor and his wife. Running parallel to the pastor's classes on the seaward side is the government school, colloquially referred to as the a'oga tulaga lua.³ Children begin their schooling between the ages of five and six with school starting at eight in the morning until midday. In the morning, clad in red lavalava and skirts, children march and sing to the national anthem, sing and read in the government introduced basic English curriculum and learn the twenty-six letter Roman alphabet. In the afternoon, the same children attend the pastor's classes, and learn by rote the mission introduced fourteen alphabet (colloquially referred to as the pitautau).⁴ In addition, they read, memorise and

¹ Shore 1982:106.
² Faoliu Aiu'u and his wife Emeline were from Leone in Tutuila, American Samoa.
³ In the early 1960s, the pule-a'oga (head-teacher) was Fiso from Savai'i. He married Afioga-Pua'a, a Falelatai woman of Falevai, through whom he acquired the Salu title. He later acquired the Lealai'auloto title from his home village of Matautu in Savai'i.
⁴ a-ato (basket), e-elefane (elephant), i-ipu (plate), o-ofu (clothes), u-uati (watch), f-fagu (bottle), g-gata (snake), l-logo (bell), m-moa (chicken), n-nofoa (chair), p-pusi (pussy cat) s-solofanua (horse), t-ta'avele (car), v-va'a (boat). The letters he-Herota (Herod), ka-kirikiti (cricket) and ro-ropiti (rabbit) were added in the early 1980s (Mere Tagoa'i, pers. comm. 7 February 1996). That they appear as an appendage rather than as an integral part of the alphabet is indicative of 'stunted development' of Samoan alphabet and ambivalence.
recall biblical scriptures in Samoan, the Roman numerical system and basic arithmetic. Towering above the fa'fe'au's residence stands the village icon, that of the plain but imposing Gothic structure of the falesa (church building). Its size is a constant reminder of the Christian church's dominance at all levels of Samoan life, sanctioned by the state's constitution and village custom. Viewed from the hills of Mata behind Matanofo (and far out at sea), its bell tower and corrugated iron roof overshadows the village shoreline.

In over 300 villages scattered across the country, two distinct educational regimes function in tandem, each with its own set of divergent assumptions and aspirations. In the vernacular, the church teaches the ancient history and geography of the Middle-Eastern world and Arabian characters, while government schools spread European fairy tales and nursery rhymes mainly in English and often in Samoan. The pastors, immersed in the doctrine of lotu (spiritual guidance) also assume the dissemination of matters relating to Samoan custom, language and history. Government curriculum teaches Igilisi (English) and assumed matters relating to fa'a papalagi such as atunu'u and malo (the nation state) and function of modern government on a modified Westminster system. Each institution has its own set of functions; one providing a basic education in the vernacular sufficient to read and understand biblical teachings and exercise spiritual and moral judgements, the other oriented towards a metropolitan curriculum in English.

The principle of perceiving the nu'u and its enduring institutions as the primary foundation of education did not penetrate into the curriculum of either educational regimes until the early 1970s. The principle social organisations of village institutions required no formal instruction as both educational institutions assumed the family would instil these values in their children. The conservation and transmission of the fa'alupega as the basis of aganu'u and social organisation, the matai titles and attendant land tenure system, family and village oral traditions and history of the coming of the lotu, and other forms of custom, were assumed to be the responsibility of elders. In reality, the elders were themselves grappling with understanding these matters let alone transmitting them to their
children. The underlying tensions and contradictions emanating from these two divergent sets of curriculums has been transplanted as Samoans migrated overseas. As I myself experienced in New Zealand, the duality that exists in Samoa has been re-presented in a modified form in a new social and religious environment in New Zealand and elsewhere.

2.7. Ali'i oriented polity

In matters of mutual interest to the Falefitu and the orator group of Falelatai, for example, negotiations with lineage groups in other districts on the conferral of honours on a high title such as a tama'aiga, the fono is constituted differently. In these matters within Falelatai itself, the locus of such political discussion is Falevai, the maota of Sa Fasavalu. When meetings are convened with other lineages within Falelatai, they are normally held at the maota of the most senior ali'i of the Falefitu at the time. The change in the nature of political power in the village will be examined in the next chapter by a comparison of the published and unpublished versions of the fa'alupega of Falelatai.

In the political affairs of Falelatai as a whole, the Matautu-locus, the maota or residential site of the Sa Nanai descent group, enjoys a commanding influence above Pata and Si'ufaga, in terms of population and its centralised location. The roles played by some of its members ensure its prominence in contemporary village affairs.¹ A further factor was that Matautu acquired the distinction in the mid-1830s of being the local base for the London Missionary Society religion in Falelatai after its introduction and subsequent failure in Matanofo. Matautu earned another honorific: mala'e o le filemu (the ground of peace). Today, it continues to accommodate the gothic falesa (church structure) completed in 1959, an expansive maota o le galuega (religious meeting house/hall) constructed in

¹ 'Kingmakers' in recent times have included Nanai Utupo in the 1940s and Nanai Sopo in the 1970s. Two Nanai titleholders were fa'amusino Samoa for the Land and Titles Court, Nanai Vatau in 1960s followed by (then Misa) Nanai Faitala in the 1970-80s. A Speaker of the Legislative Assembly in the mid-1980s, Nonumalo Suafao L. S. was also a Nanai titleholder.
1963, and a modern residential house that Samoans call a European house replete with modern amenities for the faife'au and his family. In 1989, the Matautu Women's Committee made history in the country when it purchased a Mini-bus for its faife'au as part of its *fa'a Mati* (annual collection normally restricted to refurbishing the church and the pastor's residence). Matautu's claim to adapting to modern trends was demonstrated in 1960 when its fono and church combined to purchase and install a diesel-powered generator for village electrification. Pata's former prominence as the central village malae as recorded by the honorifics has been eclipsed by the ali'i-oriented polities. Of the three divisions, Matautu is the largest administrative polity and hosts the fono for the *Falefa* and the Falefitu when warranted. Pata is ignored and only consulted on a needs basis.

This chapter places the village of Falelatai in its geographic, demographic and cultural setting. The next chapter traces the change in Falelatai's political structure by comparing the published and unpublished versions of its honorifics and variant traditions of history.
3. Reconstructing ancient village authority

The idea of 'ownership of history' or sharing that history is not new. What is new perhaps is the exposure of and subjecting of the tradition of oral cultures to the critical method of error elimination. Historical variance refers to extant versions of histories which are labelled variant because in one way or another they deviate from a mainline story. Since the history of any society is primarily the history of its rulers, one cannot proceed too far without some reference to mainstream history. For oral based societies, this means beginning with the received genealogies. But it does not necessarily incorporate minority variant voices, and in such cases, the identity of the story-teller is as important as the story. The idea and problem of exposing ownership of variant 'history' is succinctly brought out by Falgout who makes this useful observation on Hanlon's use of oral traditions in his history of Pohnpei,

Hanlon explicitly excludes from his account the Pohnpei sense of history, what history means to them, as beyond the scope of his current investigations. This omission has important implications for his representation of Pohnpei history. Relegated to an early footnote, Hanlon acknowledges the existence of 13 recorded versions of the discovery and construction of Pohnpei; he chose the one considered to be the most accurate, complete, prestigious. Hanlon does not deal with the Pohnpei understanding that oral traditions, as part of Pohnpei culture are "not one"; he does not examine how they vary; nor does he consider how one version comes to be regarded as best. These concerns are especially significant in view of the fact that most of Hanlon's informants and/or their oral traditions have strong ties to the Kitti chieftom. It is possible then, that the Pohnpei historical vision contained in this book is strongly Kitti-centred.¹

Falgout's observation that oral traditions of Pohnpeian culture are 'not one' would seem to apply also to Samoa. But the question of how the versions vary and how one comes to be regarded as the best is complicated but not impossible to

¹ Falgout 1989:815-816.
understand within limits. The sense of 'historical truth' in fa'a Samoa is premised on the reconciliation of social hierarchy and kinship while the Western tradition ideal is premised on the elimination of error. To transform the premises of fa'a Samoa to the Western sense calls for change in attitude.

This chapter re-constructs the ancient village authority of Falelatai and traces the transformation of authority through the origin and history of its principal titles and gafa (family genealogies) the fa'alupega (honorifics), and written oral traditions submitted as evidence before the Land and Titles Court. As referred to in chapter one, the sources for this re-construction is the published and court material because family members were reluctant to discuss my project with me. Since the creation of the Land and Titles Court in 1903, the Tuimaleali'iifano title has appeared twice before the court in 1949 and 1977. All major family and lineage parties were represented and each party's petition was recorded and submitted as court evidence, and that greatly assisted the task of collecting. While there was much in common in the various versions, each party emphasised those aspects that were in line with their self-interest and downplayed others that were not.

There is a widely held but erroneous view in Falelatai, especially outside of the sub-village of Falevai, that the current ali'i-oriented polity, particularly the relationship between the Falefitu of 'Aiga Taua'ana (House of Seven of the Taua'ana family lineage) and the tama'aiga (Tuimaleali'iifano) title was the way it was from 'time immemorial'. One outcome was the perpetuation of a false belief in Falelatai that the published fa'alupega was the way things always were and should continue to be. Contrary to that view, the gafa and fa'alupega are littered with tell-tale signs that the current political structure is quite recent, perhaps as recently as two hundred years. While published editions of the fa'alupega took little account of the how and political authority change, it does however show how power shifted among lineage titles through the re-ordering, addition and omission of honorifics.

By comparing various versions of genealogies and honorifics, this chapter shows that the ancient political structure of Falelatai was under the authority of two titles, Tagaloa and Fasavalu. Moreover, the transformation of power from
Fasavalu to the Tuimaleali'ifano title began as recent as a hundred years before European contact. The power struggle between the old regime of Tagaloa-Fasavalu and new forces (Lilomaiaiva) from Palauli in Savai'i intensified with Western contact around the mid-eighteenth century. Over time, the old regime was supplanted by other high titles; first Lilomaiaiva of Palauli, followed by his son Tuita'alili, his grandson Leavaise'eta, his great-grandson Lilomaiaiva Pogi and subsequent modern forebears of the Tuimaleali'ifano title. The following case study shows the transformation in Falelatai from a Tagaloa-Fasavalu centred tradition to a Tuimaleali'ifano centred dynasty by juxtaposing the two traditions of Tagaloa-Fasavalu and Tui A'ana-Tuimaleali'ifano. The outcome was the creation of a new myth.

3.1. The Tagaloa-Fasavalu tradition

Genealogies accompanying various submissions to the Land and Titles Court consistently refer to Tagaloa titleholders as the early rulers of Falelatai. This fact can be deduced from the early published editions of the fa'alupega, 1902, 1915, 1938, 1977 (See Figure 3.1 below). In the latest editions of the fa'alupega published in 1985 under the auspices of the mainline Protestant churches, the Congregational Christian Church and the Methodist church omits Tagaloa from the entry for Falelatai village. It was the third edition for the Congregational and first for the Methodist and their respective entries omits the Tagaloa title from Falelatai village. Indeed, it does reflect the fact that there has not been a Tagaloa titleholder for over a century in Falelatai despite its appearance in earlier editions of the fa'alupega. But like many other omissions, it obscures the history of the village in which the Tagaloa title was bound as illustrated in the early recording of fa'alupega.

Figure 3.1 Five versions of fa'alupega of Falelatai
A. Kramer 1902:162.

1. Tulouga a 'oe Falelatai
   Respect to you Falelatai.
2. Susu mai lau Susuga a Va'atu'itu'i, o le tagata o le vavau
   Welcome to Va'atu'itu'i, of the distant past.
3. Susu mai Tagaloaiaipata o lou papa
   Welcome to your papa, Tagaloaipata.
4. Tulouga le Ati Tagaloa
   Respect to the lineage of Tagaloa.
5. Tulouga le Feafitu o le Aiga Tau'a'ana
   Respect to the Seven houses of Tau'a'ana.
6. Afio mai lau Afioga a Misa, le la'au faufausia
   Welcome your highness Misa, the designer or constructed 'wood'.
   Welcome your highnesses, Taefu, Nanai, Anae, Fa'alava'a, Tagomoa, Sila.
8. Tulouga a le Aiga Sa Fasavalu ma lou tula o Salogo [Tuvalu]
   Respect to the Fasavalu lineage and the orator Salogo [Tuvalu].
9. Afio mai lau Afioga a Tuimaleali'ifano, o le tama'aiga
   Welcome your highness Tuimaleali'ifano, the lineage son.
10. Afio mai lau tula Satuimalufilufi
    Welcome to the orator group of Satuimalufilufi.


1. Tulouga a oe Falelatai
   As A1.
2. Tulouga ou tou Galu e fa
   Respect to the 4 waves/breakers.
3. Tulouga le tagata o le Vavau (Va'atu'itu'i lea)
   Respect to the distant one. (Va'atu'itu'i). As A2.
4. Tulouga lau Susuga a Tai'ivao na itu ala navae
   Respect to your honour Tai'ivao, who paved the way.
5. Tulouga 'Afilofo (Nanai ma Olomautu)
   Respect to the selective consumers (Nanai and Olomautu).
6. Susu mai lou Tapa'au o le Tagaloa
   Respect to High Chief Tagaloa. As A3.
7. Tulouga 'oe le Aiga Tau'a'ana
   Respect to you, the Tau'a'ana lineage. As A5.
8. Tulouga le Feafitu o le Aiga
   Respect to the 7. As A6, A7 & B7.
9. Tulouga le matua o Tonumaivao
   Respect to the elder Tonumaivao.
10. Tulouga lau Afioga a Fasavalu
    Respect to your highness Fasavalu. As A8.
11. Tulouga a le aiga sa Fasavalu
    Respect to Sa Fasavalu. As A8.
12. Tulouga lou tula o Salogo
    Respect to the orator Salogo. As 8.
13. Afio mai Tuimaleali'ifano o le Tama-aiga
    Welcome to Tuimaleali'ifano, the son of the lineage. As A9.
14. Tulouga le Aumaga
    Respect to the untitled group.
15. Tulouga Va'e o le Nofoaia
    Respect to the tripod or triple seat.

C. Malua Press 1977:84-86.

1. Tulouga a oe Falelatai
   As A1 & B1.
2. Tulouga ou tou Galu e fa
   As B2.
3. Tulouga le tagata o le Vavau (Va'atu'itu'i lea)
   As B3.
4. Tulouga lau Susuga a Tauvai (sic. As C5 for correct entry)
5. Tulouga 'Afilofo (Tai'ivao lea) C4 & C5 differs from B4 and B5. C5 is correct entry.
6. Susu mai lou Tapa'au o le Tagaloa
   As A3 & B6.
7. Tulouga 'oe le Aiga Tau'a'ana


1. Afio mai le Tama a Aiga
   As A9, B13 & C13.
2. Susu mai lou Tapa'au o le Tagaloa
   As A3, B6 & C6.
3. Afio mai le Aiga Tau'a'ana
   As A5, B7 & C7.
4. Afio mai le Feafitu o le Aiga Tau'a'ana
   As A5, B8 & C8.
5. Maliu mai le Matua o Tonumaivao
   As B9 & C9.
6. Afio mai Fasavalu ma le Aiga Sa Fasavalu
   As A8, B10 & C10.
7. Susu mai Tauvai (sic Tai'ivao)
   As B4 & C5.
As A5 & B7.
8. Tulouna le Falefitu o le Aiga
As A5-A7 & B8.
9. Tulouna le matua o Tonumaivao
As B9.
10. Tulouna le Afioga a Fasavalu
As A8 & B10.
11. Tulouna le aiga sa Fasavalu
As A8 & B11.
12. Tulouna le tula o Salogo
As A8 & B12.
13. Afiu mai Tuimaaleali'ifano o le Tama-aiga
As A9 & B13.
14. Tulouna le Aumaga
As B14
15. Tulouna Vae o le Nofoafia
As B15

E. Methodist Press 1985:42-44.

1. Afiu mai Tuimaaleali'ifano o le tama a aiga
As A9, B13, C13 & D1.
2. Afiu mai le Falefitu o le aiga Tuau'ana o le Aiga o le Tuimaaleali'ifano
As A5, B8, C8 & D4.
3. Afiu mai lau Afioga Fasavalu ma le aiga o Sa Fasavalu (O Salu ma Auva'aipeau)
As A8, B10, C10 & D6.
4. Afiu mai Tai'vao na falefia i ai aiga (Afiifoifo)
As B4, C5 & D7.
5. Susu mai Aumaga o Asi ma Leavaise'eta oe na maina le agatoru o aiga ma la latou tama
Welcome 'Asi and Leavaise'eta, aide to the 'ava ceremony of lineage and their son. As B14 & C14.
6. Maliiu mai le nofo a Ituaiga i galu e fa ia Falelatai
As B2 & C2.
7. Mamalu mai Salogo, o le Tula o Fasavalu
As A8, B12, C12 & D10.
8. Maliiu mai Va'atu'itu'i, o le tagata o le vavau
As B3, C3 & D9.
9. Maliiu mai vae o le nofoa fia
As B15, C15 & D12.
10. ma upu ia te oe Falelatai
As A1, B1, C1 & D13.

The earliest recorded fa'alupega was Kramer's version which refers to Tagaloa as a papa 'a high title or dignity'. The placement of Tagaloa in-between the orator group in Pata and titular lineage of Tagaloa (Ati Tagaloa) is significant (Figure 3.1, A3), and suggestive of the title as holding the link pin between the orator and lineage groups. Similarly, the 1915 and 1977 editions of the fa'alupega by the Congregational Christian Church, accord Tagaloa the high honorific of Tapa'au (B6, C6, D2), which both Kramer and [Bott]-Spillius render as a 'white durable mat made of coconut fibre - associated with gods and chiefs'.

Furthermore, a title in current use which appears to have been closely associated with the Tagaloa title is the Fasavalu title of Falevai. Traditions shows that the Fasavalu title was a pre- eminent title in Falelatai's political structure stemming from its direct link to the Tagaloa line. For example, while unspecified in the Tusi Fa'alupega, Fasavalu's honorific O le Tautaufaiga - loosely meaning a difficult burden - is commonly used in external relations¹. Another honorific often invoked is o Falevai na fofoa ai manu - out of Falevai flowed good fortune², a reference to a kingly court to the residence of Fasavalu; another includes ali'i o le foaganu'u - referring to Misa and Sila as the first chiefs of the nu'u, the appointing authority being Fasavalu, and asserted by Gatloai Peseta Siaosi Sio, a Fasavalu descendant who was perhaps one of the best educated Samoans of his time having risen to the position of school inspector at the age of 19 years in 1929.³ As far as I know, the honorific O Fasavalu e ona le nu'u - Fasavalu owns the village (of Falelatai), has not been denied nor challenged by anyone. There is ample oral and genealogical evidence to show that Fasavalu was a branch of the Tagaloa line and that it was the paramount title of Falelatai at an early period of Samoan history. I gained access to five genealogies for Falelatai: - namely Sa Fasavalu, 'Aiga Taua'ana and the Tuimaleali'iifano family of Matanofo - all versions (Figures 3.2 to 3.6) place Tagaloa as the primogeniture of Fasavalu well before the arrival of the primogeniture of the Tuimaleali'iifano title.

According to the Sa Fasavalu tradition (Figure 3.2), the Tagaloa period began after the reign of Tui A'ana Tiasi'utele alluded to in chapter 2, suggesting that Fale-selau-o-salogo was a former locus of A'ana power. As referred to in chapter two, after Savai'i forces killed Tui A'ana Tiasi'utele for the murder of Lafai

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² LC6667. Writ. state. by 'Asi Lavilavi I et al. of Matanofo, January 1980. In this dispute between Matanofo and Falevai, the phrase was used by the Matanofo party in their written submission against the Fasavalu party of Falevai.

³ Sio 1984:82.
and subjugated Fale-selau-o-Salogo, the Tui A'ana was wrested by Leulumoega. Following defeat and loss of their ao as described in chapter two, the orators of Fale-selau-o-Salogo set about filling the void by inviting other warlords to be their sovereign. One such delegation was sent to Tagaloa Leatuaolomanu, resident in Atua. He was the son of Tagaloa Selaginato and Sunu'agaavatele, the sister of Tui A'ana Tiasi'utele. In this Fasavalu-oriented tradition, the first Fasavalu was the son of Tagaloa Leatuaolomanu and was known as Tagaloa Fasavalu.

Figure 3.2 Fasavalu-oriented gafa of Tagaloa

From Sio 1984:42.

1. Tagaloa Selaginato, whose father was Tagaloa Fa'aofonu'u married Sunu'agaavatele (sister of Tui A'ana Tiasi'utele), Tagaloa Leatuaolomanu. Fale-selau-o-salogo, in search of a paramount chief, found him in the son of Tagaloa Leatuaolomanu.

2. Tagaloa Leatuaolomanu married ?, the child was the first Fasavalu (aka Fasaevalu).

3. Second Fasavalu

4. Third Fasavalu

5. Fourth Fasavalu

6. Fifth Fasavalu

7. Sixth Fasavalu

8. Seventh Fasavalu

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1 Sio 1984:84. It is difficult to refute this version in the absence of other traditions from the Tui A'ana line.

2 Sio 1984:85.
9. Eighth Fasavalu, Fasavalu Le-ati-a-Tagaloa-i-fanua, married Savea, the daughter of Tonumaivao of Falelatai, the offspring were Fasavalu Taito, the male twins Matai'a, Ma'ilata and sister Tutumanu. [Hence the connection to the 'Aiga Taua'ana (which at that time was known by another entity) through Savea (f)].

The following information is from the gafa appended to Sa Fasavalu's written submission to LC5605, 16 February 1977.

10. Fasavalu Taito (the ninth Fasavalu) married Seugaitiamalie, the child was Fasavalu Fitu.

11. Fasavalu Fitu (the tenth Fasavalu) married Punipuao, daughter of Afamasaga of Fasito'otai, the offspring were Fasavalu Fitualii'i, A'anamaitu Vaifeliua'i.

12. Fasavalu Fitualii'i married ?, the offspring was Fasavalu Tiasi'utele.

13. Fasavalu Tiasi'utele married ?, the child was Kirisome F.S.

14. Kirisome F. S. married ?, the child was Tamaitia (f).

15. Sio F. S. married Tamaitia, the offspring were Ariu, Fasavalu Tiasi'utele Si'uamoa Sio, G. Peseta Siaosi Sio, et. al.

What was the period and extent of Tagaloa's political authority and how was it supplanted by other titles? By applying to oral traditions Western concepts of time, the Sa Fasavalu reckons the Tagaloa-Fasavalu dynasty emerged from the 12th century. They claimed that Tui A'ana ruled for 200 years from Afolau before power passed to Tagaloa-Fasavalu who ruled for another 200 years until the arrival of Tuitoga and his children Tuia'i'i and Puipuifatu. In a sense, therefore, the Tagaloa-Fasavalu family was a branch of the Tui A'ana line because of the marriage between Tagaloa and Tui A'ana Tiasi'utele's sister, Sunu'agaavatele.

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1 It is not clear whether the last two names refer to the same person or additional issues.


3 See 'Additional statement' to LC5605 of 11 February 1976 by Fasavalu Taleni, Salu I'ofi, Peau Ulima, Fasavalu Taufale, Fasavalu Kalolo, Tiasi'utele Si'uamoa, Leatuaolomanu Taisolia.
In the recorded tradition of 'Aiga Taua'ana, the Tagaloa title features prominently in their version of village history. There is a line of four Tagaloas following in succession: the first is Tagaloa-i-Pata followed by Tagaloaulumasui from Tagaloa-i-Pata's first marriage, and Tagaloa-va'atu'itu'i, a grandson of Tagaloa-i-Pata from his second marriage. The last mentioned is Tagaloa-le-lafu-o-atua, a grandson of Tagaloa-va'atu'itu'i (see Figure 3.3). All confirm the Tagaloa regime in ancient Falelatai.

Figure 3.3 'Aiga Taua'ana (Falefa)-oriented gafa of Tagaloa

Source: LC1006, 18 February 1949

1. Latai married Sinamoelala, Pata (f).
2. Pata married Pata, Sinaalelaumamae (f).
3. Pe'ape'aalalo married Sinaalelaumamae, Fauaitu.
4. Fauaitu married Moa'aimani, Pulaalemoli (f).
6. Fe'epo married Leiapaleatele, Leatiogie.
7. Leatiogie married Taua'iupolu, Leatiogie (f) and six brothers.
8. Marriages of Tagaloa i Pata
   8.1. married Leatiogie, Tagaloaulumasui.
   8.2. married Amiane, Pu'emau (f).
9. Tui A'ana Gagaifo-o-le-pou married Pu'emau, Tagaloa-va'atu'itu'i.
10. Tagaloa-va'atu'itu'i married Sinatafua, Lomialagi (f).
12. Tagaloaulelafuoatua married Lesapioamoa, Te'ealo.
13. Te'ealo married Galutuatogo, Faifai'ese-me'a-pua'a elo (f).
14. Tonumaivao married Faifai'ese-me'a-pua'aelo, the children were Misa, Sila, and their sisters Vainofoa and Savea.

15. Marriages of Misa.

15.1. married Leilua, Nanai.

15.2. married Sulutau, Anae.

Interestingly and unsurprisingly, the Tuimaleali'ifano family of Matanofo in their brief tradition of Fasavalu record no specific reference to Tagaloa as such except to its cognates such as Leo'o. The term Leo'o is a modern invention for modern convention and is used as a common first name for ancestral cult figures whose original names have become titles. The brief gafa below (Figure 3.4) refers to the son of Leatuolomanu as the first Fasavalu Léo'o. His sister was Mua which is the sa'otama'ita'i name of Sa Fasavalu.

Figure 3.4 Matanofo-oriented gafa of Tagaloa

Source: 'Asi Lavilavi I, Lilomaiva Alo and Taito Tanielu

LC6667, January 1980

1. Fanuanuatele married Taemanuuta, the offspring were Tiasi'utele (m) and his sister Sumuanaputele (f).

2. Sumuanaputele married Tiumaluफ'asisina Tiumalumatua, and the child was Leatuolomanu.

3. Leatuolomanu married Tafilito, daughter of Faumuina in Lefaga, children were Fasavalu (Leo'o) and Mua (f).

4. Marriages of Fasavalu Leo'o:

4.1. To Savea, daughter of Tonumaivao and sisters of Misa and Sila, the children was Titimaitai. The descendants are living in Samata, Savai'i.

4.2. To Vainofoa, other daughter of Tonumaivao and sister of Misa and Sila, children were Taito, Tutumanu (f), and twin males Matai'a Ma'ilata.
However, within Matanofo, a version which surfaced among the papers kept by Tuimateali'i'ifano Suatipatipa II (See Figure 3.5) differs from the one kept by his lower ranking titleholders in Figure 3.4. Tuimateali'i'ifano's version specifically refers to the name Tagaloa as the progenitor of the current village lineage, the *Falefitu* of the 'Aiga Taua'ana. His version concurs with that of the 'Aiga Taua'ana in Figure 3.3.

Figure 3.5 Tuimateali'i'ifano - oriented gafa of Tagaloa

1. Tagaloatele married Sapioamoa, the offspring was Te'ealo.
2. Tuiolala married Sinaolo, the offspring was Galutuoatogo (f).
3. Te'ealo married Galutuatogo, the child was Faifaisesemeapua'aelo (f).
   3.1. Tagaloa married Sefa'atauemanana, Tonumaivao.
   3.2. Tonumaivao married Faifaisesemeapua'aelo, the offspring were Misa, Sila, Lele, Savea (f) and Vainofoa (f).

The existence of the Tagaloa title in Falelatai is also mentioned by Kramer. The first mention of Tagaloa appears in the gafa of Lilomaiava as Letagaloatele.¹ Kramer refers to the Falelatai Tagaloa as Tagaloa-i- Pata after the Falelatai sub-village of Pata and points to a probable inner relationship to the Tagaloa title of Savai'i.² But on the precise connection between Tagaloa-i-Pata and Fasavatu, the lines are shallow (See Figure 3.6).

Figure 3.6 Kramer-oriented gafa of Tagaloa

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¹ Kramer/Verhaaren 1994:242 under the *gafa* of Lilomaiava.
1. Tuifa'asisina married Lomialagi of Falelatai, the child was Letagaloatele.

2. Le Tagaloatele married Fotuinu'upule of Falelatai, the offspring were Lafoatua and Fuemau.

3. Lafoatua married Suluimaua, daughter of Tuitoga of Toga, there was one daughter Maluaisamo'a (f).

4. Maluaisamo'a married Niulevave, there was Tunusaganoa.

5. Tunusaganoa married Ta'ana'ana of Falelatai and there was Tonumaivao.

6. Tonumaivao married Fai'esemepaua'aelo, and the children were Misa, Taefu, Lele, Vainofoa (f) ma Savea (f).

7. Savea married Fasavalu of Falelatai, the children were Matai'a, Ma'ilata, Atimaitai and Tutumanu (f).

8. Tutumanu married Laumatiamanu of Siumu, the children were Taufau Nafoaia'ana (f) and Tuvaioitai (f).

If there is one principle point on which the traditions agree it is that Tagaloa-Fasavalu was at one time lord of Falelatai before it was conquered by outsiders. The honorific Ati-Tagaloa was a creation of Tagaloa Fasavalu for his wife's brothers, Misa and Sila, as ali'i o le foaganu'u - the first chiefs of the nu'u - appointees of Fasavalu. From Misa sprung Fa'alava'a'u, Tagomoa and Taefu, and from Sila sprang Nanai and Anae, together forming the collective clans of the Falefitu of Ati-a-Tagaloa or the 'following of Tagaloa.'\(^1\) The most consistent aspect in the Samoan and English versions of written submission to the Land and Titles Court is the honorific to the Falefitu as the Ati-Tagaloa, not the Tui A'ana oriented term of 'Aiga Taua'a'ana.\(^2\) Furthermore, the major family lineages of 'Aiga Satunumafono in Safata and 'Aiga Taulagi in Fasito'otai were established through marital alliances during the Tagaloa-Fasavalu period. In various written

\(^1\) Kramer/Verhaaren 1994:214.

\(^2\) E.g. LC1052, June 1949 and LC5605, 16 February 1976.
statements before the Land and Titles Court by Sa Fasavalu, the Tagaloa title came to Falelatai as an ao-titular head through his son, who it seems was of a young age. A major shift in the focus of power was definitely taking form. While the progenitor of the three village lineages of Satunumafono, Taulagi and Taua'ana begins with Tagaloa-Fasavalu, the tama'aiga or titular head of these three 'Aiga has become Tuimaleali'iifano. Sa Fasavalu's central role is reaffirmed by Kramer who asserts that the Taua'ana family is an 'aiga of the Tui A'ana and refers primarily to the Sa Fasavalu and its relationship to Sa Tuala, another important lineage dispersed throughout Samoa. However, he does not discuss the transformation of the honorifics from Ati-Tagaloa to 'Aiga Taua'ana for the Falefitu nor the manner in which the Tagaloa-oriented authority was transferred to Tui A'ana. He neither substantiates nor reveals his sources, when he claims that the Tuimaleali'iifano originated from the union of Tagaloa-Fasavalu of Falelatai and Lilomaiaava of Palauni. He further claims the family names and titles embrace Leali'iifanovalevale, Tuiavi'i and Tuifa'asisina. However, written statements and attendant gafa submitted by family parties are unanimous in the absence of Leali'iifanovalevale. Apart from a few disagreements between Kramer and family versions, there is broad agreement on Tuita'alili's immediate descendants and successors. For example, all versions agree that Tuita'alili's parents were Lilomaiaava (the half-spirit half-human) from Savai'i and Taufau,

1 LC5605, January 1977. Writ. state. by Sa Fasavalu family, 11th respondent party, 16 February 1976, p. 1. Much in the same way that the infant Tama-ale-lagi was appropriated by orators Ape and Tutuila to be their Tui A'ana and Tapumanaiia appropriated by Ofo'ia and Talo-o-le-ma'agao of Falealili to be their chief in Salani (Meleisea 1987b:15).

2 Sio 1984:82-83 and 85-86.

3 Kramer/Verhaaren 1994:245-247. The gafa which follows the statement gives no indication to the relationship except in the last entry in which he states a dubious marriage of a later descendant to a woman Naisuni of Sa Tuala.

4 Kramer 1902:341-342.

5 E. g. the mother of Leavaise'eta. Kramer (1902:348) claims Ulualefa was the daughter of Pula of Sagana (Sale'imoa) and Fuatino (daughter of Fa'amaua'sili in Malie). Falelatai traditions in LC1052 et. al. consistently maintain she was the daughter of Luafatasaga of Tuana'i.
daughter of Laumatiamanu of Safata and Tutumanu Fasavalu of Falelatai. With this new marital alliance between Lilomaiava and Tagaloa-Fasavalu, a new dynasty was born. By re-examining the variant traditions outlined above, the next section explores the transformation of power from Tagaloa-Fasavalu to Tui A'ana-Tuimaleali'iifano.

3.2. Tui A'ana-'Aiga Taua'ana tradition

According to Henry, Suluimaua,¹ the daughter of Tui Tonga Fa'aulufanua and sister of Vaetoeifaga married Lafo-o-atua² of Falelatai. Henry claims the marriage of Lafo-o-atua and Suluimaua led to the founding of the Taua'ana family. Oral traditions however suggest otherwise, that the title of the village lineage arose out of strategic marriages and was in an embryonic stage until the nineteenth century with a major shift in political authority with the arrival of the lotu. Before the emergence of Taua'ana, the dominant line was that of Tagaloa and Ati-Tagaloa. While the Tui A'ana may have been associated with its early founders, evidence from oral traditions suggests that the Tagaloa line had superseded the Taua'ana. Both Kramer and [Bott]-Spillius refer to the Tagaloa of Falelatai as a branch of the Tui A'ana line but without explaining the connection.³

As recorded by Sio in the Tagaloa-Fasavalu-oriented gafa above, Tagaloa is connected to the Tui A'ana through a tamafafine through the marriage of Sunu'agaavatele, the sister of Tui A'ana Tiasi'utele to Tagaloa Selaginato. Of the strategic marriages, the first significant marriage was between Laumatiamanu of Safata and Fasavalu's daughter Tutumanu. The two female offspring were Taufau and Tuvaoitai. Where they lived is not clear but one tradition refers to the women

¹ Henry 1979:61 plus an undated translation by Faleto'ese p. 78. Henry's probable source was Kramer who renders the woman's name as Suluimaua, 1994:246.

² Rendered as Lafo-o-atua Kramer-Verhaaren 1994:246.

³ [Bott]-Spillius Chapter 3, Samoa: Genealogy of the Tagaloa branch of the Tui A'ana line at Falelatai (from Kraemer, 1902, Vol. 1, pp. 186-7).
living in Falelatai and visiting their father's village in Fausaga, Safata from where a powerful union was forged with the 'Aiga Satunumafono.\(^1\) The second important union was with Lilomaiava, \textit{Le-tama-ale-aitu-male-tagata} (half-human half-spirit) and Laumatiamunu's daughter Taufau. Lilomaiava, not unlike Tagaloa, was an \textit{ao} (high lofty) title of Savai'i.\(^2\) It is through this union that Tui A'ana's hegemony of earlier years was re-asserted in Falelatai.

3.2.1. Lilomaiava: le tama-ale-aitu-male-tagata

The Savai'i-oriented Lilomaiava title has important connections to the Tui A'ana line. Its principal centres in Savai'i are Palauli in the south-east and Safotu along the central northern coast. Together with Sagafili in north-east Upolu, Palauli and Safotu play a major role in conferring the Lilomaiava title as shown in the honorifics \textit{Vae-ole-Nofoafia} - the legs of the multi-legged-seat.\(^3\) The title came to Sagafili through the marriage of Lilomaiava Nailevaili'ili to the high ranking Samala'ulu, the daughter of one Tui A'ana Faumuina and sister of Tui Atua Fonoti. The \textit{malo} at the time was centred in Leulumoega and held by Faumuina and his children. There was only one child from the union between Lilomaiava Nailevaili'ili and Samala'ulu, Lilomaiava \textit{Le-tama-ale-aitu-male-tagata}, so known because of his insatiable appetite for human flesh. Whatever position Falelatai might have enjoyed in the malo of the past was no longer evident as the new malo of Tui A'ana Faumuina was asserted and constituted without them. The marriage therefore between Lilomaiava and the daughter of Tui A'ana saved the Tagaloa-Fasavatu and Ati-Tagaloa from oblivion. On his mother's side, Lilomaiava was a grandson of Tui A'ana Faumuina and was \textit{tamasa} - sacred child to Tui Atua Fonoti.

\(^{1}\) 'O le gafa o Laumatia (manu),' Genealogical library in Salt Lake City, Utah, p. 194.

\(^{2}\) Stair 1897:69 and in Chapter 3 of [Bott]-Spilius' papers.

\(^{3}\) Kramer and others translate \textit{Nofoafia} invariably as triple seat or tripod, presumably referring to the 3 villages (1994:206). \textit{Fia} translates not to three but 'how many.'
through the brother-sister relationship between his mother Samala'ulu and uncle Fonoti. In satisfying his craving for human flesh, no A'ana village was spared, including Falelatai. So when he married Taufau, the daughter of Laumatiamanu and Tutumanu, Taufau won considerable influence for her family by turning Lilomaiaava away from cannibalism. In the honorifics, Taufau is, Na-ifoi-A'a'ana literally, to whom A'ana paid homage, or the one who saved A'ana.

In his Sala'ilua, Shore records a tradition relating to the origin of the honorific Alo-o-Sina (Children or Offspring of Sina) in which Sina was the 'sister of Taufau Tui A'ana, in north-west Upolu'.¹ Shore does not disclose his source but it is most likely Sio to whom Sala'ilua is dedicated and thus represents a Sa Fasavalu-oriented tradition.² According to Matanofo traditions, Lilomaiaava lived in Faleolo where he established a malo, hence the phrase, o Faleolo, le ulua'i pou o le malo o Lilomaiaava - the first post of Lilomaiaava's malo was instituted in Faleolo.³ The union not only introduced the title to Faleolo but through it to Falelatai as evident in the honorifics Vae-ole-nofoafia. It was a major precursor for transforming Falelatai from a Tagaloa-oriented hierarchy to that of Tui A'ana.

3.3. Ati Tagaloa-'Aiga Taua'ana transformation

¹ Shore 1982:57.

² According to Sio (1984:110-111) Sinalalofutu, daughter of Fasavalu at Faleatai and Ulufanuasese'e. The issue was the legendary twin Taema and Tilafaiga. Whether this is the same Sina is not clear.

³ 'Asi Lavilavi I, 'Asi Pauani, Tuita'alili Mailei in LC3680 re: Lilomaiaava title, 12 August 1975. In their submission, they claim Lilomaiaava was a Tui A'ana.
While the transformation from Ati Tagaloa to 'Aiga Taua'ana was a long
drawn-out process, the usage of the honorific 'Aiga Taua'ana is a recent construct,
as recent as the mid-nineteenth century, influenced by the politics of Sa Malietoa
and the London Missionary Society (LMS) missionaries. Following the Lilomaiava-
Taufau union, the next fundamentally important change in this transformation
emerged with the marriage of Lilomaiava's grand-daughter, Sauimalae, to Tui
A'ana Tupua Galumalemana. The Lilomaiava-Taufau union resulted in two
offspring, Tuita'alili¹ and his sister Leilemalanuula, who lived in Faleolo and
neighbouring Satapuala. Tuita'alili's youngest daughter, Sauimalae, was taken as
wife by tafa'ifa Galumalemana. Their youngest son I'amafana, succeeded his
father as Tui A'ana and tafa'ifa after defeating his eldest half-brother Nofoasaefa
in a protracted contest. While I'amafana succeeded to the tafa'ifa, he continued to
live in Sagafili (Faleolo), his mother's appointed residence with her herald Taito
Fasavalu as O le Matua Taulagi - and attendant Va'a. Back in Falelatai,
Tuita'alili's son from his wife Ulualefa, Leavase'eta established the Tuita'alili
line, and as heir of Tutumanu, inherited the mana and authority formerly held by
his grandfather Tagaloa-Fasavalu, while the immediate heirs of Fasavalu from
Tutumanu's brothers Taito, Matai'a and Ma'ilata resigned themselves to the roles
of messenger and negotiator between their new champion Leavase'eta and the
village lineages of Ati Tagaloa. In this way, authority was slowly but assuredly
moved from one line to another. As far as the village lineage was concerned, the
honorifics of Ati-Tagaloa remained in usage, but the name change to 'Aiga
Taua'ana was to wait until the Tui A'ana actually came to live in Falelatai on a
more permanent basis. This did not happen during I'amafana's time nor during
that of his sons' Tuionoula² and Safeofasine³ as all lived out their years in Faleolo
near the A'ana locus of power, Leulumoega.

¹ The conflict over the male's identity in the various traditions is taken up in the next chapter.
² From Tuifua of Tonga, Churchill n.d. pp. 24-27.
The Tui A'ana title came to Matanofo four generations later in a new marital combination, featuring a new line to the tafa'ifa contest, the Malietoa family. In accordance with the mavaega of Malietoa Vainupo in 1841, the first and last of his line to acquire the tafa'ifa, Sualauvi, the great-great-grandson of Tuita'alili was appointed Tui A'ana in 1848. Once Sualauvi of Sa Malietoa stock (and Sa Tupua through Sa Malietoa) was confirmed as Tui A'ana, a major realignment of traditions took place in Falealatai. The transformation from an Ati-Tagaloa oriented regime to 'Aiga Taua'ana was virtually complete. Sualauvi's rising fortune as a contender for the other papa titles accelerated the transformation. The Tagaloa line was relegated to oblivion while Sualauvi's Tui A'ana title was re-applied to his immediate progenitors: Suatipatipa I, Lilopogi, Leavaise'eta and Tuita'alili, along the Tui A'ana line to Faumuina and Sa Tupua instead of the Tagaloa-Fasavalu line. Similarly, Sualauvi's Tui A'ana honorifics were appropriated by his son Fa'aoloi'i and grandsons Si'ua'ana and Suatipatipa II although no evidence exists of formal conferral.

During the intervening period, new titles and honours were created and Matanofo gained the significance of a maota for the Tui A'ana in addition to Nu'uausala. The following gafa (Figure 3.7) is a Tui A'ana-oriented version of the Tuimaleali'ifano title and indicates a power shift from Falevai to Matanofo and the lineage name change from Ati Tagaloa to 'Aiga Taua'ana.

Figure 3.7 Matanofo-oriented gafa of Sualauvi

Source: 'Asi Lavilavi I, 'Asi Pauani, 'Asi Tupe, Tuita'alili Mailei

1. Marriages of Tui A'ana Faumuina:

1.1. Married Talaleomalie, Tui Atua Fonoti.

1.2. Married Atamulau of Saluafata, Va'afusuaga.

__________________________

1 Churchill n.d. p. 23, daughter of Mata'utia of Aleipata.
1.3. Married Tu'umaleulu'ai'i,² Samala'u (f).

2. Va'afusuaga married Fe'eo'onu'u, the daughter of Seiulialii'i of Sataoa, Toleafoa-i-Olo³.

3. Toleafoa married Taleta, Laumatiamanu.⁴

4. Laumatiamanu married Tutumunu, daughter of Fasavalu in Falelatai, the children were Taufau-Nafoa'a'ana (f) and Tuvaotai (f).

5. Lilomaiava, the son of the demon and human⁵ married Taufau, offspring were Tuita'alili⁶ and Letelemalanuola (t).

6. Marriages of Tuita'alili:

6.1. Married Ulualefa, daughter of Luafatasaga of Tuana'i, Leavaise'eta (m).

6.2. Married Fuatino, 'Asi (m) and Fuataiotui (f).

6.3. Married Tuitogama'atoe, daughter of Tauiliili in Amaile, Sauimalae (f).

6.4. Married Leiluasusuvaivai, Va'afusumata'ala (f).

7. Leavaise'eta⁷ married Tai'ai, daughter of Faolotoi, Lilopogi (m).

8. Lilopogi married Taumaunu, daughter of Taefu Meleisea, Suatipatipa I (m).¹

¹ The Saluafata connection is contained in the Gafa o Va'afusuaga as recorded by Tuimaleali'ifano Suatipatipa II, allegedly from Tualetuonu Sulu of Leumooega. Churchill states that the lady Atamulau, Va'afusuaga's mother, is Tongan, n.d. p.23.


³ The Sataoa connection is contained in the Gafa o Va'afusuaga as recorded by Tuimaleali'ifano Suatipatipa II, allegedly from Tualetuonu Sulu of Leumooega.


⁵ Churchill, n.d. p. 37. The union of Samala'u and Aiopupea of Palauli produced Lilomaiava, also known as the half-god half-demon.

⁶ Churchill states Tuimaleali'ifano, n.d. p. 35.

⁷ According to Leavaise'eeta Mealeaga tradition, his taule'al'e' a name was Motuga.
9. Marriages of Suatipatipa I:

9.1. Married Aveisia, daughter of Tamaa'au, So'afa (m).²

9.2. Married Mata'oa, daughter of Tonumaivao, Mealeaga (m) (titled Leavaise'eta).

9.3. Married Taualamaleva'a, Fagugata (m).

9.4. Married Tuitofa, daughter of Malietoa Fitisemanu³, Sualauvi (m).

10. Marriages of Tui A'ana Sualauvi:

10.1. Married Amituana'i, 'Asi Gafata'itua and 'Ane (f).

10.2. Married a Tongan lady, Pomare (m).

10.3. Married Saimu'a, daughter of Tui Atua Mata'afoa Tafagamanu,⁴ Lauiti (m) and Pa'upus (f).

10.4. Married Talutuma, daughter of Tuimaseve in Satupa'itea, Tuimaleali'iifano Fa'aoloi'i (m) and Tutogi (f).

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¹ Claimed by the Matanofo traditions as a Tui A'ana. Churchward claims he was Lilomaiava in his ga fa of Tupuivao and of Tupua.

² Churchward states that Lady Aveasia was the daughter of Toleafoa Tamaa'au and Pafuti. Pafuti was the daughter of Tuimavave the parent of the Mata'afa line and sister of Fa'asumaleaui, the first Mata'afa. Kramer and Matanofo traditions agree that So'afo died without heirs. But Churchward claims that So'afo 'married' Sulu'ele'ele, a daughter of Nuiusulu of Sapapali'i which resulted in a child Limulimu.

³ Kramer/Verhaaren 1994:247 mistakenly records Tuitofa as the daughter of Malietoa ia Ti'a.

⁴ Kramer/Verhaaren 1994:248 claim her as the daughter of Mata'afoa Filisounu'u.
Figure 3.7a Descent of tafa’ifa Sualauvi

Laumatiamanu = Tutumanu, d.o. of Safata

Fasvalu, Falelatai

Lilomaiava, of Palauli = Taufau (f)

'alili = 1. Ulualefa = 2. Fuatino = 3. Tuitogama'atoe, = 4. Leiluasusuaivai Letele-
d.o. Luafatasaga, of Malie? d.o. Tauilili, of Vaovai, Falealili malanuola (f)

Tuana'i Amaile

aise'eta = Taiai, 'Asi Fuata'ioutui (f) Sauimalae (f) Va'afusumata'ala (f)
d.o. Faolotoi

Lilomaiava Pogi = Taumaunu, I'amafana (tafa'ifa)
d.o. Taefu Meleisea

Suatipatipa I = 1. Aveisia, = 2. Mata'oa, d.o. = 3. = 4. Tuitofa, d.o.
d.o. Tamaa'au, Tonumaivao, Taualamaleva'a Malietoa Fitisemanu,
Fasito'outa Sapapali'i

So'afa Fagugata Sualauvi (c. 1800-1870)

Mealeaga
The way Sualauvi came to be Tui A'ana was similar to the rise of Lilomaiaava. Sualauvi's mother was a daughter of Malietoa Fitisemanu and sister of Malietoa Vaiinupo, the latter being first and only tafa'ifa in the Malietoa line. The marriage between the Malietoa and Lilomaiaava-Leavaise'eta lines has been described as 'a marriage made in heaven'.¹ But the description is over played. While Malietoa was certainly on the rise as a tafa'ifa, the claim of Suatipatipa I of the Lilomaiaava-Leavaise'eta line as a Tui A'ana is far from certain and remains speculative. The only certainty that family traditions concur on is Suatipatipa's name but not his precise title(s). The other certainty is that Sualauvi's was a tamasa - of the Malietoa, a factor in his appointment as Tui A'ana, and later as Gatoa'itele and Tamasoali'i. In addition to these appointments, the arrival of the lotu Ta'iti (as the LMS was known to the Samoans) was propitious. With the Malietoa connection and backed by Tahitian mission teachers, there remained only a name change to complete the transformation from Ati Tagaloa to the 'Aiga Taua'ana. The alliances formed under the Tagaloa-Fasavalu marital unions were appropriated; the main ones being the Satunumafo no alliance through the union of Tutumanu of Tagaloa-Fasavalu and Laumatiamanu of Fausaga, and the 'Aiga Taulagi through the union of Fasavalu Fitu and Punipuaio, the daughter of Afamasaga of Fasito'otai. While more research is needed concerning the extent to which these alliances were exploited, a clearer picture has emerged as to how they originated and the forms into which they evolved as illustrated in the following composite figure.

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### Figure 3.8 A comparison of traditions: Fasavalu and Tuimalali'ifano

<table>
<thead>
<tr>
<th>Estimate period</th>
<th>General period</th>
<th>Tagaloa-Fasavalu</th>
<th>Lilomaiva-Tuimalali'ifano</th>
</tr>
</thead>
<tbody>
<tr>
<td>1800-1299 A.D.</td>
<td>Rule of Tui Tonga Aho'otua tu Tui Tonga Talafihiti.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1350-1550</td>
<td>Transitional period from Tongan hegemony to local Samoan rule.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1550-1400</td>
<td>War of Tui A'ana Leu'otele and the Fasavaleaga district against Letuaga-Ma'aloma-vao. Founding of ao Gato'otele (A'efaga) and Tamanatu'a (Safata).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1400-1500</td>
<td>Na'amua establishes her government at Fili ma Puale'u; War of Tui Atua Fuganu'a and Tui Atua Fuganitsula. The war of Malietoa Fale'afatu and Gato'itele. The war of Tui A'ana Tama'alefaga and Tui A'ana Sagale.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1480-1500</td>
<td>Na'amua</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1500-1550</td>
<td>Queen Salamasina gave birth to Fofioiva'ese from Alapopo. But traditions instead acknowledge Tapumansia as father.</td>
<td>Tagaloa Leu'otu'omana married T, and the first Fasavalu was born</td>
<td></td>
</tr>
<tr>
<td>1530-1575</td>
<td>Fofioiva'ese</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1560-1600</td>
<td>Taufa'u (held Tui A'ana and Tui Atua titles), Sina and Atosamala'ama</td>
<td>Second Fasavalu</td>
<td>Children of Fofioiva'ese</td>
</tr>
<tr>
<td>1590-1625</td>
<td>Faumuina Tupufia, Sina's son from Titoivoa succeeded Taufa'u</td>
<td>Third Fasavalu</td>
<td>Sina married to Titoivoa issued Faumuina le tupufia.</td>
</tr>
<tr>
<td>1620-1650</td>
<td>Faumuina married Talo'ale'omalale, daughter of Miti'ufa of Ala'epata, issued King Fonito</td>
<td>Fourth Fasavalu</td>
<td>Faumuina married Atamulau, issued Va'atassaga.</td>
</tr>
<tr>
<td>1650-1675</td>
<td>Fonoti married Fa'umu, issued Mougutuita.</td>
<td>Fifth Fasavalu</td>
<td>V'ai'saga married Foonou'u, issued Toalefo'a-Chi.</td>
</tr>
<tr>
<td>1680-1700</td>
<td>Muagutuita adopted Tupu'ui Fasa'ailili</td>
<td>Sixth Fasavalu</td>
<td>Toalefo'a married Taeta, issued Laumatiana manu of Fa'afcouta, Safata.</td>
</tr>
<tr>
<td>1710-1725</td>
<td>Tupua Fua'ai'aulili married Tohopetu issued Galumaleama.</td>
<td>Seventh Fasavalu</td>
<td>Laumatiana manu from Safata married Tutamau, daughter of Fasavale of Fale latai, issued two girls, Taufa'u-nai'omana and Tuovoatai.</td>
</tr>
<tr>
<td>1740-1750</td>
<td>Galumaleama married Saumulale, daughter of Tu'e'tali'i, issued Tama'afa. B. c. 1750-1760. D. c. 1800-1810.</td>
<td>Eighth Fasavalu E'ati'a-Tagaloa-i-Ta'ina married Savua, daughter of Tongonu'a of Falelatai, and issued Fasavalua Ta'ito, Mata'a, Ma'ilata and their sister Tutumana.</td>
<td>Lilomaiva, the half-human and half-spirit from Fala'ali marries Taufa'u and issue Tut'a'alii and Leu'otu'ma'alualoua. Poor fit, Tu'e'tali'i was Tama'afa's maternal grandfather.</td>
</tr>
<tr>
<td>1770-1775</td>
<td>Contest between Nofosasa'ea and Tama'afa.</td>
<td>Ninth Fasavalu Taito married Seugathama issue Fasavalua Futu.</td>
<td>Tua'tali'i married Ula'utea, daughter of Luafatasa of Tu'ana'i, issued Leava'eta.</td>
</tr>
<tr>
<td>1775-1800 D. c. 1828.</td>
<td>LeVa'atau's male end followed by Leava'atau Tumuaipoa Tamafia of Manono.</td>
<td>Tenth Fasavalua Futu married Funipuao, daughter of Afamasaga of Fa'asotu'I. The issue was Fasavalua Tu'a'ufi, and Tama'alefaga of Vaiselasi.</td>
<td>Leava'eta married Tasi, daughter of Fasi'o'o of Lepa. issued Limota'i'afa Poga, also known as Niu'upula (Bott-Dullens n.d. Ch. 3).</td>
</tr>
<tr>
<td>B. c. 1756-1700. D. 3 May 1841.</td>
<td>Malietoa Va'ino, Assunue taf'a'a in 1828. Approax. age in 1830. 65. Approx. 78 years at death.</td>
<td>Fasavalua Fu'a'i'ili married T, and the issue was Fasavalua Tisi'utele.</td>
<td>Lilomaiva-Niupulasi Poga married Tu'amau, daughter of Ta'e'o Mele'sia of Falelatai, issued Suapitipai L, whom Mata'ono versions claim was Tui A'ana But Tui A'ana title conferred on Tama'afa by Leu'otounga.</td>
</tr>
<tr>
<td>1800-1829</td>
<td>Fasavalua Tisi'utele married T, the issue was Kusome F.S. a pastor.</td>
<td>Suapita'apa married Tuifotu, daughter of Malietoa Fitisamau, issued Sualuuvi. B. c. 1800. b. 2 Aug. 1870.</td>
<td>Sualuuvi acquires the Tui A'ana title in 1848 as bequeathed by Va'ino.</td>
</tr>
<tr>
<td>1830-1870</td>
<td>Kusome married T, Daughter was Tama'.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1836</td>
<td>Tama'ata married pastor Sio F.S. and the children were Ariu F.S., Fasavalua Tisi'utele S'uma'a, Gato'oli Peseta Suosi et al.</td>
<td>Approximate year of birth of Tuimalali'ifano Fao'oli'orotua'a. (J. W. Davison 1967;156 fn).</td>
<td></td>
</tr>
</tbody>
</table>
This genealogical comparison is flawed in many important respects, and more accurate approximations of the generations and time period remain by checking against other traditions and archaeology. Despite the flaws, one thing is certain from the broad outline. A fierce power struggle within Falelatai took place approximately between the time the Dutch navigator Jacob Roggewein saw Samoa in 1722 and the French explorer de Bougainville skirted it in 1768. Fasavalu's hold over Falelatai was threatened by a new *malo*. The first intrusion was Laumatiamanu of Safata followed by Lilomaiava of Palaui in Savai'i, both foreigners marrying into the Fasavalu line. For Lilomaiava, Falelatai was only one of his conquests in Upolu as family branches were established in nearby villages of Sagafili and Satapuala within A'ana. In association with Palaui and Safotu in Savai'i, these branches over time became responsible for the bestowal of the Lilomaiava title. The reasons for Lilomaiava eclipsing the Fasavalu title of Falelatai are not difficult to find. Lilomaiava was an *ao* title of Savai'i and as a claimant for supremacy over Savai'i if not Samoa, was a major player in the struggle for the pre-eminent status of tafa'i fa. The association with the tafa'i fa status came about in the middle to end of the eighteenth century. It was sealed with a marriage alliance between the incumbent tafa'i fa Galumalemana and Sauimalae, the daughter of Tuita'alili and grand-daughter of Lilomaiava. The youngest offspring was I'amafana and through him, the Tui A'ana and Lilomaiava lines were merged. I'amafana became Galumalemana's anointed heir even before he was born at the expense of the contemptuous Nofoasaefa, an elder son of Galumalemana from a previous union. I'amafana had to contend with Nofoasaefa who was ignored by Galumalemana in his dying *mavaega* or death-bed will. With the assistance of the orator groups (*Tumua ma Pule*) in Atua and A'ana, I'amafana eventually succeeded to the pre-eminent status of tafa'i fa. In him, the line of Lilomaiava was fused with the tafa'i fa thus establishing Sa Lilomaiava and its successor titles of Tuita'alili, Leavaise'eta and Tuimaleali'iifano to pre-eminence in Falelatai.

But ever since the transformation from Fasavalu to Tuimaleali'iifano, the new *malo* used every avenue to erase the ancient pre-eminence of the Sa Fasavalu
family from living memory. Numerous attempts have been made by recent holders of the Tuimaleali'ifano title to assert their authority over the Fasavalu family by appointing holders to the Fasavalu title without consulting the Sa Fasavalu family. In almost every attempted appointment, the Sa Fasavalu family has disputed it before the Land and Titles Court with the court referring the matter back to the two parties for negotiation.

The technique for the erasure of unwanted past memories is simple and universally practiced and called selective remembering. From the mid-nineteenth to twentieth century, the descendants of the Lilomaia-Taufau union re-invented its genealogical tree by realigning its ancestors to Salamasina and her illustrious descendants down to Galumalemana and I'amafana. It was done through Laumatiamanu of Safata, Tutumanu's suitor, instead of Fasavalu and Tagaloa, her family lines in Falelatai. The Tagaloa-Fasavalu line was erased in favour of the powerful line from Salamasina. The re-invention of the family tree coincided with the rising influence of the tafa'ifa spearheaded by the kingmakers of Pule and Tumua. In every genealogy submitted before the Land and Titles Court, the ancestral marker for the current Tuimaleali'ifano family is decisively oriented toward the Laumatiamanu of Safata reflecting the Tui A'ana preference rather than the Tagaloa- Fasavalu line as the original rulers of Falelatai.

Before leaving the transformation of power from Tagaloa to Tui A'ana, there is one important point to be mentioned in connection with the 'Aiga Sa Fasavalu descent group. In addition to the Fasavalu title itself, which today is held by many people, the title itself subsumes two other titles of lesser rank, Salu and Auva'aipea. How precisely they are related to Fasavalu is not clear in the honorifics nor in any genealogy available to me. In the honorific Afio mai Fasavalu ma le 'Aiga Sa Fasavalu, Salu and Auva'aipea are assumed as additional branches inherent in 'Aiga Sa Fasavalu (See Figure 3.1 E3). The Salu and Auva'aipea titles are absent from the known gafa for Tagaloa and Tui A'ana which suggests they were introduced as attendant titles to a high ranking title such as an ao of which there were many. Apart from Tagaloa and Tui A'ana, others of comparable rank included Va'afusuaga of Fasito'otai, Toleafoa and Laumatiamanu of Safata district, and Lilomaiava or Tiumalu-lilomaiava from
Palauni in Savai'i. However, the most probable title to which they were connected is that of Lilomaiaava of Palauni for which ample evidence exists through the union to Laumatiamanu's daughter, Taufau. Salu (but not Auva'aipau, whose origin remains a mystery) is a title extant in Palauni and its association with the Lilomaiaava is quite explicit in Salu's honorific: *Susu mai Salu o le fofoaga o Lilomaiaava*. According to [Bott]-Spilius' interpretation of Kramer's fa'alupega, Salu founded the Palauni branch of Sa Lilomaiaava and is an important link between Sa Lilomaiaava in A'ana and other lines such as Letaua in Palauni.² Other clues are found in at least two titles extant in Matanofo. Apart from the Lilomaiaava title inherent in the *Vae-ole-nofoafia* (See Figure 3.1, B15, C15, D12 & E9), the *ali'i title Leavaise'eta* of Matanofo (See fa'alupega B14, C14 & E5) is also found in Palauni's *pitonu'u* of Vaito'omuli.³ All the genealogies agree that Leavaise'eta's descendant founded the Lilomaiaava line in Matanofo. With Leavaise'eta serving as a common link, three low ranking tulafale titles, Sa'ai'a, Va'a and Mata'aafa (not to be confused with the more important *ali'i title* at Atua) are extant in Matanofo. They are not associated with the main-line village orator group of *Galu-e-fa* in Pata nor with Sa Fasavalu's orator, Tuivaiti, at Levi but are exclusive to the Matanofo family. A recent dispute over the Mata'aafa title confirms the link between the two villages. According to Matanofo traditions, the Mata'aafa title was vacant in Matanofo for at least fifty years. When it was revived and conferred in the late 1980s on two holders, Fa'aetete Misa Ta'aloga and Su'emalo Lautusi, the Sa Mata'aafa line in Palauni challenged Matanofo's claim to confer them in the Land and Titles Court. When the court met, Matanofo submitted that the Mata'aafa title came to the Tuimaleali'ifano family through Lilomaiaava, a claim which the court subsequently upheld.⁴

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³ LMS 1915:40. 'O le fofoaga o le Taufa' lit. the speaker of the foursome. Cf. to [Bott]-Spilius *Ibid*, note 8, 'Voice of the Waters.'

Having thus established the historical process of change from the ancient to the current political structure, the next step is to demonstrate the conflicts over pule amongst family disputants. While many writers have stated that fa'a Samoa changes, the precise way in which that change occurs under the rubric of fa'a Samoa eludes easy documentation. In order to demonstrate this, the next chapter examines the inter-play between aganu'u on one hand and agaifanua on the other with aganu'u connoting a universal application and agaifanua, a localised or parochial practice.
4. Aganu'u, agaifanua, banishment

This chapter examines a basic distinction between two elements of fa'a Samoa, aganu'u and agaifanua, in the process of transforming custom. Through a case study of banishment the aim is to demonstrate two essential things: first, the process of re-constructing village history and, second, the arbitrary nature of village justice. But first an attempt at definition.

4.1. Distinctive differences within a common ideology

The New Zealand government in the late 1940s instituted an inquiry into the nature of Samoan government at the village and district levels. Its leader, J. W. Davidson, observed:

Beneath the complex interweaving of means and ends, there was a uniform system of values or, at the very least, of proprieties. To the participants this gave the pursuit of politics both its savour and its dignity. To us [the commissioners of inquiry] it dictated a method of approach to the people rooted firmly in tradition ....

Shore remarked that `[c]ulturally and linguistically, the entire Samoan archipelago reveals a remarkably unified identity and striking homogeneity.' This reflects, in part, the elaborate network of kinship and political alliances not only throughout any one island, but among the different islands as well. He goes on:

The nature of this homogeneity and the variations within it is an important issue in understanding Samoa. By cultural homogeneity, I

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1 Davidson 1967:276. Turner (1884:166) in the late nineteenth century noted a `uniformity of customs and language' throughout Samoa.

2 Shore 1982:3-4.
refer to a shared commitment to a larger number of political and
kinship institutions, a common consciousness among Samoans of
their singular identity, origins, language, physical characteristics,
and history, and finally a shared set of understandings and
categories which serve as common premises for interpreting and
orienting behaviour. This sort of homogeneity does not preclude wide
divergences in specific individuals, or within the same individual on
two different occasions.¹

Aganu'u functioned largely in the domain of orality. The modern notion of aganu'u
fa'a Samoa as a 'uniform set of formal practices and procedures' is a recent
invention which came about with the committal of the language to writing by
European missionaries. Behind this curtain of overt uniformity, each of the 330
nu'u develop its own history and politics. As J. W. Davidson recalls,

Each place that we visited differed from the rest, in the intricacies of
its genealogical structure, in its reaction to modern problems, and-not
seldom-in the detailed way in which it managed its affairs. These
differences between places permeated the whole fabric of society and
was complemented by the differences in their physical settings and
appearances.²

O'Meara asserts that

Political intrigues of particular families and villages sometimes
resulted in minor, local variations called agaifanua which provided
historical charters for maintaining status quo. These local variations
resulted from the same general social processes and prerogatives
found elsewhere, however. Thus aganu'u and agaifanua both imply
formal practices of relatively ancient derivation. Both are equally
'traditional' in the sense of being old and accepted aspects of village
life. Both serve as fa'avae, meaning 'foundation' or 'charter', for their
respective social groups and are therefore accepted by the
contemporary Land and Titles court.³

As a body of uncodified practices, aganu'u as 'customs and traditions', is
subjected to the memory and whims of those in positions of power, and as such,
like any other, is contestable. This distinctive difference is referred to universally

¹ Shore 1983:303 n7.
² Davidson 1967:274.
³ O'Meara 1995:97.
as aga-i-fanua (also phrased as tu ma agaifanua), a distinctive difference along different levels of the social hierarchy which individual nu'u take pride in as a distinguishing mark from other nu'u. In the Samoan mentality, the idea of dual existence is not unknown. There is the feeling of universality associated with a wider aganu'u or customs common to all villages on one hand and on the other hand it is contrasted by agaifanua, the appeal for an individual entity. In a fundamental sense, three layers of socio-economic systems co-exist simultaneously. In ascending order, at the village level is the agaifanua, a set of customary practices peculiar to a nu'u, followed aganu'u, homogenous customary practices universally applied to all nu'u.¹ Upon this indigenous body politic has been superimposed the nation-state with the Westminster system of government and human rights and citizenship.²

In order to reconstruct the history of a village's agaifanua, it is necessary to draw on its past which is available from the fa'alupega in the absence of village documented sources. This chapter traces the fusion of elements of agaifanua and aganu'u, of lotu and tulafono (law). I will do this through a modern case study of banishment in Falelatai to shows how the notion of 'custom' is invoked and re-constructed to serve the interests of village power players.

4.2. Feagaiga: Construction and re-construction

The original meaning of feagaiga referred to the relation between a brother (tamatane) and sister (tamafafine). At high levels, the sister's son is known as the tamasa or sacred son/daughter.³ This relationship (o le feagaiga a le tamatane ma le tamafafine) is encapsulated in the saying;

¹ A fourth level can be discerned when ancient titles are conferred. For example, when a papa title is conferred, village lineages appear as 'possessors' of these titles and negotiate between aganu'u and state institutions during the elaboration of the title's rank and expectant position.
² See Keesing and Keesing 1956:16 for four major levels of socio-political organisation.
E leai se feagaiga e sili atu lona taua i lo’o le feagaiga a le teine ma lona tuagane.
The most binding and sacred agreement is that between the sister and her brother.

The dictionary also refers to a covenant, contract, treaty, understanding or agreement, and Biblical testament. In the context of this case study, it refers to the practice of safeguarding the relationship between the Samoan fa'ife'au and the village parish. The noun feagaiga is formed from the verb feagai, which signifies, the opposing and distant relations between the faife'au and village while at the same time serving one another in reciprocal or complementary ways.¹

The practice was invented in the late nineteenth century by Protestant missionaries of the Wesleyan-Methodist and London Missionary Societies with the Samoans invoking important principle elements of custom, for example, the brother-sister relationship. The concept has institutionalised the relationship of priests of varying denominations to their congregations. It began with the missionaries soon after they commenced work in the 1830s. The sacred brother-sister relationship emphasised social control particularly in regard to incest. The brother was more likely to succeed to family titles and thus land while the sister was accorded higher ceremonial rank, reserving an overriding opinion (or veto) on the use of family resources. In an ideal situation, the brother holds executive power subject to the right of the sister to be consulted. This ideal was translated and maintained in the feagaiga between the nu’u and faife’au², the faife’au taking the form of the sister and the nu’u that of the brother.

Such a principle bound the faife’au within the kinship unit of the nu’u for life. Though unacknowledged in the Tusi Fa’alupega, the faife’au is everywhere accorded equal rank with the ali’i matua or senior titleholders at the apex of village, district and national hierarchies. The honorifics of the faife’au is Susu mai lau Susuga le faafeagaiga "Welcome to your excellency the covenant", is

¹ Gilson 1970:28. Tuimaualuga 1977:57. Its application followed the principles of a brother-sister relationship, the bonds of which was bound by fear of curse resulting in misfortune or death.

² The first European missionaries were called Misi, the Samoan form for Mister.
cereemonially intoned and either precedes or immediately follows the most senior
titleholders. Like the senior ali'I, any sexual liaison between him or any of his
family with any of the villagers is, in Samoan logic, tantamount to incest. The
following example of the banishment of a Matautu faife'au illustrates how
elements of custom and law are manipulated to serve political ends of powerful
village personalities.

4.3. Custom re-constructed: the banishment of a faife'au

After fifteen years of service to the Matautu parish from August 1948 to
1963, the indomitable and pugnacious faife'au of Matautu, Faoliu 'Ain'u'u and his
wife Emeline finally succumbed to advancing years and retired to their village
home in Leone, American Samoa. They left behind a lasting contribution which by
any standard, was considerable. 'Ain'u'u's carpentry skills led to major construction
work in Matautu. This included the construction of the present church building at
Utumoa by carpenters from Leone and completed in 1959, the present school
building in 1958, and the present maota ole galuega (church hall) in 1963. The
purchase of a diesel engine for the electrification of the parish in 1960 was also
undertaken during this period of service. 'Ain'u'u left Matautu on a solid
foundation. When Matautu went looking for a worthy successor, they believed they
had found such a person in the form of another missionary who was on leave with
his family from his post in Papua New Guinea. The young faife'au and his family
arrived on 30 July 1964 in Matautu. Keilani Tagoa'i originally from Iva in

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1 The scope of the faife'au's family varies in different villages but refers to those connected to him. For
example, in the early 1980s, the sister of a pastor (Siaosi Leleimalefaga) serving Utuali'i village married a
local. The village fono banished the couple but not the faife'au. The fono considered the faife'au's sister, a
member of his family, but did not hold him responsible for her actions. Ioane Lafoa'i, pers. comm. 4
December 1995.

2 Appendix I, 'Tala fa'a-le-lotu, EFKS, Matautu, Falelatai.' Tusia e Faoliu 'Ain'u'u ma Keilani Tagoa'i.

3 Diary note by Ta'alefili Tuimaleali'i'ifano; 'Tala-fa'a-le-lotu, Matautu, Falelatai by Faoliu 'Ain'u'u and
Keilani Tagoa'i. See Appendix I.

4 Aka Keilani Pele.
Savai'i was aged thirty-eight years and his wife Mary (nee Bentley of Fa'ato'ia) twenty-six. They had two sons, and Mary gave birth to their third son later in the year. They had three more children in Matautu.\(^1\) As missionaries in Papua New Guinea, they had worked for six years from 1958 within the Port Moresby environs at Gabagaba and Central Rigo in Kwikila before their calling to Matautu. Within less than ten years, Tagoa'i had established a reputation as a committed pastor and as a tagata o le aganu'u - learned in custom. His creative blending of biblical teaching with aganu'u distinguished him as a notable preacher and orator among his congregation. He was frequently called upon by educational institutions to assess Samoan culture and oratory competitions.\(^2\) As the feagaiga of Matautu, he was ceremonially addressed, o le feagaiga a le Tui A'ana (the pastor of the Tui A'ana) although Tuimaleali'ilano Suatipatipia II had not been formally conferred the title.

Within the Congregational Christian Church's (EFKS) establishment, Matautu's reputation as a consistent top fundraiser earned Tagoa'i a long-term membership in the church's Education and high powered Finance Committees. His wife Mary was equally active in the Women's organisation of the church. She served as treasurer of the national Women's Committee and was a regular delegate on overseas conferences\(^3\). As a measure of the esteem in which they were held by the parish, Tagoa'i was amongst the highest paid faife'au in Samoa with an average monthly stipend of $3,000 tala.\(^4\) This was seen as something the Matautu parish could laud over its neighbouring parishes such as Pata and Si'ufaga, and indeed over all Samoa. One of the most sought after information among parishioners and faife'au was the amount of alofa collected by each parish for their respective faife'au. It implied that its congregation was wealthy and well

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\(^1\) Pastor Keilani Tagoa'i. Interviewed in May 1985, Matautu, Falelatai.

\(^2\) Principal of Leulumoea Fou College D. C. Mann to Tagoa'i, 21 March 1977.


\(^4\) This excluded weekly donations in both cash and kind associated with 'life crisis' within the parish and overseas movement of parishioners.
endowed with spirit of giving. The Matautu congregation was no exception. Within Falelatai and Samatau, Matautu prided itself in having the largest church, the largest alofa and the largest taulaga (annual church collection). Prestige, status and wealth are measured by the quantity of the public contribution. It was a market factor in attracting future faife'au.

But the cost to the individual families of keeping up this public competitive giving is universally ignored to the extent that personal poverty is condoned and institutionalised. To concede to poverty is silenced because such evidence testifies to the sacrifice of individualism to the communal cause. Instead of being called poor, one is publicly applauded as tagata tautua, personal commitment to communal interest.

At inauguration ceremonies for newly appointed matai, the lauga (oration) spells out the role of a matai. In addition to possessing infinite mercy and boundless love, the 'true' matai is duty bound to tautua; tautua 'aiga, tautua nu'u, tautua lotu, tautua i le malo, the rendering of service to family, village, church and government. The rhetoric was no different for me in 1975. The family matai name was to be protected in public at all costs including deceiving, tautua lotu meant outdoing other matai in alofa, tautua i le malo out-maneuvering other contestants for any local and national elections. The price of communal tautua is the relinquishment of personal tautua, to improving one's personal well being in the present.

In 1988, Tagoa'i's 25 years of service came to an abrupt end when his wife Mele and a minority group of women decided to ask questions seeking clarification over an alleged misappropriation of funds belonging the Church Women's Committee kept with the Bank of Western Samoa. In so questioning, Mere and Tagoa'i indirectly challenged village authority of Matautu and thus called into question the appearance of consensus. This case study reveals the process of selective recounting of custom as a condition of past experience to serve present purposes. As protagonists differed in the pursuit of their respective purposes in the present, so did their methods differ in the individual recounting of the past experiences as conditions of custom. The question sought to clarify the present, but the questioned party side-stepped by invoking custom in the pursuit of
suppressing the question and silencing the questioner. I shall first recount the past controversies to inform the contest over custom in the present and then set out how custom is repackaged and re-traditionalised. The representation of points of view over this incident unfortunately excludes two major protagonists, Nanai Faitala and Alaisea, the faife’au toeaina Tema Koria in Pata and the Matautu Women’s Committee assistant treasurer Natapu Tuivaiti. Though these they were in Matautu at the time of field work, my own banishment from Matanofo and later Matautu did not permit easy access to them. This is a biased account from the point of view of the faife’au and his wife.

In the mid-1970s, tensions appeared between the faife’au and the Matautu parish when courting relationships developed between one of the faife’au’s children and a young parishioner of the Sa Anae lineage. Because of the terms of the tapu between the feagaiga and the congregation, the young couple left Matautu for New Zealand where they got married. Though safe in New Zealand they feared for their families in the Matautu. In 1986, while still in New Zealand, the Matautu fono met and confirmed the soli fa’avae - violation of the covenant.\(^1\) However, no afioga tutasi (edict) was meted out to the faife’au and his family. Although Tagoa’i and Mary had prepared themselves in anticipation of an unfavourable decision to leave Matautu, they were restrained. When a fono was convened of the nu’u and their feagaiga, Misa Sautia as the spokesman for the Matautu fono confirmed the violation but conveyed that instead of a punishment, a fa’aleleiga (reconciliation) was to be affected. The Sa Anae clan as the offending family was to produce 20 large pigs as part of the fine.\(^2\) Instead they produced 20 pusa apa (cartons of mackerels) and a large ie toga to fa’amagalo or forgive the violation.\(^3\) It was accepted and no one expected anything more to be said. Later the young couple moved from Matautu to live in Fa'ato'ia near Apia, where Tagoa’i had built a

\(^{1}\) During the early-1970s to mid-1980s, Anae Taeoali'i had, as the ali'i matua of Sa Anae, been the ta'ita'ifono of the Matautu fono.

\(^{2}\) Anae Taeoali'i died in mid-1985 and was replaced by Misa Sautia as chairman of the Matautu village council. Pers. comm. Mina Panapa, 13 August 1985; Mere Tagoa'i, 10 February 1996.

\(^{3}\) Mele Tagoa'i, pers. comm. 10 January 1996.
family home. The two parties publicly conceded to the violation of the feagaiga and accepted the customary prescribed punishment. But the Matautu settlement deviated from custom and aganu'u; one that would have probably been internalised over the years as an agaifanua peculiar to Matautu (and of being a precedent in other village polities). This incident backgrounds the tensions of 1988 between the feagaiga and the Matautu congregation over misappropriation of the Women's Committee funds. Before this came about, important changes had occurred. The long time chairmanship of the village council Ana Taeoali'i died in 1985. His immediate successor Misa Sautia, the ali'i matua of Sa Misa clan did not hold the chairmanship long before he died a year later and the chairmanship passed to Nanai Faitala as ali'i matua of Sa Nanai.

The wives of the most powerful men in the village were at the centre of the controversy; the wife of the faife'au and wife of the new village council chairman, Mary and Alaisea respectively. At the time, Nanai Faitala was also holding another important position as ti'akono toeaina or senior deacon of the Falelatai/Samatau church district.¹

The Matautu-based church building is huge and elaborate in design (See chapter 2). It represents communal pride and investment over many years. In the mid-1980s, the church was undergoing major renovation when funds ran out. In both legend and fact, Samoan women are reputed to have inherited a sustained capacity to complete work left undone by their menfolk. When the Matautu Women's Committee was requested by the ali'i matutua (tama o le nu'u) for resources to refurbish the church with new pews, they proudly rose to the occasion. From their savings bank account at the Bank of Western Samoa, they withdrew $4,000 to begin purchasing the required material, opened an account with the Apia merchant Herman Retzlaff for additional supplies and agreed to a monthly repayment of $3,000. The monthly instalments were to be realised from the proceeds of the sale of taro obtained from family garden plots with the women

¹ Another reason for this action by the Matautu fono was that Tagoa'i was lobbying for the reinstatement of Nanai Likison, who had been banished over the infamous Tariu Tuivali incident. Pisopa Matatia, pers. comm. 16 February 1996.
themselves harvesting, transporting and selling them at the Savalalo market in Apia. Mary recalled that the work was not easy as most of it fell on younger women, most of whom were young mothers with young children, breast-feeding and tending to their young while their husbands were working either on the church renovations or in their gardens. The responsibility of collecting the money and paying the account fell on the then chairman of the Matautu Village fono, Nanai Faitala and his wife Alaisea. Both had regular work commitments in Apia. Nanai was a senior fa'amasino Samoa or judge at the Land and Titles Court, a position which entitled him to sit on the Magistrate court as an assessor. Alaisea was a senior cashier at the Moto'otua National Hospital. At the time the account was close to being paid off, Tagoa'i and Mary went on three months leave in Australia. When they returned, it was reported by the Committee Secretary, Natapu Tuivaiti Isara, that the account had been paid off with a credit balance of $400 remaining. However, according to Natapu, the credit should have been at least $3,000 if not more. Mary re-checked her records and agreed with Natapu. They waited for an appropriate moment.

The moment came when the Committee was hosting a malaga from the Utulei congregation in American Samoa. When the reception ended, Alaisea announced that she wanted to present the financial report on the church pews account. At the time, her husband, Nanai Faitala was on a private visit in New Zealand which coincided with a fundraising malaga by the Matautu Sunday School led by Elisaia Nanai Ofisa.1 Alaisea began by accounting for the expenses incurred with the Utulei visitors, and stated that as a result of the debts, the $400 credit balance from the Retzlaff account went into covering the expenses. On behalf of other members of the Womens' Comitée, Mary put it to Alaisea that according to their written records of monthly repayments, the credit should be much more than $400. Ta'alefili, the faletua matua and wife of Anae Tonu, the ali'i matua of Sa Anae and a a'oa'o fesoasoani (lay preacher) spoke next and endorsed

1 Galumalemana Iuniosamo Tuimala'ifano, 23 December 1995.
Mary's concern.¹ Alaisea kept quiet throughout. When the meeting ended and members departed, Alaisea approached Mary and privately inquired after her children. After Mary briefed her, Alaisea apparently departed on amiable terms.

Whether by coincidence or design, Nanai Faitala arrived from New Zealand that same week and immediately convened a village fono the following Saturday morning. In the afternoon, it re-assembled at the church hall (*maota o le galuega*) in front of the faife'au's residence, to which Tagoa'i and Mary were summoned. Their account of what followed is revealing.

After dispensing with the ceremonial pleasantries, Nanai Faitala then formally explained the purpose of the Matautu fono earlier that day. 'The fono,' he said, 'had decided to *tatala* (open) the feagaiga (covenant)'. The reasoning proved interesting as a way of how the notion of custom is re-negotiated. The faife'au and his family were punished because they had violated the feagaiga, namely, the cohabitation and marriage of his daughter with a villager in the 1970s. The memory of the fa'aleleiga in 1986, presided over by Misa Sautia was no longer. Their twenty-five years service was of no further consequence. There was no re-hearing let alone appeal.

After Nanai Faitala conveyed the fono's majority decision and began to leave. Tagoa'i began to reply but was ignored by Nanai. During the verbal melee that ensued, Mary called out to Nanai asking where the rest of the money had gone. When he ignored her, she bluntly declared in public, *ua 'ai tupe lou faletua* (your wife has eaten the money!). Nanai had walked as far as the hall entrance. He turned and replied, *'Mele, ta te fetaui i luma o le tulafono* - Mary, we will meet before the law.' Mary responded, *'Ua lelei, o le a iloa ai i na po'o ai na 'aia tupe* - Good, we will then know who ate the money.' At this juncture Tagoa'i uttered words which have left an unforgettable impression in the minds of Falelatai villagers to this day;

*Talofa e 'Aiga, ua 'ai e lago le tofa!*

Pity on you 'Aiga (*Falefa*), your counsel has been eaten by vermin!

¹ The *faletua matua* of Sa Misa and Sa Sila were related to Alaisea as in-laws.
How does this case study contribute to reconciling Samoan points of view in the interest of justice? Was the decision arrived at democratically? One may argue the decision was arrived at through a democratic process. Even though it was not held at its regular time during the month, a meeting of the Matautu village fono was convened and all the major family descent groups of the Falefa were represented by its ali'i matua. They comprised Nanai Faitala for Sa Nanai, Misa Li'a for Sa Misal1, Sila Seali'iitu for Sa Sila2, and Anae Tonu for Sa Anae. The descent group of Sa Fasavalu was represented by Salu Lafi as the ali'i matua of Sa Fasavalu was absent overseas.

At the fono, the call for banishment by Nanai Faitala was objected to by Anae Tonu. When it came to numbers, Nanai had the clear majority. So in terms of the right of the expression of views, democracy was met. But inside the system, kin connections dictated the outcome. It is important to stress that within each descent group, as for example that of Sa Sila, while there may have been consultation with other titleholders, the decision lies ultimately with the ali'i matua. Any dissenting opinion held, even if by a disgruntled majority, collapses in deference to the ali'i matua. When the ali'i matua meet, they sit inside the fale. The rest of the matai, locally called o le 'au nofo suafa - lit. 'those sitting on the title', remain outside. The extent of their participation is confined to listening to the deliberations and pronouncements of their respective ali'i matua irrespective of any dissenting point of view. No one may venture an opinion, irrespective of a claim to older age, special skills or superior knowledge. Everyone is expected to know their place, whose turn comes before and who comes after. Many migrate or die without ever acquiring the exalted position of ali'i matua.

In determining the final outcome within the Falefa, the exercise of power is ultimately determined by kin. The chairman, Nanai Faitala was an elder brother of the former ali'i matua of Sa Misa (Misa Li'a) and a cousin of the ali'i matua of Sa Sila (Sila Seali'iitu). The remaining ali'i matua Anae Tonu was not an

1 Succeeded Misa Sautia.
2 The senior member, Sila Fa'amalaga, was very old by this time.
immediate kin and thus isolated in his dissent. Outside the Falefa, the spokesman for Sa Fasavalu\(^1\) fell in with Nanai Faitala.

The remaining social elements that could have made a difference had they decided to intervene lay with the holder of the paramount village title, Tuimaleali'iifano and the *toeaina* or elder pastor of the village district of Falelatai\(^\)\Samatau. The Tuimaleali'iifano title was held by Atonio Va'aleto'a Eti a relative newcomer and non-resident of Falelatai, having lived most of his life in Vaialua with his parents on Tuimaleali'iifano family land and in Apia where he worked as a policeman. His appointment in July 1977 by the Land and Titles Court was rejected by the Falelatai village fono for eight years until a reconciliation was affected in 1985.\(^2\) When the dispute between the faife'au and the Falefa erupted in 1988, Tuimaleali'iifano Eti was purported to have been called to Matautu by Nanai Faitala. He was feted with a *sua*-food presentation, comprising a large pig, *'ie toga* and sundry food items. During this presentation, Nanai Faitala briefed him on the differences that had arisen between the Congregation and the faife'au and also of the fono's decision. Under the conditions of appointment of faife'au, the village is not obliged to hear the faife'au's side. Tuimaleali'iifano Eti had completed a law degree at the Australian National University in 1986, made no attempt to reconcile the two parties and acceded to Nanai's point of view. With the benefit of hindsight, it is difficult to see what Tuimaleali'iifano Eti could have done at the time. The Falesitu had only recently recognised his court appointment, and his absence from the village scene had done little to enhance his personal standing at the local level.\(^3\) Before and when he returned from Australia, he had been living in Apia at government rented premises. Without a visible presence in Matanofo, his participation in local village politics of Falelatai was minimal and his ability to exert any influence on village fono decisions uncertain.

\(^1\) The two descent groups of Sa Salu and Sa 'Auva'aipeau are considered branches of Sa Fasavalu.

\(^2\) The chairman of the *fono* at the time, Anae Taeoali'i was the most vehement against his appointment.

\(^3\) This has major ramification for the future *pule* of the title which currently rests with the *suli*-descendants of Sualauvi.
The second immediate avenue of effecting a reconciliation was through the church. Its procedures allowed the toēaina of the pulega or village district of Falelatai and Samatau to intervene and hazard a reconciliation. But this did not materialise. The toēaina's position was at the time held by Tema Koria of Pata parish. Like Tagoa'i, Koria had also been a missionary in Daru along the south-west coast of Papua New Guinea before his calling by the Pata parish in 1959 and when Tagoa'i and his family called to farewell, Koria replied that:

_Talofa e, o mai, o mai ina o, a lua laioa i lena nu'u leaga._

Pity on you. Come. Go. You have been pained needlessly by that unworthy village.¹

On the evening of the day Tagoa'i and Mary departed, Nanai Faitala and Alaisea paid Koria a visit in Pata. Despite the opportunity available to him as the Koria and as an outsider to the Matautu parish polity, the promise of a reconciliation on behalf of the Falelatai/Samatau district nor of the EFKS church as a whole did not materialise.

One last point needs to be made before leaving this discussion. The reconciliation of a conflict in an oral culture, people are disinclined to disclose information considered sensitive and especially through a written medium. The institution of fa'afeagaiga was a joint creation of European missionaries and Samoans alike using tenets of kinship. When it was violated, Falelatai villagers, under Anae Teaoali'i, albeit an interested party and chairman of the village fono, whose grandson was involved, re-constructed custom by affecting a fa'aleleiga - reconciliation - in order to make amends. In other words, the custom concerning the violation of the feagaiga was re-defined for Falelatai. Later, when the offended party, namely Nanai Faitala, came to hold the chairmanship, the penalty paid by the Sa Anae family was conveniently erased from village memory, instead invoking the banishment for personal gain of those in position of power. In this case, customary justice is premised on the personal interests and politics of those in power (Anae Teaoali'i and Nanai Faitala), rather than on democratic principles

¹ Mary Tagoa'i. Pers. comm. 6 December 1995.
and law. When Mary confronted Nanai Faitala with the allegation of misappropriation of funds as the real reason for their banishment, judging by his reply in a fit of anger, he invoked the authority of common law. By drawing on his then standing as a senior fa'amasino Samoa in the Land and Titles Court, he threatened Mary and Tagoa'i with court action for slander and defamation, a threat which did not materialise.

In this display concerning appropriate behaviour over the violation of perceived custom, three different courses of action became apparent. First, the violation of the feagaiga was met with a stiff fine and paid for by Moa's family which allowed them to remain married and retain the feagaiga intact. This deviation from the norm represents an agaifanua peculiar to Matautu. Second, in a totally unrelated incident concerning financial mis-management involving those in positions of village power, the initial violation of the feagaiga was invoked in response to maintain and protect the influential chairman of the village fono. The memory of reconciliation under agaifanua was erased and banishment re-instated on the premise of aganu'u. Third, when the charge of misappropriation was alleged as the prime reason for invoking aganu'u, the faifē'au and his wife were threatened by invoking the tufafono (constitutional law). The invocation of the state system of justice was premised on Nanai Faitala's appeal to his position of authority as then senior fa'amasino Samoa of the Land and Titles Court and access to the Magistrate court of law. Thus, the selective usage of agaifanua, aganu'u and tufafono, as this case demonstrates, depends on the select few in positions of power and their personal politics, not on democratic concepts in the constitution. The defining questions for custom are whose tribe is in power and whose interests are being served or threatened. The aganu'u was bent to suit the wishes of the chairman of the fono during which a precedent was set peculiar to Matautu and here asserted as agaifanua. But aganu'u was once again revived and agaifanua forgotten to suit the wishes of the new chairman of the fono and his wife. When this appeared unsuccessful, the Western institution of tufafono - law was conjured up as a further instrument of silencing the dissidents.

Unfortunately, the allegations of misappropriation and the merits of customary justice meted out to the faifē'au were never challenged in the legal
system of justice. The allegations were never heard nor proven and the threatened suit of defamation remained only a threat. When the fa'ife'au and his family left Matautu, their short exchanges with the toeaina Koria gave them hope that there would be reconciliation. But this also did not eventuate. In spite of the Tagoa'i's 25 years in Matautu, and in spite of their common Papua New Guinea missionary background, Koria as the powerful toeaina of the lotu succumbed to the fono as wielded by Nanai Faitala. As exercised by a tightly knit band of chiefly kin, lotu as in this and many other cases demonstrate, followed aganu'u. By careful manipulation of his positions in custom and law, Nanai Faitala wielded both sides of justice; aganu'u or customary justice by virtue of his position as chairman of the fono and law by virtue of his position as a fa'amasino Samoa and assessor on the Magistrate court of law. In the minds of the Samoan public, justice in terms of aganu'u, tulafono and lotu was on the side of the Matautu fono. In subsequent years following Tagoa'i's departure, the power exercised by the fono merely reinforced the status quo by the manipulation of aganu'u, tulafono and lotu in maintaining control over Matautu villagers including its fa'afeagaiga. This is further demonstrated in the following incident involving Tagoa'i's successor.

4.4. The banishment of Taimalelagi

After almost two years of mis-adventure, Tagoa'i's successor finally arrived on 7 September 1990. The son of a school teacher from Sapapali'i, Ualetenese Papali'i Taimalelagi was thirty-seven years old, a Bachelor of Divinity graduate of the Suva-based Pacific Theological College and Master of Theology of renowned Yale University, United States. He and his American Samoan-born wife Malae had lived at the Malua-based EFKS Theological College for nine and a half years where he was lecturing. When the delegation of senior deacon-chiefs from the Matautu parish approached the College Principal, Oka Fau'olo with an offer to be their fa'afeagaiga, Fau'olo politely declined and instead recommended Taimalelagi, which Matautu accepted. Once Taimalelagi and his family settled in, the Womens' Committee in March 1991 opened an account with their Member of Parliament's
merchandise company H. T. Retzlaff for the purchase and delivery of a mini-
Bus for the use by Taimalelagi and his family as their contribution for the annual
fa'a Mati church collection.

In just over a year after their arrival, Malae suspected her husband of
adultery with two female members of their autalavou - church youth group. When
Malae approached the lady members\(^1\) on the matter, she was abused and
assaulted. The Matautu fono met and banished their fathers, Nanai Taulia\(^2\) and
Nanai Ofisa and respective families for a month. When the families were
reinstated, aganu'u required that they provide cash donations, 'ie toga and
foodstuff to the fono. While in Samoa for my mother's funeral in mid-September
1992, I was informed that a similar incident occurred in the middle of 1992
involving Taimalelagi and Elisaia, also of the autalavou and member of the 'aiga of
Nanai Ofisa. During choir practice, Taimalelagi scolded then threatened Elisaia to
which the latter responded and then challenged Taimalelagi. When the matter
was raised at the fono, both Elisaia and his father were banished. However, this
did not end the allegations and counter-allegations of adultery between
Taimalelagi and female members of his autalavou.

When Malae was visiting relatives in the United States, their daughter
found her father in a compromising position with the ladies at the pastoral house.
She immediately notified her mother by phone who instructed her to inform the
ali'i matutua and senior deacons. A fono was re-convened, this time, the fono
decisively banished the faife'au. Taimalelagi packed up his children and
appropriated the Mini-Bus which the Womens' Committee were still paying off.
Disgraced and banished, Taimalelagi was stripped of his pastoral office and
returned to family quarters at Sale'imoa village with his two Matautu women. He
later found employment as a translator/interpreter for the Western Samoan
Legislative Assembly at Mulini'u with the Mini-Bus van as his personal vehicle.

\(^1\) One of whom was Utumoa, niece of Nanai Taulia.

\(^2\) Nanai Taulia was living out his banishment with his son at Wainuiomata, Wellington. Tava'e Su'a, pers. comm. 12 December 1992.
Although the families\(^1\) involved were banished because one of their members complied with Taimalelagi's sexual innuendoes, Taimalelagi was decidedly guilty of complicity. Despite the decision against Taimalelagi's role in the affair, the fono made no move to clear the families involved of wrongful conviction nor compensate them for the hardship they had endured from their relocation and the expenses incurred with their return and reinstatement as prescribed by custom.

These case studies have shown a marked tendency among Samoans to use aganu'u to explain away complex issues that Samoans themselves are unable or unwilling to confront and articulate themselves. Under the dual systems of authority legitimised under the constitution, Samoans have naturally employed the two systems selectively for personal advantage. While an appreciation of the difficulties in reconciling the conflicts between aganu'u fa'a Samoa and Western traditions is necessary, equally important is the process of how aganu'u fa'a Samoa employ and manipulate law for self-fulfilling ends.

This process is examined with reference to the role of the Land and Titles Court as arbitrator of customary rights to land and titles. What techniques do Samoan disputants employ in realising personal interests under custom? How does custom justify personal power? Insights into this process is provided by a family case study of the contests over the origin and evolution of a tama'aiga title and family. It begins with myths of origin and how it acquired a position of social standing

\(^1\) One of its household heads had only just been reinstated after banishment because one of his dependents in relation to the same issue had allegedly scolded the fa'fe'au.
5. The re-construction of Tuimaleali'ifano as a tama'aiga title

The rank of the Tuimaleali'ifano title of Falelatai as a tama'aiga title is clear from the fa'alupega.\(^1\) Though commonly rendered as a 'royal son', its literal meaning is a person with many family connections\(^2\). This chapter re-constructs the origin of the Tuimaleali'ifano name, the way it became a tama'aiga title and the way it has been contested before and after Western contact. The documentary sources contests are from the court cases in 1949 (which appointed Suatipatipa II) and 1977 (which appointed Atonio Va'aleto'a Eti).\(^3\)

All sources agree that the Tuimaleali'ifano name is a contraction of two other names, Tui and Leali'ifano. 'Tui' is derived from Tuita'alili, the son of a union between two important lines, Tagaloa-Fasvalu and Lilomaiava. However, the derivation of the rest of the name is far from clear. The names Leali'ifano and Fano are referred to by traditions.\(^4\) In 1902, Kramer asserts Leali'ifano of Palauli.\(^5\) But in the 1949 title dispute, the victorious party asserted Fano.

`... a'o le suafa lenei ma lona uiga moni ma le mea na mafua ai le igoa Tuimaleali'ifano o se talanoaga sa faia a se tagata o le Aiga nei e igoa ta Fano ma le ali'i o Tuita'alili Usugafa i Matanofo nei. A'o ona po ia o nofo Leiluasusuwaivai ia Tuita'alili e ia' nei le teine o Va'afusumataala. O ia la lenei e ana le fesili sa tu i fafo ma fesili ia Leiluasusuwaivai, "O ai 'ea e i fale na, le talatalanoa mai i le maota?" Ae tali mai ai Leiluasusuwaivai, "E lea'i lava nisi. O le talanoaga lava a Tui (Tuita'alili) ma le Ali'i o Fano. E logo mai la i ai le ali'i o Tuita'alili i le tali lea ona fa'apea loa lea a le ali'i, ua maua le igoa mo so'usi atali'i, o Tui-male-ali'i'o-Fano, o le tu'ufa'atasiga o igoa e lua o lenei talatalaga na mafua ai lenei suafa.\(^6\)"

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\(^1\) See Figure 3.1. A9, B13, C13, D1 & E1 in Chapter 3.

\(^2\) Freeman 1964:557 quoting from Pratt 1911.

\(^3\) See chapter 1, section 1.7 and appendices for a full list of sources.

\(^4\) A'eau P. Leavaise'eta like Kramer refers to Leali'ifano while 'Asi Lavelavi I and 'Asi Pauani state Fano.

\(^5\) Kramer 1902:348.

\(^6\) LC1052, Writ. state. by petitioning Party, 12 April 1949, p. 4.
This is how the title Tuimaleali'ifano was first originated. A conversation took place between Tuita'alili Usugafa and one Fano in the Maota at Matanofo. Tuita'alili's wife at the time was Leilusasusuvaivai and his daughter was Va'afusumata'ala. Va'afusumata'ala, who was standing outside of (sic) their fale during the conversation, asked her mother ... "Who are there inside the fale talking?" Her mother ... replied, "Why, it is only a private talk between Tui (Tuita'alili) and the chief Fano." When Tuita'alili heard the reply ... he immediately said, "I have found a name for a son, to wit Tui-ma-le-Ali'i-o-Fano.1

In another version recorded by Brother Henry, Fano was a Tongan who had lived in the pitonu'u of Pata, Falelatai.2 This is supported by traditions of the Tologata family of Pata,3 one of three branches of the orator clan4 who state that Fano was the father of a woman known as Tanene. She was taken as wife by Tologata Vaimai. Their child was Elenoa I who was living at the turn of the century and had a child from Tuimaleali'ifano Fa'aoloi'i.5 But the appearance of Fano in the late nineteenth century throws this connection out of time sequence. The most likely explanation, and one assumed in this discussion, is that Fano is the contracted form of Leali'iifano in the same way that Tui is contracted from Tuita'alili.

While Tuita'alili was indubitably one of the more prominent progenitors of the Tuimaleali'ifano line, Kramer attributes the title's prominence to the Tui A'ana line.6 But in point of fact, Tuita'alili's prominence is derived from the Tagaloa-Lilomaiava alliance. The alignment to the Tui A'ana title was recent with

1 LC1052. Engl. transl. of Writ. state. n.d. n.p. page 4 missing. The party included 'Asi Lavilavi II and 'Asi Pauani.

2 Henry et al. 1980.

3 Its senior holder in the 1940-60s, Tologata Paepae also held the Taito title of Matanofo and was an older half-brother of Suatipatipa II.

4 The three branches are Tologata Fa'aoloi'i of Yagoona in Sydney, Tologata Talaifo of Pata and Tologata Galu of Long Beach, California.

5 Gafa of Tologata family in Pata, 10 July 1984.

6 Kramer 1902:348.
the union of Tuita'alili's daughter Sauimalae to Tui A'ana Galumalemana who eventually became *tafa'ifa*. The re-alignment to the Tui A'ana line is a recent innovation dating from the late eighteenth to early nineteenth century. Tuita'alili's antecedents from the first known *tafa'ifa*, Salamasina, are her daughter Fofouiva'ese and grand-daughter Sina followed by Faumuina, Va'afusu'aga, Toleafoa, Laumatiamanu¹ and Tiumalulilomaiava.² This power shift from Tagaloa-Fasavalu to the Tui A'ana line emerged slowly after the war of retribution for the slain Savai'i warrior-chief, Lafai (See chapter 3). The Tagaloa-Lilomaiava lines were fused in Tuita'alili's personage and the Tagaloa-Fasavalu line was eclipsed by Lilomaiava as Tuita'alili's descendants asserted titles derived from the Lilomaiava lineage of Palauali: Leavaise'eta, Lilomaiava Pogi³, Lilomaiava Suatipatipa⁴. The emergence of Sualauvi in the early nineteenth century marked a distinct power shift from a Lilomaiava to Tui A'ana tradition. After Tui A'ana Sualauvi's death in 1870, the Tuimaleali'i'ifano name surfaces for the first time.

The primary sources make clear the identity and status of Tuita'alili as a major progenitor preceding Tuimaleali'i'ifano in both history and rank. (A full list of file references is in Appendix A). It is here that the versions diverge. How did the name come into being, at what point did it become a title and how many holders have there been?

¹ LC5605 Writ. state. He is also recorded as Toleafoa Laumatiamanu by other family branches. 'Asi Lavilavi I (p. 1), Sa Fasavalu (p. 2) and Tagaloa L. P. Ala'ilima (p. 3).

² Also known as Tiumalu-Lilomaiava, Le-tama-ale-aitu-ma-le-tagata or the offspring of spirit and human being.

³ According to a version held by the Leavaise'eta Mealeaga branch.

⁴ In K. T. Faleto'ese 1958.78, *Tala Fa'asolopito o le Ekalesia Samoa [L.M.S.]*, Falelatai was represented at the second meeting of the London Missionary Society held on 11 June 1836 by Lilomaiava. The possibilities are Suatipatipa I or his son Sualauvi who introduced the *lotti Tā'īth* [LMS] to Falelatai. While the precise identity of Lilomaiava must remain a mystery, the reference is significant.
5.1. Re-claiming Tuita'alili the primogenitor

Written statements by litigants so far provides the only available documented source relating to the origin of the Tuimaleali'ifano name and its subsequent elevation as a title. In attempting to locate Tuita'alili in Falealatai's oral history, the multiple identities attributed to him by different branches almost obliterates him. In their written statements for the 1949 and 1977 court cases, each branch maintains an almost personalised version that makes reconciliation among the combatants almost impossible. This is especially so in oral society where sources of information are not acknowledged and are subject to the vagaries of memory. The search for the identity of the first Tuita'alili by the competing parties illustrates this difficulty.

The written statement by Le Tagaloa Leota Pita Ala'ilima referred to the original Tuita'alili as Tuimaleali'ifano Leo'o, and a party supporting Le Tagaloa referred to the first Tuita'alili as Tuimaleali'ifano Tuita'alili Leo'o. Other parties offered other variations of Tuita'alili's identity. The two survivors of the 1949 court case, namely 'Asi Lavilavi I and 'Asi Pauani, were adamant that Tuita'alili was not known as Tuimaleali'ifano Leo'o. Their view was supported by three other parties, 'Asi Tupe et al, representatives of the 'Aiga Taulagi, and 'A'eau Peniamina Leavaise'eta et al. Two other parties, one led by Toleafoa Tipa'u and another by Seagai Faumuina, ignored Le Tagaloa's claim. However, 'Asi Lavilavi I did not take kindly to the claim and emphatically recalled what his grandfather, Tuimaleali'ifano Fa'aoloi'i, so he claimed, had told him: "Tuita'alili did not take the title...." There were further differences in the written statements of the two

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lineage groups of 'Aiga Taua'ana and Sa Fasavalu. The 'Aiga Taua'ana referred to Tuita'alili as Tuimaleali'ifano Tuita'alili Usugafa \(^1\) and the 'Aiga Sa Fasavalu as Tuimaleali'ifano Ta'alili\(^2\). Like Leo'o, the word Usugafa signifies a common but first distinguished baseline progenitors of large families. Milner states Usugafa is derived from usu-courtship or by pressing one's (usually a male) to the production of a child.\(^3\) Usugafa, thus connotes conquest through a sexual union, usually resulting in a political alliance with an important family. If we discount the terms Usugafa and Leo'o as recent inventions, and accept the evidence that Tuimaleali'ifano was a newly formed name rather than a title by Tuita'alili for his child in Saleilua, then we are left with just the name Tuita'alili.

It will be obvious that one cannot discuss any case in isolation from past cases. Long after they have been decided, each court case decision develops a life of its own. The following discussion dwells on some of the techniques developed by litigants in 1977 in response to the 1949 decision. There was one decision in 1949. There were two in 1977, one in January relating to the pule or right to be considered for appointment, and the second in July on the actual appointment.

The winning party in 1949 was led by Taito Tologata Paepae, Tuiavi'i Sualauvi, Masiofo Pa'isami Utumapu\(^4\), Lilomiava Mafuto'a, 'Asi Lavilavi I, 'Asi Pauani and Tanoiaena Tauati. The court decided in favour of them based on the fact they were the descendants of Tui A'ana Sualauvi. In 1977, the surviving members were 'Asi Lavilavi I and 'Asi Pauani but instead of presenting a united front as they had in 1949, each formed separate parties. On account of their participation in 1949, the parties led by them were considered the front-runners in 1977. Both men were senior family advisors and representatives from 1949 up to 1977. The other resident senior matali who could have easily laid claim to this position was Leavaise'eta Fa'aui, but as his party was defeated in 1949, both he

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3 Milner 1966:304.

4 Tuimaleali'ifano Fa'aoloi'i's surviving spouse.
and his immediate family in Matanofo kept a low profile and refrained from family activities.¹ The contest between all three men in 1949 and 1977 will be discussed along with other contestants in later chapters. But for now, the concern is the techniques adopted by 'Asi Lavilavi I and 'Asi Pauani to fend off Le Tagaloa L. P. Alailima's claim of inclusion in the family taupulega (decision-making) on the basis of his descent from Tuimaleali'ifano Leo'o. In their separate submissions to the 1977 dispute, both 'Asi titleholders reaffirmed their 1949 version of the origin of the name from a conversation between two women in which Tuita'alili coined the name Tuimaleali'ifano for a future child. In other words, they claimed there was no one called Tuimaleali'ifano Leo'o but only Tuita'alili. But this time, the two men introduced a new twist.

In the 1949 version, the marriage between Tuita'alili and Leiluasusuvaivai of Saleilua produced one child, the woman Va'afusumata'ala. But in their separate submissions of 1977, both men advanced a further claim, that in addition to Va'afusumata'ala, there was also a son whose name was Tuimaleali'ifano but as they hastened to add 'had died at birth'. 'Asi Lavilavi I recalled oral traditions related to him by his grandfather, Tuimaleali'ifano Fa'aloilo'i,

Tuita'alili married Leiluasusuvaivai and issued a son who was given the title Tuimaleali'ifano and a daughter named Va'afusumata'ala.

.... This same male [Tuimaleali'ifano] died when he was very young. He was not a matai; he was called this name when he was first born.²

'Asi Pauani followed with a confirmation.

When Tuita'alili and Fano went to visit Tuita'alili's wife Leilua at Falealili, it so happened that they arrived on the day Leilua gave birth to a baby son. At night Tuita'alili overheard someone inquiring as to whom was in Leilua's house. Someone was heard to be answering - "It is Tui and chief Fano" (O Tui ma le ali'i o Fano). So

¹ Leavaise'eata Sa lived in Vini Fou, Apia and 'Asi Alipia Tusitala in Leulumoega. Members of the Sa Fasavalu in their party lived in Falevai.

Tuita'ālili said that he now have a name for his son. He would call him Tuimaleali'ifano. That was the son who died without heirs.¹

As is common in oral testimonies, no source was given nor prompted by the court for the additional material introduced by both parties. There was no dispute as to the way in which the name was formed. Both versions agree that Tuita'ālili was not named Tuimaleali'ifano. Both also agree that Tuita'ālili's son from Leiluasusuvaivai was the first Tuimaleali'ifano, and that it was not a title but a common name.² Both further agree in other important respects; both sister and brother died young and without heirs. The only minor variation is in respect of the venue of formation. 'Asi Lavilavi I claimed Matanofo in Falelatai and 'Asi Pauani claimed Saleilua. The question that goes begging is, why was the male child called Tuimaleali'ifano omitted from the 1949 story? Where did the new information come from? What principle was being advanced? The answer lies in the claim brought about by parties claiming inclusion in the family.

The January 1977 dispute was brought about by Le Tagaloa Leota Pita Ala'ilima, Papali'i Misipati and 'Ai'ono Fana'afi petitioning membership of the 'aiga potopoto on the basis of their purported descent from Tuita'ālili's children 'Asi and Fuata'iottu. They were supported by another branch led by Salevao Tupua, Ipu (nee 'Anae Taeoali'i) Polotaivao Fosi and Tiame Soon. The two parties had petitioned the court to set aside its 1949 (LC1052) ruling on the basis that the court was not asked at that time to rule on the pule or right to the title. They claimed that the court's 1949 ruling was therefore unwarranted and should be declared void. The court had decided in 1949 that the base ancestor from which appointments were to be made was Sualauvi. But the two parties urged that the baseline ancestor be taken back by four generations from Sualauvi, to his great-great-grandfather, Tuita'ālili. The extension thus incorporated all the descendants of Tuita'ālili's four marital unions in the deliberation including Le Tagaloa


Ala'ilima and his party who asserted that the first Tuimaleali'ifano was Tuita'alili Leo'o. The assertion was challenged by twelve parties.¹ Extensive written submissions were produced by nine parties of which four ('Asi Lavilavi I, 'Asi Pauani, 'A'ea'u Peniamina Leavaise'eta² and 'Aiga Taua'ana) furnished extensive details on the origin of the name. As indicated earlier, the two veterans 'Asi Lavilavi I and 'Asi Pauani countered Le Tagaloa's claim by stating that in addition to his daughter from Leiluasusuvai in Saleilua, Tuita'alili also had a son whom he called Tuimaleali'ifano. A further claim by Le Tagaloa that they were descended from 'Asi, a son of Tuita'alili was roundly denied by the respondent parties. 'Asi Lavilavi I and 'Asi Pauani countered that the original 'Asi was barren and had travelled with his Tongan wife to Tonga and had never returned. They claimed that 'Asi had a sister called Fuata'irotui, which is the purported ancestor of Le Tagaloa Ala'ilima. Fuata'irotui was sent to her mother's village in Malie with a matai title Taito and fa'alupega-honoriific ole fuaali'i-the seed/womb of chiefs. None of these descendants live in Matanofo.³ A similar version was reproduced by A'ea'u Peniamina Leavaise'eta and his party against Le Tagaloa's claim.⁴ A'ea'u's party also claimed (as also by 'Asi Lavilavi I and 'Asi Pauani), that the original 'Asi was not barren but had married a Tongan woman and was never seen again in Matanofo.⁵


² Peniamina's father Sa held the Leavaise'eta title until his death in 1976. Peniamina succeeded to it in the early 1990s. The 'A'ea'u title is from his mother's village of Falealupo, Sava'i.

³ O le Tusi Fa'alupega, 1915:95. Afi o mai Taito o le Fuaali'i.


⁵ On comparing this version with the notes on the 1949 proceedings, there appears to be a contradiction in the oral evidence contained in the LC1052 deliberation. LC1052. Notes on deliberation attributed to Misi Moa (H. C. Moors) '... it has been proven that 'Asi has no heirs.' This should be "Asi had no heirs in Matanofo"
A clue to the mysterious Tongan connection was provided by another party representing descendants of Leavaise'eta Mealeaga. Its leader Toleafoa Tipa'u claimed that Fuata'iutui was married to Tuitawake (Tuitavake) in Tonga and 'Asi soon followed her. As neither of them returned to Samoa it has been assumed that both died in Tonga.  

These oral claims and counter-claims can develop a life of their own as they accumulate in the court's bureaucracy. No one is pressed for verification and they fuel future disputes. The sources of traditions and additional material is never questioned by the court, nor cross-examined by other opposing parties. So the question of where did the new information come from can remains unanswered with any degree of certainty. The effect of unanswered questions is continuing uncertainty and indecisiveness. In the absence of a tradition which seeks to verify and reduce errors in oral and written submissions, they proliferate, breeding self-doubt and apathy. Without a tradition of identifying and urging verification of nebulous statements, the clandestine operation of aganu'u is exacerbated.

5.2. Re-writing family traditions of history

The following discussion attempts to apply the method of error elimination on Le Tagaloa's purported ancestral connection to the Tuimaleali'iifano family through Tuimaleali'iifano Leo'o at the 1977 hearing, by comparing published and unpublished oral evidence. The principal aim is to show the way tradition is reinvented for particular purposes. The major difference between his and the Matanofo version is his assertion that Fuata'iutui and 'Asi's line merged with Sa Malietoa and did not die out in Tonga. Le Tagaloa claimed that Tuita'alili Leo'o (whom he purported was also named Tuimaleali'iifano) married Fuatino-Teuaililo, daughter of Sagapolutele of Saluafata and the children were 'Asi and Fuata'iutui. Malietoa Muagututia married Fuata'iutui and the daughter was Fuata'iutui II. Malietoa Vaiinupo married Fuata'iutui II and the son was Malietoa Talavou.

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Malietoa Talavou married Fa'amelea, daughter of Leiataua Taimalelagi Tuimaleali'iifano Malulaufai and the son was Fa'alata-i-taua. Fa'alata-i-taua married Iliganoa Fa'asua, daughter of Leota, giving birth to two sisters Laufasa and Sialafale. Rev. Sione Setope married Laufasa and the child was Tupuasaonalala'asia. Rev. Sione Ala'ilima married Tupuasaonalala'asia and the son is Le Tagaloa Leota Pita Ala'ilima. In addition to being a descendant from Fuata'irotui, Le Tagaloa also claims descent from 'Asi: 'Asi Tuimaleali'iifano married Teleasau Mataifitafita, daughter of Tufuga Tasi of Asau, the son was 'Asi Tufuga Taumalosi. 'Asi Tufuga Taumalosi married Fualautolova'a, daughter of Fepulea'i Tialevai Mulifusi of Nofoali'i, and the son was 'Asi Tufuga Tunuimavaega. 'Asi Tufuga Tunuimavaega's first marital union was to Tiula, daughter of Tauauve'a Peseta of Fasitoouta and the daughter was Asenate. Asenate married Aiofaiva Lapana of Nofoali'i, and the son was Reverend Setope. Setope married Sala, daughter of Malama of Savaia, Lefaga and the daughter was Tupuasaonalala'asia. Tupuasaonalala'asia married Reverend Sione Ala'ilima and the son was Le Tagaloa Leota P. Ala'ilima.¹

¹ LC5605, January 1977, Le Tagaloa Leota Pita, Papali'i Misipati, 'Aiono Fana'afi (Secretary).
Figure 5.1 Genealogy of the Ala'ilima family according to Le Tagaloa L. Pita

Laumatiamanu = Tutumanu, d.o.
of Safata                      Fasavalu, Falelatai

Lilomaiva of Palauli = Taufau-naifoai'ana (f)

Tuita'alili = Teuaililo-Fuatino
d.o. Sagapolutele,
Saluafata

'Asi = Teleasau Mataifitafita,
d.o. Tufuga Tasi of
Asau

Fuata'iouti (f) = Malietoa Muagututi'a

Fuata'iouti II (f) = Malietoa Vaiinupo

Fajiga = Fajiga

Tiula (f) = 'Asi Tufuga
Tunumavaega

Fa'amerea (f) = Malietoa Talavou

Asenate (f) = Aiofaiva

Iliganoa (f) = Fa'alataitaua Malietoa

Sala (f), d.o. = Sione Setope
Malama
of Nofoali'i

Tupuasaonalala'asia (f) = Sione Alailima

Le Tagaloa Leota Pita Ala'ilima et al.
In considering the evidence from family traditions, it is possible to compare Le Tagaloa's version from Fuata'irotui with that of Sa Malietoa as this is the only gafa available to me at the present time\(^1\) (but not one from Asau for her brother 'Asi). In responding to Le Tagaloa's claim, minor differences of fact emerged from the Matanofo-based parties in their respective versions of traditions but virtually all challenged the validity of the claim as follows. 'Asi Lavilavi I and Toleafoa Tipa'u rendered Fuatino as the daughter of Fa'amausili in Malie village and mother of 'Asi and Fuata'irotui. 'Asi Pauani and A'eo Peniamina Leavaise'eta rendered the woman's name as Teuaililo (or Fuatino in 'Asi Pauani's submission), being the daughter of Sagapolutele of Saluafata. Another branch of the Matanofo family, namely 'Asi Tupe and Tuita'alili's party accepted uncritically Fuata'irotui's marriage to the Malietoa family and at the same time accepted the tradition in which she was sent to Malie. In fact, all Matanofo-based traditions alluded to Fuata'irotui returning to Malie with her title Taito and honorific \textit{O le fuaali'i}.\(^2\) Apart from these minor differences, the descendants of Sualauvi and Mealeaga (sons of Suatipatipa I) were united in their stand against Le Tagaloa's claim. They countered Le Tagaloa's submission by asserting that 'Asi and Fuata'irotui had gone to Tonga leaving Leavaise'eta as the sole ancestor of the the current line in Matanofo. The descendants of Mealeaga went further. They asserted that Le Tagaloa was falsifying a much publicised gafa.\(^3\) They cited from the genealogy of the Sa Malietoa family where Fuatai is a daughter of Gaugau of Sapapali'i and not Tuita'alili of Falelatai, an assertion which has remained undisputed for almost a century.

But Le Tagaloa alleged that there were two women with the same name of Fuatai. He claimed one was Fuata'irotui, the daughter of Tuita'alili and the other was Fuatai, the daughter of Gaugau. The latter, he contended, was married to Malietoa Fitisemanu and their son was Taimalelagi Gatuitasina. In publicised

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\(^1\) Kramer-Verhaaren 1994; McKay-Marsack collection n.d.


\(^3\) See Kramer/Verhaaren 1994.
versions, when Malietoa Fitisemanu died, Malietoa Vaiinupo, his son from an earlier marriage to Palo, lived with Fuatai who gave birth to Talavou, the purported ancestor of Le Tagaloa. Furthermore, the claim of a union between Malietoa Vaiinupo and Fuata'iotui, the daughter of Tuita'alili, is a bad fit as the generations of Fuata'iotui and Malietoa Vaiinupo do not coincide. Whether this was an attempt by Le Tagaloa to re-write his family history or a reflection of his ignorance of the publicised and generally acknowledged link between his line from Talavou with the Malietoa family, I cannot prove. Furthermore, Le Tagaloa's claim of the existence of a Malietoa Muagututia is spurious as there is no recorded evidence in any tradition of such an identity. The closest was Malietoa Ti'a'alematagi (aka Ti'a) who was the father of Malietoa Fitisemanu. Even allowing for a genuine confusion of Malietoa Ti'a'alematagi with Muagututia as having married Fuata'iotui, there is at least a generational gap between Fuata'iotui and Malietoa Ti'a'alematagi. When Le Tagaloa Pita Ala'ilima's two genealogies are compared, a fundamental contradiction arises. For example, the identity of his maternal grandmother is ambiguous if not confusing. From the line of 'Asi he calls her Sala and from the line of Fuata'iotui he calls her Laufasa (See Figure 5.1 above).

This kind of contradiction and ambiguity proliferates in oral traditions submitted to the court as sworn evidence, as the 1977 case demonstrates. In this particular instance, the court simply re-confirmed the 1949 ruling but remained silent on the conflicting accounts of past traditions. Without a decisive stand on conflicting accounts of the past, successive generations of litigants like Le Tagaloa and his party have the option of interpreting the silence in their own terms, i.e. that the court did not discount their argument and so his descendants can raise it again in future disputes. As long as there is no legal compulsion for the court to urge the litigants to provide proof of their interpretation of traditions, and to rule on them, the proliferation of possible interpretations based on an inextricable

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1 Decision of LC5605, 14 January 1977. 1 (d) The petitioners and the other parties who seek (sic) to re-open the matters referred to in paragraph 1 and 2 of the decision in L.C. 1052 ... failed to show reasonable cause why this Court should now do so. President David Hull, Advisers Taulapapa Anesi, 'Auelua Falefatu Enari, Judges Meleisea Folita, Tuliaupupu M. and Uli S. Va'ai.
mixture of old and new principles of custom and law becomes almost impossible to contain and determine.

Tuita'alili's three other marriages produced Leavaise'eta (from Ulualefa daughter of Luafatasaga of Tuana'i), a daughter Sauimalae (from Tuitogama'atoe, daughter of Tauli'iili of Amalie) and Va'afusumata'ala and her brother from Leilua-susuvaivai of Saleilua. Leavaise'eta became the progenitor of the Matanofo branch in Falelatai. Sauimalae was married to Tui A'ana Galumalemana, and after his death remained in Faleolo with her fa'alupega-honorific of Taito, ole Matua-Taulagi-Taito, the head of the Taulagi. ¹ Her son from Galumalemana, I'amafana, was the last of the tafa'ifa from the Sa Tupua line.² As for Tuita'alili's daughter Va'afusumata'ala and son Tuimaleali'ifano from his fourth marriage to Leiluasusuvaivai in Saleilua, 'Asi Lavilavi I and 'Asi Pauani claimed that there were no descendants as both died childless.³ In yet another version by 'A'eau Peniamina Leavaise'eta and his party, Tuita'alili's marriage to Leiluasusuvaivai⁴ produced two children, Va'afusumata'ala and a brother whose name was not Tuimaleali'ifano but Leilua Talouli⁵. They are supported by Toleafoa Tipa'u and his party, except they collapse Leilua leaving only Talouli.⁶ Both parties, 'A'eau Peniamina and Toleafoa Tipa'u, are descended from the same tino-body, that of Leavaise'eta Mealeaga, so that corroboration between the two parties is not surprising. However, they are supported to some extent by a most unlikely ally, 'Aiga Tua'ana. In the latter's gafa, submitted with their written statement in 1977, a brother of Va'afusumataala is recorded not as Talouli but at

¹ Re-settled in Satuimalufilufi when the USA marines built the airport in Faleolo during the mid-1940s.

² His descendants are Saipa'ia family of Faleolo and Satuimalufilufi.

³ LCS605 March 1977. Separate writ. state. by 'Asi Lavi and 'Asi Pauani.


⁵ In yet another tradition related by Mckay for Alo o Fanene, the boy's name is given as Leilua Tuimaleali'ifano. Gafa N°: XXV.

Aputiotaloula.¹ Furthermore, in the 1949 case, another party also attested to this *usuga*. Tuiletufuga Papali'i Lafo and Tufuga Pisa, claiming to be descendants of 'Asi and Fuata'iotui, asserted that Tuita'alili and Leilua (Susuvaivai) produced a son, Taloula². From these accounts, it is conceivable that there was indeed a male child, which some deemed best to conceal from their written submissions in 1949 and 1977. The question of why will be addressed later. But for now, let us proceed with the origin of the Tuimaleali'ifano name/title in Matanofo.

The gafo furnished by 'A'ea'u and his party gives another slant to the origin of the name. The half-spirit-half-human Lilomaiava, in an early union, married Poto of Safotulafai resulting in Leleisi'uao, Fano (Leali'ifano) and Alailesio, half-brothers of Tuita'alili. At the time Tuita'alili visited Leilua-susuvaivai in Saleilua, he was accompanied by his half-brother Fano (hence the proverbial name contraction Tui-ma-le-ali'i-Fano).³ Kramer to some extent collaborates this gafo but instead refers to Poto as the daughter of Amituana'i of Solosolo (not Safotulafai), and the only offspring was Leleisi'uao.⁴ As one looks closer at the details of Kramer's gafo of the Tuimaleali'ifano family, there is reason to doubt its credibility. Kramer begins the genealogical tree with Tuita'alili. Of the four marital unions, Kramer mentions only two and omits the other two. Of the two mentioned, one union is confused. Every tradition of family history in their gafo without exception refers to Tuita'alili's usuga to Ululefa, daughter of Luafatasaga of Tuana'i. The son was Leavaise'eta who was the main progenitor of the Matanofo branch. Despite the stipulation in the fa'alupega of 'Asi and Leavaise'eta as the senior serving titles in Matanofo, 'Asi and his sister Faata'iotui left Matanofo leaving Leavaise'eta and his descendants succeeding to both titles. The Matanofo tradition is thus Leavaise'eta-oriented. Kramer mixes Ululefa's mother with that


² LC1052, January 1949. Writ. state. (Samoa version) by Tuiletufuga Papali'i Lafo (and Tufuga Pisa), 4th respondent party, n.d., p. 1. In the English trans. the name is Toloula.


⁴ Kramer 1902:344. Fano and Alailesio are not mentioned.
of another usuga, Fuatino, which he omits. The second error is the usuga to Leilua-susuvaivai in Saleilua. He mentions it three generations later as the usuga of Suatipatipa I, Tuita'alili's great-grandson. Perhaps Kramer's most apparent error is when he asserts that Suatipatipa's I, rather than Tuita'alili's, fourth usuga was to Manu Leilua, resulting in Va'afusumataala. According to family gafa, the fourth usuga of Suatipatipa was to Mata'oa, daughter of Tonumaivao of Falelatai, resulting in Leavaise'eta Mealeaga. Further contradictions appear when Kramer states that Leavaise'eta Mealeaga and Fagugata have the same mother. This is followed by another contradiction in his claim that Lilomaiva married Leilua Susuvaivai, the daughter of Tuimanu'a and gave birth to Leilua-susuvaivai.

The fourth respondent party in 1949, comprising Tuiletufuga Papali'i Lafo and Tufuga Pisa, stated that Tuita'alili (whom they claimed held the Tuimalaeali'ifano title) married Leilua, and the child was Talouli (from whom Seiuli Le Tagaloatele Fitiseimanu, a candidate in 1949 was descended). The evidence for this usuga, they continued, was the existence of the Tuita'alili, Tuimalaeali'ifano and Lilomaiva titles in Saleilua which were apparently granted by Tuita'alili to Leilua as his to bestow in memory of the marital union.

The only other respondent in 1949, to touch on this issue of origin was the fifth party represented by Lavasii and Tupu. They claimed that their ancestor, Misa Sega Tui A'ana (for whom no gafa was supplied), had acquired the o'o-honour Tuimalaeali'ifano from Leleisi'uao, a Palauli chief in Savai'i after a war between Manono and Misa and his brothers. After the war they deliberated as to whom the

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1 Kramer 1902:348. He erroneously pens Ulualefa's father as Pula of Sagana and her mother again in error as Fuatino, daughter of Fa'amausili of Malie.

2 Kramer 1902:349.

3 Kramer 1902:344. He renders Leilua-susuvaivai (weak or no milk) as Leilua Isuvaivai (weak nose!).

4 According to McKay and Marsack's gafa, the first Leilua was married by Tuimanu'a. Their daughter, also named Leilua married Tuimalaeali'ifano (Tuita'alili presumably). This Leilua had a brother called Toul (Taloula or Toloula in Tuiletufuga Papali'i Lafo's gafa).

5 LC1052 1949. 'Tala Pu'upu'u' - Brief statements by Tuiletuguga Papali'i Lafo and Tufuga Pisa, fourth respondent, n.d. p.1.
ao title of Tuimaleali'ifano should be conferred on, and decided on "le tama o le tuafafine o Tuita'alili, the son of Tuita'alili's sister". While they do not identify her, the only known sister of Tuita'alili was Letelemalanuola, the sa'otama'ita'i title for the Tuimaleali'ifano family. But none of the family traditions mentions her having married nor having offspring. If she had a line at all, it remains, like the descendants of this Lavasi'i and Tupu, a mystery. The party was not represented in 1977 and its whereabouts today remains unknown. Stair's Old Samoa, published in 1897, mentions Lavasi'i of Falelatai as his main informant.¹ The fa'alupega of Lefaga quotes Lavasi'i as a title of Lefaga, and it is possible that a holder of this title was a resident in Falelatai, working for Stair's printery.

Whatever the origin of the name, no one disputes the Saleilua connection through Tuita'alili's union to Leilua-susuivaivai. Notwithstanding recent denials by Matanofo, the names Tuimaleali'ifano, Tuita'alili and Lilomaiava are recognised as matai titles in Saleilua. Perhaps the clearest case comes from C. C. Marsack, the longest serving President of the Land and Titles Court. In his booklet on the establishment and operation of the Land and Titles Court, he documents a land dispute in Saleilua between a taule'ale'a Tafiti on one hand, Tuimaleali'ifano, and Fa'aletonu on the other hand, over pule of virgin bush land.² He writes:

The lands are appurtenant to the title Tuimaleali'ifano of Saleilua. A taule'ale'a of Tuimaleali'ifano's family, Tafiti by name, made fairly considerable planting on part of the lands, and Tuimaleali'ifano petitioned the Court for Tafiti's removal on the ground that the lands pertained to his title and Tafiti had no right to them. As the evidence was conflicting the Samoan Judges travelled to Saleilua and made a thorough inspection of the plantations concerned. They found that Tafiti's plantations and Tuimaleali'ifano's own were largely intermingled, and that they were approximately equal in area. The Court thereupon gave a decision as follows:

(1) The land in dispute is land pertaining to the title Tuimaleali'ifano of Saleilua, Falealili.

¹ Stair 1897 261-270.
(2) As from the date of this judgment the respondent Tafiti shall be entitled to occupy the Western one-half of the land in dispute and to use the crops growing on such Western portion, subject to his rendering due and proper service to his matai Tuimaleali'iifano, and under the pule of Tuimaleali'iifano.
(3) The right to occupy the Eastern one-half of the said land and to use the crops growing thereon shall belong to Tuimaleali'iifano.¹

According to three independent versions in LC5605 ('Asi Lavilavi I, 'Asi Pauani and 'A'eau Peniamina Leavaise'eta) the name originates from the contraction of Tuita'alili and of Fano. According to 'A'eau's version, the visitors to Saleilua were the half-brothers Fano and Tuita'alili. According to the separate versions of 'Asi Lavilavi I and 'Asi Pauani, the first Tuimaleali'iifano was Tuita'alili's son from Leilua-susuaiva'i of Saleilua, but that the name was known at first as a common call name. 'A'eau's version also refers to a male offspring apart from Va'afusumata'ala. But his name was not Tuimaleali'iifano but (Leilua) Taloula². But the two 'Asi's (Lavilavi I and Pauani) terminate the Saleilua line by asserting that both Va'afusumata'ala and Tuimaleali'iifano died without heirs.³ But 'A'eau's version contradicts this version by claiming that not only did the line of Leilua Taloula continue but that they, 'A'eau and his party, form part of those descendants. In his version below, 'A'eau showed how the two lines beginning from Tuita'alili merged in the marital union of Suatipatipa I and Fuatino II.

Tuita'alili's son Leilua Taloula married Fuatino, daughter of Mamea of Lefaga and their child was a daughter, Fuatino II. Tonumaivao Fa'asausau of Falelatai married Fuatino II and their daughter was Mata'oa. Suatipatipa I then married Mata'oa and their son was Leavaise'eta Mealeaga.⁴ Assuming for the

¹ LC1308, 17 May 1954.
³ Whilst in former times, it was probably a sa'otama'ita'i title, today it is regarded as a matai title and usually held by males.
moment the accuracy of 'A'eau's version and taking Tuita'alili as the common progenitor, the two lines to Suatipatipa I and Mata'oa can be traced thus: Tuita'alili> Leavaise'eta> Lilo(maiava)pogi> Suatipatipa I; Tuita'alili> Leilua-Talo'ula> Fuatino II(f)> Mata'oa(f). The generations match and the resulting marital union is between Tuita'alili's great-grandson Suatipatipa I and great-grand-daughter Mata'oa. This union between the two second cousins led to the birth of Leavaise'eta Mealeaga, A'eau and his party's link to the Tuimaleali'ifano. Whether any of these versions ('A'eau and the two 'Asi's) have been validated with the Leilua family in Saleilua and elsewhere remains unknown. Another version is offered by the former Secretary of Samoan Native Affairs, Cyril McKay who compiled extensive gafa from court cases relating to Saleilua between 1920-1930.¹ His gafa confirms that the two descendants from the Saleilua marriage were Va'afusumata'ala and Leilua Tuimaleali'ifano. Leilua Tuimaleali'ifano married one Fualau, resulting in one offspring, named Leilua Lilomaiava who in turn married Fausaga and resulted in four children, Leilua (m), Tutulaumanulagi (f), Lie (f?) and Mogamoga (?).² The fate of the name in Saleilua will have to be a separate inquiry as there are many leads to pursue.³ McKay does not provide any documentation on the line from Va'afusumata'ala. However, in a gafa collected by Gurr, the two offspring are rendered as Va'afusu (f) and Ta'ala (m). There are no details on Ta'ala's descendants but the line from Va'afusu merges into the illustrious Mata'afa family through her daughter Leativa. According to Gurr, Va'afusu married Letagaloa of Tufu and the offspring was Leativa who in turn married [Mata'afa] Fa'asumale'aui and gave birth to [Mata'afa] Filisounu'u. [Mata'afa] Filisounu'u married Fanaulevai and their children were Lauifiafa and

¹ McKay, No: XXV, Gafa, Alo o Fanene (Falealili). In the possession of author.

² Ibid.

³ Due to limitations of time and funding, I could not verify this with supplementary fieldwork both at the Land and Titles Court nor with village elders of Saleilua. But this task constitutes follow-up research.
Va'aelu. Va'aelu married Lisalele and the son was Mata'afa, [Iosefo, the German appointed ali'i sili] the faife'au, Catholic priest.¹

There is another important lead for unravelling the mystery of the name. With the exception of Le Tagaloa Leota Pita's party, all other family branches are unanimous that the original 'Asi went to Tonga with his Tongan wife and never returned to Samoa. Le Tagaloa and his predecessors gafa of 'Asi and his descendants ² cannot be verified by the gafa of other family branches. Assuming that 'Asi and Fuata'iutui married in Tonga and produced offspring, their contemporary identities remain a mystery. Neither the Tuimaleali'iifano name nor Tuita'alili and 'Asi are known to any of the Samoan families in Tonga today. Even so, the task of tracing any descendants of 'Asi living in Tonga over six or even seven generations is another research task altogether.³ Furthermore, the gafa given by the family branches purporting to represent 'Asi's Samoan descendants, namely Tuilertufuga Papali'i Lafo in 1949 and Le Tagaloa Leota Pita Ala'ilima and Papali'i Misipati in 1977, may provide further leads.

5.3. The dynamics of ancestral markers

From the evidence of oral traditions, there is a clear link to Saleilua through the usuga of Tuita'alili to Leiluasusuaivaival and the usage of the Tuita'alili, Tuimalali'iifano and Lilomaiava titles by the Leilua family. But what is to be made of the discrepancy in the assertions made by the winning party led by Taito

¹ Gurr Papers - 25 Genealogies, p. 154, from 'Samoan Genealogies' folder compiled by W. N. Gunson. Gurr does not identify Lauifiafa's wife but the issue was Mata'afa Tafagamanu.

² LC5605, January 1977. Writ. state. by Tagaloa Pita, n.d. p. 5. LC1052, 1949. See also proceedings of title Tuimaleali'iifano on 10 June 1949. Also writ. state. by Tuilertufuga Papali'i Lafo and Tufuga Pisa.

None of 'Asi's descendants died at Tonga. They are scattered all over Samoa, including ourselves. We appointed 'Asi Fa'agu, father of 'Asi Lavilavi II and agreed to by Fa'aoloi'i.

³ 'Asi's other brother was Leavaise'eta the progenitor of the Matanofo branch. The generational counting begins here. Leavaise'eta> Lilopogi aka Lilomaiava Pogi >Lilomaiava Suatipatipa (aka Leavaise'eta Suatipatipa I> Tui A'ana Sualauvi> Tuimalaleali'iifano Fa'aoloi'i> Tuimalaleali'iifano Si'ua'ana and Tuimalaleali'iifano Suatipatipa II.
Tologata in 1949 and the separate submissions by its surviving members 'Asi Lavilavi I and 'Asi Pauani in 1977? In 1949, Taito's winning party contended that Tuita'alili's marriage to Leilua-susuaiva'i produced a daughter, Va'afusumata'ala. Then in 1977, the surviving members 'Asi Lavilavi I and 'Asi Pauani in separate submissions added a son, called Tuimaleali'iifano. Why was this male child concealed from the gafa presented in the 1949 case? First in 1949 there was only the female child, then in 1977 there was a sister and her brother, but both died young and childless. What 'new' information will be revealed in future disputes? Will Tuita'alili's son in Saleilua suddenly evolve a new line of descendants? No one will disclose their sources. In attempting to hazard an answer to the inconsistency between the 1949 and 1977 traditions, a clue to the riddle lies amongst the 1949 list of participants. During the 1949 proceedings, one of the parties representing Sa Fasavalu and sponsoring the candidateship of Alipia Tusitala, told the court in 1949 that 'Leilua has his own Tuimaleali'iifano and should not interfere with ours (in Matanofo)." The leader was Ariu Sio, leading one of two parties representing the Fasavalu family. It is difficult to ascertain exactly what Sio was reacting to but a certain Leilua titleholder was listed as a member of the parties representing Sa Fasavalu. This Leilua formed part of the delegation for the other Sa Fasavalu party representing Fagugata, another son of Suatipatipa I, who according to tradition, was appointed to the Tuita'alili title and to live in Falelevai with Fasavalu. It is possible that this Leilua was from Saleilua and may have been the cause of Sio's anxiety. In contrast to the 1949 hearing, no Leilua titleholder appeared among the disputing parties during the 1977 court hearings. Unless someone in the future challenges the Matanofo rebuff, the apparent absence of Saleilua can be explained by recent events this twentieth century in which tradition was re-created. I give below a couple of examples concerning this re-creation process with respect to the Saleilua connection and which show how a mainline tradition of history is re-created and a new one reasserted. The following incident in the early 1970s illustrate this on-going process of re-invention in Samoa.

\[1 \text{LC1052, 10 June 1949, Proceedings.... Copy with author.}\]
Under the right of the Leilua titleholder (held by Punivalu) of Saleilua and his 'aiga potopoto, one Taisolia, was appointed to hold the Tuita'alili title. When the appointment was publicised in the government Savali, Tuimaleali'ifano Suatipatipa II and the Matanofo family filed an objection. It seems neither Leilua nor Taisolia challenged the objection as the case did not appear for a hearing before the court. Faced with this situation, Taisolia would have to revert to his former status as a taule'ale'a (untitled person) or seek appointment to a less controversial title. Instead, Taisolia called on Tuimaleali'ifano Suatipatipa II and asked that his (Taisolia's) title be conferred under the pule or right of the Tuimaleali'ifano title of Matanofo. Tuimaleali'ifano Suatipatipa II agreed and Taisolia's appointment was confirmed in Matanofo in August 1972.¹ In so doing, the practice of appointing holders to the Tuimaleali'ifano title, established by the original Tuita'alili in Saleilua in memory of his marriage to Leiluaasusuvaivai seven generations or almost two hundred years ago, was rescinded and appropriated by the Matanofo line for political purposes. The same process of recreating a new tradition was played out five years later. The existence of the Tuimaleali'ifano title in Saleilua as distinct from the Matanofo title was confirmed in Marsack's documented dispute between Tuimaleali'ifano and a taule'ale'a (nontitled) Tafiti in the early 1950s. When both the Saleilua Tuimaleali'ifano and Tafiti died,² Leilua Punivalu and his 'aiga potopoto sought a successor to the Tuimaleali'ifano title in Saleilua in 1977. It was found in Tafiti's father Timoa who had held the title at an earlier period. Tafiti was survived by his children and his eldest son, Pase'e, was thus considered eligible to succeed to the Tuimaleali'ifano title of Saleilua. When Pase'e's appointment was published³, the Tuimaleali'ifano family of Matanofo again lodged an objection on the ground that there is only one Tuimaleali'ifano in Samoa. The appointment was never confirmed and as there

¹ Diary note by Ta'alefili Tuimaleali'ifano S II, 14 August 1972. Among those present at Taisolia's saofa'i were 'Asi Pauani, 'Asi Tupe, Taito Tanielu and Tuita'alili Mailei.

² Tafiti died in 1960 in Saleilua. From family record card kept in the Genealogical Society of the Church of Jesus Christ of Latter-Day Saints, Inc, from information supplied by Salafai S Natapu.

³ Savali, 29 September 1977.
was never a court hearing, it is assumed that the objection was upheld.\(^1\) These two incidents effectively nullify the appointment made by Tuita'alili in memory of Leilua-susuvaivai. This tradition from Tuita'alili was confirmed in all written statements submitted in June 1949 and again in January 1977.

The re-invention process continued in mid-1967. While I was a school boy in New Zealand, Tuimaleali'iifano Suatipatipa II visited and was invited to attend a Samoan wedding reception. During formal speeches, a certain speaker stood up and firmly asserted his right to speak on the basis of the status of his title which he publicly announced as Tuimaleali'iifano. Immediately, a clarification was sought from the speaker as to the village to which his title belong. When he replied that it was Saleilua, he was told in no uncertain terms that no such title existed in Saleilua except Leali'iifano.\(^2\) The tradition established by the first Tuita'alili was conveniently ignored by Tuita'alili's descendants in Falelatai.

The Falelatai title, claim the Matanofo traditions, is distinguished from other titles because it has acquired the status of a tama'aiga. The fact that other Tuimaleali'iifano titleholders can exist elsewhere, as in the Saleilua traditions, is perceived by them as threatening. In their eyes, it diminishes the mamalu or prestige of their tama'aiga but more importantly the likelihood of confusing it with the tama'aiga title and thus the potential for mis-appropriation of monetary and other resources. So when the Matanofo line hears of other matai being called by the same name (which is possible as in the Tuita'alili tradition), there is the sudden urge for qualification lest it be confused with their own. When others are legitimately called by the same name, there is the urge among the Matanofo branch to downgrade and even discredit others as usurpers despite a history of traditions pointing to the title's existence in Saleilua and Vaito'omuli in Palauli.\(^3\)

\(^1\) While it was never officially confirmed, it does not necessarily prevent sponsors from calling their favoured candidate by the title.

\(^2\) As an example of the existence of the Leali'iifano title, see LC2136 dispute in the Savali, 30 October 1992, between Leali'iifano Siaosi and Meleisea Sagato of Vaovai, Falealili.

\(^3\) O le Tusi Fa'alupega, 1915:40. A Tuimaleali'iifano title is mentioned in the honorifics.
5.4. The first Tuimaleali'iifano in Matanofo

Having examined how the name came about, it now remains to document how the name come into prominence as a tama'aiga title. So far, the aim has been to orient the discussion around the variant traditions of family history and allow the village voices to infiltrate the narrative.

As pointed out earlier, the origin of the name is relatively recent. In comparison to other tama'aiga, the name dates back about seven generations to the period of Tuita'alili, only 170-180 years ago, from the time of Tuimaleali'iifano Suatipatipa II. Its elevation as a title is even more recent. Many traditions submitted in 1949 and 1977 do not agree on this point. Indeed many are inconsistent, adding and subtracting information at will and without the urgency nor the legal requirement for proof. Among the submissions in 1949, there was an overwhelming body of opinion asserting the first Tuimaleali'iifano was Fa'aolo'i'i, the son of Tui A'ana Sualauvi. Fa'aolo'i'i was proclaimed by six of eight parties, the petitioning party\(^1\) and five\(^2\) of the seven respondent parties. The remaining two parties, neither of whom live in Matanofo nor descend from Sualauvi, assert that the first titleholder was Tuita'alili.\(^3\) The latter two parties do not provide a complete gafa with their written submission and appear unfamiliar with local traditions of family history. The six parties proclaiming Fa'aolo'i'i include the Falelatai lineage of 'Aiga Taua'ana, the Falevai-based lineage of Sa Fasavalu, and Matanofo-based descendants of Sualauvi and his older brother Mealeaga. Despite having made the claim in their written submission, it is apparent from the proceedings that the seven clans constituting the 'Aiga Taua'ana lineage were not unanimous. In their 1949 submission, 'Aiga Taua'ana asserted there had been only two titleholders, Fa'aolo'i'i followed by his son Si'ua'ana. But during the early part

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1 Taito Tologata Paepae, Tuiavii Sualauvi et al.

2 Aiga Taua'ana, Leavaise'eta Sa et al, Ariu Sio and Fasavalu Tiasi'utele et al., Lavasi'i and Tupu, Nanai Suavaga et al.

3 Tuiletufuga Papali'i Lafo and Tufuga Pisa (alleged heirs of 'Asi and Fuata'iutui) and Taito 'Aiono et al. (heirs of Fagugata).
of the 1949 proceedings, their spokesman, Nanai Utupo contradicted their collective statement by stating that both Tuita'alili and Sualauvi had also held the title. After each party had made their submissions, the court asked each party to reply to each other's submission. Nanai Utupo for 'Aiga Taua'ana was the first to reply and for the second time contradicted himself in his oral statements by restating that 'Tuita'alili never held the Tuimaleali'ifano title.'

At the January 1977 hearings regarding Le Tagaloa's petition to declare the 1949 decision invalid, the overwhelming oral testimonies in 1949 for Fa'aoloi'i as the first Tuimaleali'ifano titleholder had dwindled considerably. Of the fourteen disputing parties, three did not provide written statements, one party did not commit themselves on the issue in their written statement, six claimed Tuita'alili, one claimed that Sualauvi initially had it but then relinquished it once he had acquired the Tui A'ana, leaving three asserting Fa'aoloi'i. Of the three that did not supply written statements, one had taken part in 1949 and asserted Fa'aoloi'i, and the remaining two were most likely to have selected Fa'aoloi'i as they were his descendants, thus raising to six the number asserting Fa'aoloi'i. Of the six that claimed Tuita'alili, one was consistent with the point of view advanced by their representatives in 1949, one was a new party, and four had revised their

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1 LC1052 Court Proceedings 6-10 June 1949, Typescript, p. 6.
3 Taliaoa Lupetalia'ami (heir of Pomare), Atonio Va'aleto'a Eti (grandson of Si'utava'e) and Eli Tuimaleali'ifano (son of late titleholder).
4 Aiga Taulagi of Fasito'otai.
5 Le Tagaloa Pita, Ipu Polotaivao, Toleafoa Tipa'u, A'eau Peniamina, Aiga Taua'ana and Sa Fasavalu.
6 'Asi Pauani.
7 'Asi Lavilavi et al., 'Asi Tupe and Tuita'alili Mailei et al., Seagai Faumuina et al.
8 Le Tagaloa P. Ala'ilima.
9 Ipu Polotaivao as heirs of Sauimalae.
points of view since 1949 when they had asserted Fa'aoloi'i.\(^1\) The first of the four revisionists was 'Aiga Taua'ana. They created more contradictions to their 1949 version when in their 1977 written statement, they asserted that the first titleholder was Tuita'alili followed by I'amafana and Suatipatipa I.\(^2\) The second revisionist was Sa Fasavalu. The party comprised two elderly titleholders, Fasavalu Tiasi'utele Si'umamoa Sio and Fasavalu Tanielu, who took part in the 1949 dispute. In their 1977 written submission, they stated that the first was Tuita'alili and not Fa'aoloi'i as indicated in 1949. The third and fourth revisionist parties were led by Toleafoa Tipa'u and A'eau Peniamina Leavaise'eta respectively. They had also 'edited' the stories of their parents Leavaise'eta Sa and Leavaise'eta Fa'aui by claiming Tuita'alili was the first titleholder instead of Fa'aoloi'i. All of this points to a process of volatility in which contestants manipulate the past to legitimise and maximise the political power of their interest group. In this discussion, all that we have demonstrated is the volatility of traditions as we are still no closer as to who was the first titleholder.

Other evidence or non-evidence can also be found in missionary records. The first LMS Printing Press and printer arrived in Matanofo, Falelatai in May 1839, from England. The printer was 24 year old J. B. Stair who arrived in Samoa in November 1838.\(^3\) In Matanofo he set up the first printery on a piece of land named Peretania (Britain) behind Matanofo, two years before Malietoa Va'inupo died in 1841 and almost ten years before Sualauvi was conferred the Tui A'ana title in 1848. He was assisted in the printing by two unidentified Samoans who had travelled overseas on whaling ships and spoke English.\(^4\) Stair was ordained in August 1842 and Sualauvi was appointed lay preacher, and later took over the running of the *lotu* when the Tahitian teacher left in the same year.\(^5\) Whatever

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\(^1\) 'Aiga Taua'ana, Sa Fasavalu, Toleafoa Tipa'u and A'eau Peniamina Leavaise'eta.

\(^2\) LC5605, January 1977. Writ. state. by Aiga Taua'ana.

\(^3\) Churchill *JPS*, 24:65-68.

\(^4\) Meleisea 1987c:59.

\(^5\) ‘Tala fa'a-le-lotu, EFKS, Matautu, Falelatai’, Tusia e Faoliu 'Ainu'u, FS. 1948-1963. See Index I.
name Sualauvi was known by at the time is not known. If it was Tuimaleali'ifano, it was inconsequential. From his observations of Samoa in the 1840s, Stair indicates the important list of titles that were "in the gift of" districts. Termed ao, like the tafa'ifa, they were conferred by the leading tulafale of the districts to which they belonged, rather than by the 'aiga of the previous holder of the title. They were:

Tonumaipe'a, Fonoti, Muagututi'a, Tupua, Galumalemana, I'amafana, Tamafaiga, Malietoa, Lilomaiava, Mata'aafa, Le Manu'a, Fia'ema, Salima, Taimalie-uta, Toleafoa, Leutele and Afamasaga.¹

The omission of Tuita'alili and Tuimaleali'ifano from Stair's listing is an important indicator of their standing at the time. If they did exist, it was without the standing of an ao or a tama'aiga. The most likely name in which Sualauvi was called by at this time before he was conferred the A'ana papa was Lilomaiava, given the tradition of origin. This is confirmed by the record of the second meeting of the LMS in 1836 in which Falelatai was represented by a Lilomaiava titleholder.

5.5. I'amafana to Sualauvi: a name to tama'aiga

So, when did this transformation from a simple name to something more than a name and a little less than an ao come about? In the contemporary period, amongst the three tama'aiga associated with Sa Tupua, the right of appointment of two have devolved to maximal lineages: Mata'aafa by 'Aiga Sa Levalasai and Tupua Tamasese by 'Aiga Sa Fenunuivao. The right to select the Tuimaleali'ifano title has, since 1949, been vested with the descendants of Sualauvi, while the right to confer has been associated with 'Aiga Taua'ana, 'Aiga Taulagi and 'Aiga Satunumafono, their role confined to the ceremonial bestowal after deliberations by the descendants.² In the case of the Malietoa title, the 1939 court decision has

¹ Ella 1895:601.
² Decisions of LC1052 10 June 1949 and LC5379 22 July 1977.
ruled that the right to make an appointment remained with the descendants of Malietoa Vainuupo, Malietoa Gatuitasina and Malietoa Talavou.¹

With respect to the Tuimaleali'iifano title, family traditions and published sources are in agreement that the title's standing is not only due to the holder's personal ability to marshal and mobilise family resources but also to his or her capacity to invoke and exploit the ancient connections with Sa Tupua and Sa Malietoa particularly through the *feagaiga* or brother-sister relation.² Ariu Fasavalu-Sio representing a faction of the Sa Fasavalu in 1949 asserted that

> Although Tuimaleali'iifano goes back only a short way, the royal blood goes back a long way further. If this title is to be restricted to heirs of Sualauvi, then we must go elsewhere for the royal blood.³

This sentiment is echoed by Kramer. 'The prominence of the [title] is derived from its connections to the Tui A'ana and Malietoa lines.'⁴ The variant versions of history as submitted in 1949 and 1977 are examined in reviewing the title's connections to Tui A'ana and Sa Malietoa.

Among the eight disputing parties in 1949, one party led by Taito Ai'ono, Te'oa Fa'avaivai, Tuita'alili Fepulea'i, Fasavalu Avei and Ailua Tupuola, claiming descent from Fagugata⁵ did not provide a written submission. Of the remaining seven, two (one led by Nanai Utupo of 'Aiga Taua'ana, and the other by Lavasi'i and Tupu as descendants of Misa Sega Tui A'ana) were silent on any connections to the Tui A'ana. The petitioning party led by Taito Tologata and Tuiavii Sualauvi (as descendants of Sualauvi) asserted Suatipatipa I. Two parties asserted Sualauvi, one led by Nanai Suavaga (descendant of Pomare) and the other led by

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¹ LTC853, 14 December 1939.

² The major ones are through the *ao* of Lilomaiaava and the woman Samalaulu, the Tui A'ana through Sauimalae's marriage to *tafa'ifa* Galumalemana and again through Suatipatipa's marriage to Tuitofa, daughter of Malietoa Fitisemanu and sister of *tafa'ifa* Malietoa Vainuupo.


⁴ Kramer 1902:348.

⁵ Alleged to have held the Tuita'alili title.
Leavaise'eta Sa and Leavaise'eta Fa'aui (descendants of Sualauvi's older brother Mealeaga\(^1\)). Another led by Ariu and his brother Fasavalu Tiasi'utele Sio\(^2\) also claimed Sualauvi as the last Tui A'ana and implied there were others before him. Tuiletufuga Papali'i Lafo (the purported descendants of Fuata'ioutui and her brother 'Asi) claimed the first Tui A'ana was I'amafana.

The number of parties for 1977 was almost double that of 1949. All of the fourteen parties were unanimous that Sualauvi had held the Tui A'ana title. On the issue as to who was the first Tui A'ana in Falelatai, there were conflicting views amongst the parties in 1949 and 1977. Only one party kept a consistent view as to who was the first Tui A'ana in the two hearings. Seagai Faumuina's party in 1977 and that led by his representatives in 1949 consistently maintained Suatipatipa I. Three other parties (Nanai Pomare et al.; Atonio Va'aleto'a Eti et al.; Eli Tuimaleali'ifano et al.) did not provide written submissions. But their representatives in 1949 asserted Sualauvi to be the first Tui A'ana in the family. In that same year, Sa Fasavalu was split in two but had presented a united front in 1977 in which they collectively revised their divided views in 1949 of the first Tui A'ana from I'amafana and Sualauvi respectively to Tagaloa.\(^3\) Le Tagaloa L. P. Ala'ilima's party, as the purported descendants of 'Asi and Fuata'ioutui had revised their version of the first Tui A'ana, from I'amafana in 1949 to Lilomaiaava, in 1977. Four parties had asserted I'amafana. It included a new party led by Ipu (nee Anae Taeoali'i) Polotaivao as a descendant of Tupua Taeoali'i, son of Sauimalae from Nofoasaefa. The second was led by Toleafoa Tipa'u, the third by A'eau Peniamina, both of whom had been represented by the latter's father in 1949 and had asserted Sualauvi in that year. The fourth for I'amafana was 'Aiga Taua'ana whose written submission in 1949 did not comment on the issue but asserted I'amafana in 1977. Of the remaining four parties, 'Asi Lavilavi's party changed from Suatipatipa I to Tuita'alili, two parties ('Asi Pauani et al.; 'Asi Tupe and Tuita'alili Mailei et al.)

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1 But sponsoring 'Asi Alipia Tusitala, son of Sualauvi's daughter, Tutogi aka Tafaefa.

2 Also supporting 'Asi Alipia Tusitala, son of Sualauvi's daughter Tutogi.

3 The two factions in 1949 were Ariu Sio et al. and Leavaise'eta Sa et al.
asserting Sualauvi,¹ and the important party of 'Aiga Taulagi from Fasito'otai, who abstained in 1949, asserted Suatipatipa I.

There was no question that Falelatai, lying in the heart of A'ana, was Tui A'ana-oriented. The transformation from Ati-Tagaloa to Taua'ana as discussed in chapter 4, reflected the re-orientation of village authority from Tagaloa to Tui A'ana. Its fortunes, like any other village, were tied to the leading malo and its struggle for prominence was inextricably intertwined with the Tui A'ana heritage before and after Tagaloa and the ensuing titleholder's ability to obtain and hold on to power. Given its Tagaloa heritage and fresh if somewhat brutal infusion from the demonic Lilomaiaava, Tuita'alili's line was on the mend. The marriage in the mid-eighteenth century of his youngest daughter Sauimalae to tafa'ifa Tui A'ana Tupua Galumalemana cannot be underestimated. It elevated and confirmed the family's claim to prominence in the nineteenth century and consolidated its political affiliation within the long if somewhat turbulent traditions of Sa Tupua since the tafa'ifa Salamasina. The marriage between Sauimalae and Galumalemana produced l'amafana whose direct descendants are the Saipa'ia and Lilomaiaava families of Faleolo. (They were relocated to Satuimalufilufi to make way for the US marines built airport in the Second World War). No one has denied claims by family traditions and published sources that l'amafana was also known as Tuimaleali'iifano. While there is no denying that others may also have been so named, either before or in parallel, the name's association with l'amafana possibly before his appointment as tafa'ifa assured its social elevation.² This was perhaps the single most important event in the existing order of Falelatai. The transformation of the village lineage from Ati-Tagaloa to 'Aiga Taua'ana and of the service provided by the then Ati-Tagaloa to Tumua in terms of 'ie toga and palapala malo, - material wealth during l'amafana's tenure as tafa'ifa.³ From

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¹ Both parties were represented in 1949 each supporting different candidates. Differences in their views were minor.

² Traditions related by Kramer (1902:V.1, P.2., 390-399) that Nofoasaefa was also Tui A'ana and lived in Matanofo was corroborated by 'Asi Pauani to me during an interview in 1985.

³ See Writ. state. by Tuiletufuga Papali'i Lafo, I.C1052, 1949.
these displays of service, the 'Aiga Taua'ana derived the titles for its 'Ie toga
which have been in use long after I'amafana's death at the end of the eighteenth
century. But it did not last long. It came to an abrupt end as I'amafana's brothers
squabbled over his titles and his children could not build on their father's malo.
Forces, initially representing Leiaatua Lesa Lelologa of Manono and later by Sa
Malietoa of Sapapali'I, appropriated his honorifics and malo. That the malo could
slip away without much controversy could be easily explained by Kramer in his
illustration of family connections between Tui A'ana, Tuimaleali'iifano and
Malietoa. Advancing the gains won by I'amafana for Falelatai had to wait until at
least another generation. As for his suli or descendants of Sauimalae, they
continue to live in Satuimalufilufi. Their rights and privileges previously
appurtenant to the Tuimaleali'iifano title created by the illustrious I'amafana, are
no longer in their hands but have been commandeered by the descendants of
Leavaise'eta, an elder brother of Sauimalae.

5.6. Tama'aiga to tafa'ifa

After I'amafana's death, the Tui A'ana title did not return to Falelatai until
one generation later when Suatipatipa I contracted a marriage union with the
Malietoa family. The leading male members of the Malietoa family were poised to
assume the honours having ingratiated themselves to the dead cannibal warrior-
priest's allies and malo based in Manono. It paid off. The Malietoa forces secured
the malo after subduing A'ana and held it for the best part of the nineteenth
century. As a paternal nephew of Malietoa Vaiinupo, Sualauvi exploited his

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1 O le Tusi Fa'alupega 1915:53.
1. Lau o le fale o Aitu. 2. Moemoe o le Malo o Tumua.

2 Stair 1897:69. Tupolesava and Tupua (Pulepule) were banished to Tutuila. The latter is given by
McKay-Marsack as Tupolesava's son.

3 Kramer 1902:390-399.

tamasa relationship with Sa Malietoa. His connection to Sa Malietoa was a
tamafafine one and outranked his uncle's children. This essentially Tongan
ideology seemed to have been a factor in his first marriage to a Tongan,
Meletatafu, claimed as daughter of Tuitonga Tuipelehafe.¹ Through Sualauvi as
the tamasa of Sa Malietoa, Falelatai was connected to the new malo and
important gains were assured, and reinforcing existing ones. Amongst the new
was the introduction of the lotu and the Polynesian missionary teacher² in 1832
initially in Matanofo. Seven years later, Sualauvi returned with the first LMS
Printing Press and J. B. Stair as printer in 1839. The first Samoan language
newspaper was printed in the same year. When the future of the lotu was at risk
in Matanofo, Sualauvi handed its control to the village lineage. The embryonic
covenant formed between Tui A'ana and the 'Aiga Taua'ana during I'amafana's
period was re-asserted and given material recognition. Matautu's future
prominence in Falelatai's affairs was enhanced. It acquired a new title, the 'Mala
o le filemu' the place of peace, a poignant reference to its place as the centre of the
lotu and growing role as arbiter between ruler and ruled. The increasing influence
of Matautu through the lotu gradually led to the shift of power out of Sa Fasavalu
and Falevai to Matautu and the Falefa. Through these village processes
culminating in the rise of I'amafana, the shift of power from a Tagaloa to a
Taua'ana tradition was completed. Through a missionary teacher, lotu, printer
and printing press, Sualauvi was assured of a long and favourable press. But the
written record ignores much of his political ambitions, which was focussed firmly
on the tafa'iifa. This was partly because his struggle for power was checked by the
watchful eyes of the LMS missionaries and patron of Sa Malietoa, and partly
because of the chaos within the faction riven ranks of Sa Malietoa. Referring to

The tradition held by Leavaisie'eta Fa'au'i claim the Tongan lady's name was Taufasipo. Her Tongan
mother is not however given. Recorded by Mulivai Purcell, SLC Genealogical library. 795863, tape 14, p.
397-398.

² A conflict exists between the traditions and published sources on the teacher's identity. The tala fa'a-
le-lotu written by Faoliu Aiuu'u and Keilani Pele Taga'i states his name as Tiare and that he is buried in
possible that the teacher may have been known in Falelatai by another name.
Sualauvi as an *alo-o-ali'i* - a chief's son of A'ana, the Wesleyan missionary, Martin Dyson, in 1855 recorded that in addition to the Tui A'ana, Sualauvi also held the two papa of Tuamasaga.¹

He lacks not ambition to grasp them all but Sa Tuisamau and Lufilufi have not ratified it yet (1865).

Dyson goes further. 'In point of rank, he (Sualauvi) is the most honourable chief in Samoa',² an observation echoed by another missionary; `... the most important man in Samoa at the present time, as regard rank and titles ....'³ Sualauvi not only obtained the Tui A'ana in 1848, but also the Gatoa'itele and Tamasoali'i.⁴ The reason is due to the fact that the Malietoa factions in Savai'i and Tuamasaga vacillated over the succession after the death of Vaiinupo's sons Malietoa Moli and Malietoa Taimalelagi Gatuitasina, and could not agree between Moli's son Laupepa and Vaiinupo's other son Talavou. Given the stalemate, each party installed their own candidate in separate ceremonies: Talavou in Sapapali'i and Laupepa in Malie. When war broke out between the two forces, Sualauvi took the field in favour of Laupepa and in doing so was given the two papa titles on the understanding that they would return to a Malietoa in time.⁵ But notwithstanding the Malietoa division, Sualauvi had strong claim to the Tuamasaga papa in his own right. As mentioned earlier, his mother was the feagaiga (covenant) and he the tamasa of Sa Malietoa and Sa Tuimaleali'iifano. Furthermore, by virtue of the fact that he was the war leader of the Tuamasaga side in the *Faitasiga* war

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³ Murray to Mullens, 7 July 1870.


⁵ Meleisea 1987c:77-78. When Malietoa Taimalelagi Gatuitasina died in 1858, he was succeeded by Malietoa Moli, an elder son of Malietoa Vaiinupo, who did not live long and died two years later in 1860. (Meleisea 1987c:75-76). Presumably, Moli held the papa titles.
against the Unionist, the latter comprising A'ana, Atua and others.¹ Sualauvi's role on behalf of the Malietoa cause was not generally acknowledged by the LMS missionaries and consuls, who preferred a Malietoa successor from the tamatane or the male line.

The remaining obstacle to the tafa'ifa was the Tui Atua title. Like the Tui A'ana title, it was not the exclusive preserve of one family and those whose ancestors held it had the right to contest it. At the forefront of the contest at the time was the Mata'aafa line from Fa'asuaamale'aui. Sualauvi's rival was Mata'aafa Tafagamanu, the acknowledged Tui Atua titleholder. Despite this, two significant genealogical ties between the two families seemed important enough to assume a favourable outcome.² The first connection was the union between the first Mata'aafa, Fa'asuaamale'aui and Leativaosalafai. The latter was the granddaugther of Tuita'alili and progenitor of the Tuimaleali'iifano family. Their son was Mata'aafa Filisounu'u and father of Sualauvi's rival for the Tui Atua title, Mata'aafa Tafagamanu. The second connection was through Pafuti, sister of Mata'aafa Fa'asuaamale'aui. Through a union with Toleafoa Tamaa'au, they produced a daughter, Aveaesia who married Lilomaiaava Suatipatipa I, the father of Sualauvi. Their offspring was 'Asi So'a, the warrior who started the war in Tufulele.³

There was every opportunity for a successful outcome on the Atua honours. There was the inheritance of I'amafana, grandson of Tuita'alili and creator of the 'Aiga Taua'ana lineage. As inheritor of I'amafana's honours in A'ana, Sualauvi was bent on exploiting the precedence set by I'amafana in Atua. With significant supportive pedigree, Sualauvi threw caution to the wind and made further inroads into Mata'aafa's genealogy by contracting a marriage union with Saimu'a (aka

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¹ Rev. S. J. Whitmee to Dr Mullen, Foreign Secretary of LMS, 31 August 1870.

² These are found in Churchward's genealogies and Gurr papers, both in Gunson's collection of Samoan genealogies.

³ Kramer 1902.
Pa'upusi),¹ sister of his rival and daughter of another, Tui Atua Mata'a'afa Tafagamanu and Tui Atua Mata'a'afa Filisounu'u respectively. The key to making an impression on the right-holders of the Tui Atua title were the Mata'a'afa connections and I'amafana inheritance. In the case of Mata'a'afa and I'amafana, the rights lay with the orator-chiefs of Aleipata, Fuataga and Tafua, the Tui Atua fa'anofonofo and parent bodies of the Tui Atua. They, followed by the Lufilufi orators, Tusa and Moeono of Lufilufi, had claimed it for I'amafana. The gamble paid off, and the orator-chiefs of Aleipata followed by Lufilufi conferred it on Sualauvi.

Through precedence and strategic marital alliances, Fuataga and Tafua, not Lufilufi, held prior rights to confer the Tui Atua title.² Although Sualauvi did not hold it for long before his death in 1870, perhaps less than a year at the most, the evidence is clear that he did hold the Tui Atua title and thus the right to the office of tafa'i'ifa, almost thirty years after Malietoa Vaiinupo's death in 1841. These traditions are supported by Reverend George Pratt who stated that Sualauvi 'became king of Atua in 1869'³ and Reverend Samuel J. Whitmee confirming that Sualauvi was the 'king of both A'ana and Atua (and also held the chief titles of Tuamasaga)',⁴ As a rival claimant his fortunes counted on identifying who had sway over Atua at the time, and subjecting his claim to their will and ability to confer and make good that conferment.

The right of the Fuataga and Tafua to confer the Tui Atua was reaffirmed when they conferred the Tui Atua title on Tupua Tamasese Titimaea in the mid-1870s, again without Lufilufi's participation.

¹ The son was Salanoa Solomona whose son succeeded Mata'a'afa Iosefa as Mata'a'afa Salanoa Mulufi, and fautua from 1928-36.

² According to traditions submitted by Taito Tologata in 1949 and statements by Tui'ai on 22 December 1898 and witnessed by W. H. Yandall. From Samoan Genealogies collected by W. N. Gunson.

³ Pratt 1890:663.

⁴ SSL, Whitmee to Mullen, 31 August 1870.
When Sualauvi died on 25 August 1870\(^1\), he had outlived his uncles Vaiinupo and Taimalelagi Gatuitasina (sons of Malietoa Fitisemanu from different marriages), and Vaiinupo's sons, Moli and Talavou (also from different women). The irony was that during the struggle in the Faitasiga war between Laupepa and his uncle Talavou over the Malietoa title, Sualauvi, as Tui A'ana and Tui Atua, died leading the Tuamasaga side on the side of Laupepa. While he had acquired all the papa titles at the time of his death, his pro-Malietoa stance against A'ana and Atua left his descendants without inheritance.

Today, the lotu is Sualauvi's, the rights and privileges recognised as the feagaiga between Tuimaleali'iifano and Malietoa are derived from him, and any advantages that his descendants can advance under custom stem principally from him.

The name concocted from the depths of the most unlikely of places in Savai'i and Upolu was assured a permanence in the oral and published versions of the fa'alupega, at all levels, as a tama'aiga. Its past memory, albeit short dating from the nineteenth century, was ensured longevity by Sualauvi's youngest son and successor, the long lived Fa'aolo'i'i.

In the next chapter, I shall deal with the ambiguities and contradictions associated with the issue of right, how these have been handled by disputants to advance particular claims and the divergent interpretation of pule in terms of authority and rights as members of the 'aiga potopoto.

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\(^1\) A conflict exists in various sources over the year of death. 1870 is given by Meleisea, Schoeffel and Sio in *Lagaga* 1987:81, and Gunson in *JPH*, Vol. 22, No. 4, October 1987, p. 165, Table VII. I'iha Pusa cites 1871 in page 14 of his 'Mau a Pule'. The most accurate sources are the missionary letters, for which I am grateful to W. N. Gunson for his direction. In Whitmee to Mullens of 31 August 1870, Whitmee states the date of death as 25 August 1870. SSL at the National Library of Australia, G309/47, Mf. 47, Box 32. See also G. Turner to Mullens, 3 September 1870.
6. An exploration of pule fa'a Samoa

Two key concepts in understanding the logic of aganu'u fa'a Samoa are pule. generally meaning power or authority, and 'aia meaning right. This chapter deals with pule as rights and the way in which rights are manipulated in advancing particular claims. It focuses on the contradictions and ambiguities arising from the contesting point of views in interpreting aganu'u, and the court's reluctance to rule on elements of custom.

After Sualauvi's death in 1870, his youngest son, Fa'aolo'i,i,¹ the long-lived 'Old Man of the Mau', assumed the family leadership. Like his father Sualauvi before him, the actual date of his succession to the title cannot be determined precisely. Surviving traditions relate that Sualauvi's parting wish was that he be succeeded by his daughter, Tutogi. But when approached, she informed 'Aiga Taua'ana to appoint her brother Fa'aolo'i'i.² As first born, she had prior right to the tafa'i'fa status that Sualauvi had achieved between 1869 and 1870. At the time of his death, Fa'aolo'i'i had been adopted by the Manu'aifua family in Afega and was groomed for that family's title.³ From the evidence before the court in 1949 and 1977, after Tutogi, Fa'aolo'i'i was the only eligible male candidate. His eldest half-brother Pomare had died before Sualauvi, and Gafata'itua was already titled as 'Asi and, as will be detailed later, was considered ineligible on account of his being born from an endogenous union between Sualauvi and a locally born mother. The only other eligible heir was their half-brother Lauititi who was also already titled

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¹ He was known by different taule'ale'a names to different people. Si'ua'ana (or Si'u) within colonial circles and Taivaleoa'ana in Lefaga. In Falelatai, he was known as Fa'aolo'i'i, the name adopted in this study.

² LC5605, Jan. 1977. Writ. state. by 'Aiga Taua'ana stated, 'Mavaega of Sualauvi was ... made in the presence of 'Aiga Taua'ana.' Also reported in LC1052 1949, writ. state. in somewhat vague form by Leavaise'eta Sa, Leavaise'eta Fa'ai, Te'o Fa'avaivai, Tolefoa Sa and 'Asi Alipia Tusitala and proceedings, p. 7. 'The appointment of Fa'aolo'i'i was made by Tutogi and Leavaise'eta.'

³ A maternal relationship connecting 3 villages; Ga'utavai in Savai'i, and Si'umu and Afega in Upolu.
as Le'iatô and living in his mother's village in Atua. Apart from Tutogi, Fa'aolo'i'i's other half-sisters were Ane and Pa'upusi. Ane was ineligible as Gafata'itaua's sister and Pa'upusi was about to be married to Salanoa in Falafa. On Tutogi's recommendation, Fa'aolo'i'i was re-called from Afega and installed as Sualauvi's successor.¹

Fa'aolo'i'i had lived through the factional struggles among rival candidates for the Malietoa title (1860-1873), the Brandeis-Tamasehe government (1880s), the government of the Three Powers (1890s), the German government (1900-1914) and New Zealand government (1914). After celebrating his 'centenary' in 1937, he died in the same year, and the Va'a-nofoa-tolu urged his descendants to nominate a successor quickly.² While they were deliberating, the 'Aiga Taua'ana was already preparing for the appointment and conferral of Si'ua'ana, a son of Fa'aolo'i'i, in 1938³. When Si'ua'ana died in 1939, nine months after his appointment, the Matanofo family was still smarting from 'Aiga Taua'ana's decision of nine months earlier. The Matanofo family was not slow to exploit the opportunity to right what they perceived as the wrong by reminding the 'Aiga Taua'ana of their place in the selection process. The sudden death of Si'ua'ana was, as they claimed, an omen from above, a sign on the 'Aiga Taua'ana's presumptuous attitude in 'forc[ing] the title on Si'u'⁴ by usurping the right belonging to Sualauvi's descendants. The Gods, like them, the descendants proclaimed, knew better. For them, the title was shelved for the next ten years. But while they may have acquired the upper hand in asserting their right to select, they frittered away their gains by procrastinating for ten year over a successor. Whatever the merits of their action in 1938, 'Aiga Taua'ana had set a precedent and they prepared to strike again.

While the descendants procrastinated over a nomination, 'Aiga Taua'ana struck and promoted its point of view vigorously. 'Aiga Taua'ana's attitude on right

¹ 'Asi Pauani, LC5379 proceedings, 21 July 1977.

² LC1052. Supplementary statement by Taito Tologata, 'Asi Lavilavi and 'Asi Pauani. n.d.

³ LC1052, 1949. Writ. state. of 'Aiga Taua'ana.

⁴ LC1052. Supplementary statement by Taito Tologata P, 'Asi Lavilavi II and 'Asi Pauani. n.d.
was reinforced by the descendants indecision over ten years. 'Aiga Taua'ana argued that while their appointee had lived for only nine months, there was no official objection to their appointment. They believed they had the right.

The issue of right came to a head in 1948. Rival factions in Matanofo and the 'Aiga Taua'ana in separate locations conducted saofa'i or titular installation ceremonies of their respective candidates. The first was Suatipatipa II on 24 May, 'Asi Alipia Tusitala on 12 July and Seiuli Fitisemanu on 24 September. Two other candidates, Moli and Tuita'alili Mate, were mentioned during the court proceedings in 1949 but they did not proceed with installation ceremonies. Each side then reported on the other to F J H Grattan, Secretary of Samoan Affairs, who in turn wrote to each candidate, with copies sent to their respective sponsors, urging them to refrain from using the title. When the 'Aiga Taua'ana received their copy they despatched a delegation of chiefs to Matanofo banishing the rival factions from Falelatai. Tuiavii Sualauvi was the first to feel the wrath of the 'Aiga Taua'ana at his home in Satuimalufilufi. Outside his house on 30 September 1948, the delegation's spokesman Fa'ialava'au Nio proclaimed their decree:

Alu ese ma le nu'u e amata mai i le aso nei se'i o'o i le vaiaaso lea. 'Aua e te toe nofo i le nu'u lea ma le aiga lea ... 'Aua fo'i e te toe alu atu i Matanofo.3

Go away from this village beginning from this day until next week. Do not stay in this village and in this family. Furthermore, do not go back to Matanofo.

Fa'ialava'au was followed by another chief of the Falefitu Taefu Lelava, who endorsed the decision. The inclusion of Taefu as a member of the delegation proved interesting as he was connected to both sides. He was a member of the Falefitu of 'Aiga Taua'ana by virtue of his Taefu title, he was also a descendant of Sualauvi4.

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1 He later also held the Le Tagaloatele title.

2 SSA to Police Sergeant Fitisemanu, copied to Nanai Utupo of 'Aiga Taua'ana, 27 September 1948.

3 Tuiavii Sualauvi to SSA, 30 September 1948.

4 He was a grandson of Sualauvi. Sualauvi>Gafata'itua>Taefu Lelava.
His appearance as a mouthpiece for 'Aiga Taua'ana must have struck a
demoralising blow on the descendants of Sualauvi.

On the same day, the delegation moved to Pata, the residence of Paepae,
who held the Tologata orator title, and justifiably perceived by 'Aiga Taua'ana to
be the ring-leader of the Suatipatipa faction. Instead of an announcement, the
elderly and blind orator was dragged from his house and led to Matautu where he
was made to sit in the middle of the meeting house on a pebbled floor.1 As
spokesman, Nanai Utupo mocked and vented their collective on Tologata for
presuming to challenge their right.2 Next, the delegation went to Matanofo where
Fa'alava'au Nio repeated the announcement. 'Asi Lavilavi I was told to go to
Savai'i to his mother's village in Ga'utavai or to Safata to his father's village. 'Asi
Pauani was also told to vacate the maota or chiefly residence and 'Asi Alipia
Tusitala was told to return to Leulumoega. Suatipatipa II was told to go to his
mother's villages in either Sili or Satupa'iitea in Savai'i or Si'umu and "... there
play on his conceit and desire to become Tuimaleali'iifano.3

In seeking judicial relief, the aggrieved Matanofo residents descended one
by one on Grattan of the Samoan Affairs Office in Mulinu'u. Grattan acted swiftly
and despatched letters calling on the Faleifitu to meet him at Matanofo in
Falelatai. The meeting was held on 7 October 1948 but not without protest from
the Faleifitu. They claimed that Matanofo was 'a sacred place' and they would have
preferred to have met elsewhere. Before Grattan continued with the meeting, he
responded to their anxiety. "The meeting in Matanofo," he stated, 'had been a
deliberate decision in order to demonstrate to the Faleifitu that the law reached

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1 A co-holder of the Tologata title known as So'oalo Tologata had worked as a Court Clerk from the
German period. The possibility that Tologata Paepae may have acquired useful information from him in
relation to this case cannot be entirely ruled out.

2 Re-collected from accounts held by Tologata's children and grand-children. When 'Asi Alipia Tusitala
reported their collective banishment to the Office of Samoan Affairs, the details concerning the 'Aiga
Taua'ana's treatment of Tologata were left out from his account.

3 Report of a meeting held between 'Asi Alipia Tusitala, 'Asi Lavilavi I, 'Asi Pauani and Suatipatipa II
and the Samoan Affairs department, 30 September 1948.
even to Matanofo.'¹ When no one replied, he invited them to explain their actions in driving away members of the Matanofo family. According to Grattan's record, the Falefitu justified their action by

... referring to the constitution (fa'avae) of the district that all people were expected to obey and not to have opinions of their own.

Their principal speaker, Nanai Utupo declared that those who had been driven out were welcome to return provided they accepted the appointment of Seiuli Fitisemanu as Tuimaleali'ifano.² In reply, Grattan appealed to the Samoan respect for the prestige of imperial authority.

I told those assembled [that] that sort of opinion was precisely why the Allies had waged total war on Germany, and that the law could not sit idly by if the people concerned expressed a wish to return.³

Nanai then tried to change his ground by saying that the titles Tuiavi'i and Alipia do not belong to Falelatai. Grattan replied that it was common for villages to have chiefs and orators whose titles belong elsewhere. He was quick to point out to Nanai that it was 'not logical in this matter they were considering allowing holders of the title 'Asi [Alipia Tusitala] to remain in Falelatai.'⁴ When Grattan argued that the only reason that Sualauvi's descendants had been driven out was because they had not accepted Seiuli Fitisemanu, the opinion of most of those present, apart from old Nanai, began to move rapidly in favour of allowing them back.

¹ Grattan, 'Note for file', 8 October 1948.
² Ibid.
³ Ibid. The fact that a war was being waged on a grand scale somewhere did not necessarily mean that the villagers understood what it was about especially as they had nothing to do with it.
⁴ Ibid.
Ultimately Nanai and all the others present gracefully withdrew their opinion and agreed that descendants of Sualauvi should be allowed to return.¹

While the Matanofo families returned to an uneasy truce, the rights to appoint and confer the title were far from clear. The 'Aiga Taua'ana had absolute control of the village council and Matanofo had the sympathy of the colonial court. The net effect of the stand-off was the parties had to go to court.

The title came for the first time before the court in June 1949. After hearing submissions, it ruled that the 'right' (interpreted in the Samoan version as pule) to make appointments to the title 'is vested in the heirs² of Sualauvi and the titleholder will be chosen from the heirs of Sualauvi.' It also ruled that the function of the Va'a-nofoa-tolu was to consecrate the appointment after the choice had been reported to them, and that the function of Sa Fasavalu was to notify the 'Aiga Taua'ana of the election.³ While the decision was never appealed, the Samoan translation of the English drafted decision led to the re-opening of the debate over pule in 1977. A petition was submitted by Le Tagaloa Leota P. Ala'ilima in which he claimed that the term 'right' had been translated in error as pule instead of 'aia in the Samoan version of the decision, he argued that pule (as right) had not been considered in 1949. The court accepted his argument leading to the first case in January 1977.

The descendants who had lost in 1949 took up the opportunity. Within the 'aiga potopoto of Tuimaleali'ifano, by specifying succession to the descendants of Sualauvi, the descendants of his brothers, Mealeaga, Fagugata and So'afoa⁴ lost

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¹ *Ibid.* One week later, a savali (delegation) from the falefita was sent to the descendants ensconced at Tuiavii's residence in Satuimalufilufi to return after waiting for the outcome of Grattan's negotiation.

² The Court translated suli as heir, slightly more discriminative than the more generalised descendant.

³ LC1052 of 10 June 1949. For the full decision, see Appendix E.

⁴ So'afoa and his descendants were supposed to succeed to the Poutalimati title. But he died childless. His adopted daughter 'Aufono kept his memory alive and from her sprung a line of suli fai - adopted descendants. According to another tradition, he had two daughters, one from Sulu'elelele and another from U'amatusi. S. M. Purcell interview with Leivaise'ete Fa'aui, a descendant of Mealeaga, on 21 March 1969 from an 'Oral genealogy transcript', Salt Lake City Genealogical Library.
out. As to the Va'a-nofoa-tolu, some viewed the 1949 decision as removing the 'Aiga Tau'a'ana and by implication 'Aiga Taulagi and 'Aiga Satunumafono from any direct say. While the 1949 decision could have been appealed, those who had lost wasted no time in challenging the court's decision about rights. The basis of their claims was a re-interpretation of custom.

The first challenge came from the descendants of Mealeaga, Sualauvi's older brother. Four months after the death of Tuimaleali'ifano Suatipatipa II, they conferred the title on the elderly Leavaise'eta Sa, in early October 1974. The tapaga o le ipu or cup serving ceremony was held not at the maota in Matanofo but at his town residence in Vini Fou, a part of Apia village.¹ However, just as Leavaise'eta Sa began to ease himself into the court battle, he died two months later. Not to be outdone, the same descendants re-grouped two years later and conducted another ceremony for his son, 'A'eau Peniamina, but this time in Matanofo in 1976. When formal objections were raised from rival factions, they countered by revising their baseline ancestor. Instead of advancing their claims as descendants of Mealeaga, they pegged it against Suatipatipa I whom they claim held the Tui A'ana, Tuimaleali'ifano and Leavaise'eta titles. Why this should be so was never explained. There are two possible reasons: Suatipatipa I was of higher status than his son Mealeaga,² but the more probable reason is the marked difference in status between Mealeaga and Sualauvi through their mother's descent. Mealeaga's mother Mata'oa was a daughter of a local Falelatai chief Tonumaivo and Sualauvi's mother Tuitofa was a daughter of Malietoa Fitisemanu and sister of Malietoa Vai'inupo. Despite Tonumaivao's relatively high status in Falelatai, the endogenous union played against Mealeaga and his line as will be discussed below. This attitude in custom is suggestive in the naming of Mata'oa's son as Mealeaga, meaning foul or detestable.

¹ Family and supporters to Registrar, 5 October 1974. The letter was signed by Leavaise'eta Sa as Tuimaleali'ifano Sa, Misa Sua, Gale Suaesi, Miriama Misa, Leleaga Seumanutafa Meredith, Ta'i Mealeaga and Leavaise'eta Fa'ai. Those pertaining to represent the 'Aiga Tau'a'ana were U/Moia Li'ai'a(?), Misa Sua and Tonumaivao Lealaiauloto Kome. The letter was addressed from the maota in Matanofo and not Vini Fou.

² 'A'eau Peniamina Leavaise'eta to Registrar, 21 October 1975.
On the side of Sualauvi's descendants, the indecision of the late 1940s returned to haunt them in the mid-1970s when they could not agree on anyone from the nine candidates. When negotiations broke down, they all agreed to disagree and go to court. In the meantime, the party representing me as the twenty-one year old son of Suatipatipa II, proceeded with my saofa'i in Matautu under the auspices of the village fono on 28 June 1975.¹ The Catholic fesoasoani or catechist Siliako prayed and the Congregational Christian Church faife'au, Tagoa'i read from the Bible and conducted an appropriate sermon for the occasion. Afterwards, the formal ceremony included the laying of hands of the seven ali'i matutua of the Falefitu on my head. They were powerful supporters and there was every reason to expect a favourable outcome from the court system. Once notice of the saofa'i was published in the government Savali,² other factions sprang into fighting mode with a flurry of formal objections to the court. In this process, the primary aim of the contesting parties was to influence the determination of right over the title.

The court sat three times in 1977,³ and in each case delivered three separate but related decisions. The first decision dismissed Le Tagaloa's petition on the ground that his party had 'failed to show reasonable cause' as to why the court should alter its 1949 decision on rights.⁴ The second decision dismissed 'A'ea'ai Peniamina's candidature and his party as they were not descendants of Sualauvi. Despite the powerful backing of the village and clergy, the court also cancelled my appointment on the grounds that it was contrary to 'custom', that it had been made without the agreement of all the descendants of Sualauvi, and that I had failed to demonstrate possession of the requisite qualities to justify my

¹ 'O le saofa'i ua uma ona fai i le suafa (Matai Samoa', N0: 4963, signed by Misa Mu as Pulenu'u, 22 July 1975.

² Savali 31 July 1975 and 14 August 1975. Sponsors were 'Asi Tupe, Tuita'alili Mailei, Tafaefa and Lautusi Su'emalo (desc. of Tutogi), and Aolele Su'a Aloese, Tologata Fa'aoloi'i (desc. of Tuimaleali'ifano Fa'aoloi'i), Sa Fasavalu and 'Aiga Taua'ana.

³ LC5605 in January, LC5430 in March and LC5379 in July 1977.

⁴ LC5605, 14 January 1977. See Appendix E for full text.
appointment. I had lived in New Zealand from the age of 8 to 18 years and was at the time of the court hearing a university student in Fiji. The court's blanket usage of the phrase 'against custom' for the cancellation of my appointment had the effect of masking the nature of the discussion and dissension among the lay Bench\(^1\) but also of stifling any attempt to identify and define the criteria on which members of the court were using to determine custom. Of a lay Bench consisting of four judges and one assessor, three judges\(^2\) supported my appointment while one judge and assessor rejected it because they did not know what I looked like; Judge Tamaseu Papa deemed knowledge of \textit{agava'a fa'a Samoa} - Samoan custom was more important than \textit{agava'a fa'a-papalagi} European or modern knowledge; my marriage to a Fiji person was not custom; there was the need to consider the petitions from other family parties and my young age. Assessor Seinafo Ioane added that while the support of 'Aiga Taua'ana was important, the position of 'Aiga Taulagi and Satunumafono, unknown at the time, was just as important.\(^3\) In light of this, the court referred the issue back to the descendants for a decision within three months failing that the court was to make the appointment.\(^4\) During the next three months, the parties could not agree. The third and final hearing led to the appointment of Atonio Va'aleto'a Eti.\(^5\)

From this point, I shall look at ways in which the concept of rights was interpreted and manipulated by individual parties to advance personal claims. There were two categories. One was concerned with those claiming rights as being vested with ancestors before Sualauvi, and the other was concerned with the claims amongst the descendants of Sualauvi. While the decisions of the court were obviously important, the major concern was the contradictions and conflicts stemming from the varying interpretations of pule and 'aia.

\(^1\) By a lay Bench is meant members who are not qualified lawyers.

\(^2\) Deputy President Tagaloa Tuala Siaosi Kerslake, Tuli'aupupu M. and Taulapapa Anesi.

\(^3\) LC5430. Court deliberations, 9 March 1977. Tamaseu and Seinafo were joined by Nicholson.

\(^4\) See Appendix G for the full text of the LC5430 decision.

\(^5\) Appendix H for full text of decision.
6.1. The contest over rights

In the case of January 1977 concerning rights, there were in all seventeen parties, more than double the June 1949 number. The following Figure 6.1 below summarises the total in two categories. The first category were 'Aiga Taua'ana, 'A'au Peniamina, Sa Fasavalu, Le Tagaloa Leota Pita Ala'ilima, Ipu Polota'ivao Schmidt, Toleafoa Tipa'u and 'Aiga Taulagi, and ten in the second category, were the parties led by 'Asi Pauani, 'Asi Lavilavi I, 'Asi Tupe, Seagai Faumuina, Felotea'i Eti, Si'ua'ana Tuimaleali'iifano, Eli Tuimaleali'iifano, Liuliu Setefano and 'Anesi Tuimaleali'iifano, all descendants of Sualaui.
Figure 6.1 Comparison of 1949 and 1977 claims on customary rights

<table>
<thead>
<tr>
<th>1949 LC1052</th>
<th>1977 LC5605 (also LC5430 and LC5379)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disputant parties</td>
<td>Candidates</td>
</tr>
<tr>
<td>1. Taito Tołogatá Paepae, Tua‘vii Sua‘au, Likomaiva Toto‘a, ‘Asi Lavilavi</td>
<td>Suaitapita II</td>
</tr>
<tr>
<td>2. ‘Asi Lavilavi I, Likomaiva Ato, So‘onakote and Fa‘a‘aa Siautave‘a Tanuva‘a, Tua‘vii Seifau, Tafa‘a Hiko, Taito Tanu‘a (desc. of Tuamaleaifano Fa‘afolii)</td>
<td>‘Asi Tupe, Tuta‘alifi Mailei, Tafa‘a &amp; Lautarui Sia‘emalo (desc. of Tutogi), Aolele Sia‘a Alo‘ese &amp; Tokesoa Fa‘afolii) (desc. of Tuamaleaifano Fa‘afolii), Papali Posuna, and Ta‘alefili (nee Sia‘a‘emelagni Emereone) Tuamaleaifano Suaitapita II.</td>
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<td>4. Seasai Faumuina, Ato‘a Malaesila and Va‘o‘u Tuamaleaifano</td>
<td>Seasai Faumuina</td>
</tr>
<tr>
<td>8. Lili‘u Selegano, Kumi Taito Tusa, Taito Tanu‘a and Maiava Lafe‘eli.</td>
<td>Lili‘u</td>
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<td>9. Ane‘i Tuamaleaifano.</td>
<td>Ane‘i</td>
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<tr>
<td>1949 LC1052</td>
<td>1977 LC5605 (also LC5430 and LC5379)</td>
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</tr>
<tr>
<td><strong>Disputant parties</strong></td>
<td><strong>Candidates</strong></td>
</tr>
<tr>
<td>2 'Aga Tausiana rep. by Nanai Utupo, Masa Fa'apusa, Sia Suaia, Tafua Lelefa, Taga'oma, Fa'alava'au Nu, Fa'alava'au Taogapu, Taiti</td>
<td>Seni Le Tagaloatele Fitise'amu</td>
</tr>
<tr>
<td>3 Leavaise'eta Sa and Leavaise'eta Fa'aui (desc Melake'a 'Agi Apisa Taunana (desc Tato), Tofofa Sa, Ata</td>
<td>'Agi Apisa Taunana</td>
</tr>
<tr>
<td>4 Sa Fa'asavali rep. by Anae Sinia Fa'asavali Sia Taimoa So. Fa'asavali Tamau. Mauatia'au</td>
<td>'Agi Apisa Taunana</td>
</tr>
<tr>
<td>5 Tuatafusiga Fa'a'alo Lafi Tupua Pita (desc 'Agi and Tutua'alo)</td>
<td>Seivi Le Tagaloatele Fitise'amu</td>
</tr>
<tr>
<td>6 Nanai Sua'asa and S. Lupelaha'ama (desc of Po'mare Tauli in Sepulato desc of Le'ata Lasunini Lealala'ana of Sio of 'Agi Tupu'api and Salati</td>
<td>Moh</td>
</tr>
<tr>
<td>7 Lavaosi and Tupua Masa Fa'apusa (desc of Masa Seo Satua Taitua)</td>
<td>Seivi Le Tagaloatele Fitise'amu</td>
</tr>
<tr>
<td>8 Tato'Anao Vai 'Tua'ali'i (Mata) Pupa'la, Tia Fa'asavalo, Fa'asavalo Aue Atua Tupu'ula, Ata (desc Fa'apunaga).</td>
<td>Tu'ali'i (Mata) Pupa'la</td>
</tr>
<tr>
<td>15 Salefico Enole Tupua Ipu (see 'Aana Ta'eoaki') Polaivao Schmidt. Asalemo P. Tama Soota (desc of Ta'eoaki)</td>
<td>Mokeni</td>
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<tr>
<td>Party</td>
<td>Candidate</td>
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**Not represented in 1950**

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<th>Candidate</th>
<th>Right of Title</th>
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**Not represented in 1959**

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<th>Party</th>
<th>Candidate</th>
<th>Right of Title</th>
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Among the first category, the 'Aiga Taulagi party of 1977 (No. 17) had supported the claim that right was vested with the descendants of Sualauvi. Together with two other parties, who were represented for the first time in 1977, Ipu Polota'ivao Schmidt (No. 15) and Toleafoa Tipa'u (No. 16), there was no previous recorded determination on the issue of right, to allow for comparison. In comparing the 1949 and 1977 versions of the remaining parties, three of the four parties were consistent in their view on right. 'Aiga Taua'ana had consistently maintained the view that descendants select but the 'right' of consecration was vested with them. The descendants of Mealeaga had also consistently maintained that right was vested with the descendants of Suatipatipa I, the father of Mealeaga. The descendants of 'Asi and Fuata'irotui had likewise maintained Tuita'alili as their baseline ancestor, as the basis for the right to be consulted. Only one party had revised their view. In the 1949 dispute, Sa Fasavalu had claimed Suatipatipa I as their baseline ancestor but then in 1977, they projected it back by three generations, to Tuita'alili.1

It was clear that in the event of future vacancies, the litigants were not going to surrender their claims and traditions of history. Of the eight contestant parties in 1949, three2 parties did not contest in 1977. But their absences were made up for by the appearance of three new parties, all of whom presented different traditions on the issue of right of appointment, traditions which naturally advanced their own interests. For so long as right was fixed against one set of descendants, other descendants disadvantaged by the decision are unlikely to accept it without contest. The main device employed in the name of custom was the revision of baseline ancestors. This was employed by Le Tagaloa as the descendants of 'Asi and Fuata'irotui and Sa Fasavalu in driving it back to Tuita'alili. Similarly, the party led by 'A'eau Peniamina drove the right back to Suatipatipa I. Other claims by Le Tagaloa went begging. For example, the purported connection to 'Asi and Fuata'irotui was never verified despite claims to

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1 Their role in the appointment process was never in doubt. Whichever ancestor Sa Fasavalu chose as their baseline ancestor, their right in the process was beyond reproach.

2 Including Aiga Satunumafono who withdrew during the second day of the hearing.
the contrary by 'A'e'au. Furthermore, 'A'eau's claim that Suatipatipa I held all the three titles of Tui A'ana, Tuimaleali'ifano and Leavaise'eta was likewise not pursued. How does this affect the status of custom?¹ The in-fighting among the Falefa or four descendants of Sualauvi has a long standing history. The battle lines were clearly demarcated long before 1977 as individual faletama segmented. The contest for the right takes on a different twist within the Falefa.

6.2. Contest and disputes among Sualauvi’s descendants

There were eight parties contesting the title in 1949, five of whom had fronted up with candidates.² When the title was re-contested twenty-eight years later, the number of candidates had almost doubled to nine³ and the number of parties had more than double to seventeen. The Taito Tologata-led party in 1949 had spawned eight of the nine parties in 1977, almost half the total number. Of the seven remaining disputants in 1949, the descendants of two parties, namely, Misa Sega Tui A'ana and Fagugata, were absent from the 1977 hearings and presumed to be, at least for the time being, out of commission. The other five re-emerged to resume the contest. In 1949, they had resigned themselves to their fate as losers. But it was a temporary setback. While they had lost, their traditions were kept alive. While two sets of descendants called for a temporary cease-fire, other descendants entered the arena. Three new parties joined the surviving parties in 1977: one led by Ipu Polota'ivao Fossie Schmidt claiming descent from Taeoali'i Sauimalae, Toleafoa Tipa'u claiming descent from Solomona Gafatasi Tonumaivao, and the 'Aiga Taulagi lineage, a member in the Va'a-nofoa-tolu triumvirate. The following figure lists the four faletama or branches of Sualauvi.

¹ In light of this seemingly endless in-fighting, what are some available options? One is for members from the non-Sualauvi line to marry into the line of Sualauvi. Some cases already exist.

² The ninth party, 'Aiga Satunumafono withdrew on 7 June 1949, the second day of the hearing.

³ Check this wording against chapter 9.
Figure 6.2 The four faletama of Sualauvi

<table>
<thead>
<tr>
<th>4 Faletama</th>
<th>Mother's father</th>
<th>Offspring(s) of each faletama</th>
<th>Number of Parties</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>1949</td>
</tr>
<tr>
<td>1. Meletatafu</td>
<td>Tuitoga Tupelehake of Tonga</td>
<td>1. Pomare (m)</td>
<td>1</td>
</tr>
<tr>
<td>2. Amituana'i</td>
<td>Sila of Sama'i, Falelatai</td>
<td>1. Gafata’itua (m)</td>
<td>1</td>
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<td>2. Ane (f)</td>
<td></td>
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<tr>
<td>3. Saimu'a</td>
<td>Tui Atua Mata'a'afa Ta'afagamanu of Anapapa, Amaile</td>
<td>1. Le'ialo Lauititi (m)</td>
<td>1</td>
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<tr>
<td></td>
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<td>2. Pa'upusi (f)</td>
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<tr>
<td>4. Taeolotuma</td>
<td>Tuimaseve of Satupa'itea</td>
<td>1. Tutogi (f)</td>
<td>1</td>
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<tr>
<td></td>
<td></td>
<td>2. Fa'aoloi'i (m)</td>
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</tbody>
</table>

1 This sequence is the closest to a consensus. Pomare's 1949 party asserted that the second faletama is Saimu'a.

2 LC5430, writ. state. by Nanai Pomare.

3 The Sa'otama'ita'i title of Sa Sila. Her exact name remains unknown.

4 Her father's name is disputed. In their writ. state. for LC5430, Tuita'alili Mailei and 'Asi Tupe claim it is Va'a but 'Asi Pauani and his party in LC5379, 'Asi Lavilavi in LC5605 and Nanai Pomare in LC5430 assert Sila.

5 Kramer/Verhaaren 1994:248 erroneously claim her as the daughter of Mata'a'afa Filsouunu'u.

6 The Sa'otama'ita'i title for Sa Tuimaseve. Her exact name remains unknown.
Figure 6.2a The four descent lines of Sualauvi

= 1 Meletatafu d.o.  
Tupelehake, Tonga

= 2 Amituana'i  
d.o. Sila,  
Falelatai

Pomare  
'Asi Gafata'itua  
Ane (f)

= 3 Saimu'a d.o. Tui Atua  
Mata'afa Tafagamanu,  
Amaile

= 4 Taeolotuma d.o. Tuimaseve  
Leiataua Lesa, Satupa'itea

Le'iato Lauititi  
Pa'upusi (f)

Tutogi (f)  
Fa'aoloi'i
Of the nine initial disputant parties in 1949, two represented all the
descendants with each pressing separate candidates. The Taito Tologata Paepae
and Tuiavii Sualauvi led party represented the two faletama of Fa'aoloii's\(^1\) on one
hand and Gafata'itua and Ane on the other. The second party, led by Nanai
Suavaga and S. Lupetalia'ami, consisted of the two faletama of Pomare on one
hand, and Le'iato Lautiti and Pa'upusi on the other. The Tologata-led party
-sponsored Suatipatipa II and the Nanai Suavaga-led party quietly sponsored Moli.
The two parties were unanimous in their submissions that right remained with
Sualauvi and thus, by extension with his descendants. A contrasting picture was
provided by the descendants of Fa'aoloii's sister, Tutogi who was survived by her
son, 'Asi Alipia, the powerful orator chief of Leulumoega. In 1949, 'Asi Alipia had
initially supported the candidature of his cousin, Suatipatipa II\(^2\) but was
persuaded by Sa Fasavalu and the descendants of Mealeaga to stand as their
candidate. In sponsoring 'Asi Alipia, a descendant of Sualauvi, their claim on the
right of appointment was based on his descent from Suatipatipa I.

By 1977, the two sides had split with one revising their basis for the right of
appointment. The Sa Fasavalu party supported my candidacy and the surviving
descendants of Mealeaga supported 'A'eau Peniamina. But this time, the source of
Sa Fasavalu's right was revised to Tuita'alili, three generations before Suatipatipa
I while Mealeaga's descendants were consistent with their 1949 baseline ancestor
of Suatipatipa I. While the claims were ignored by the court in favour of Sualauvi,
the shifting alliances demonstrated the flexibility of custom and usage.

In the cases discussed above, of Sa Fasavalu and the descendants of
Mealeaga, what were their future options? Sa Fasavalu did not come out of the
1949 decision empty-handed. Their role as the intermediary between 'Aiga
Taua'ana and Matanofo, reflecting their ancestral associations, was reaffirmed.
Their residential and agricultural lands in Falevai remain relatively unaffected by

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\(^1\) Fa'aoloii's sister Tutogi was represented by her son 'Asi Alipia Tusitala. His nomination was
sponsored by Sa Fasavalu and descendants of Mealeaga.

\(^2\) LC1052, supplementary writ. state. by Taito Tologata Paepae, 'Asi Lavilavi I, 'Asi Pauani, Lilomaiava
M, Tuiavii Sualauvi, n.d.
the bickering among the descendants in Matanofo. As for the three families of Leavaise'eta Sa, Leavaise'eta Fa'aui and Toleafoa Sa who represented the descendants of Mealeaga, the options were not good. One option was to remain on the land with token participation in family activities. Another was to move out and live with other relatives. Leavaise'eta Fa'aui and his family chose to persevere in Matanofo. Toleafoa Sa, who had married into the family, through his wife Aufono stood to inherit sizeable land as *suli fai* of So'afo.¹ But he and Leavaise'eta Sa and their families chose to move out, leaving their houses and their cultivated land which they could not sell, but pass on to immediate descendants remaining behind. Toleafoa Sa left for Tufutafoe in Savai'i and Leavaise'eta Sa and his family purchased land in the Apia suburb of Vini Fou which is organised along village lines replete with *fa'alapega* and *lotu.*² But though they had physically removed themselves from Matanofo, they were still tethered to Matanofo by the social structure of their new homes. In order to be respected as elders of their new home, their Matanofo titles allowed participation in village and lotu gatherings. As for their candidate 'Asi Alipia, his options were better. He had tenure of the 'Asi title and was a descendant of Sualauvi through his mother Tutogi. He also held the Alipia title, the *primus inter pares* of the *faleiva*, Leulumoega's elite band of orators. As the leading orator-chief, he was the prime mover in any ceremonies concerning the conferral of the Tui A'ana title. His potential role in any future political adventure was obviously a moot point and during the banishment in 1948 when the descendants challenged Seiuli Le Tagaloatele Fitisemanu's appointment, 'Aiga Taua'ana weighed their words carefully in banishing Alipia who could have

¹ His son, Toleafoa So'afo was a candidate in 1977. Pers. comm. September 1992. He stated that the original So'afo and elder brother of Sualauvi had left no descendants and other descendants of Sualauvi assumed a position of *suli-fai* or adopted descendants of So'afo. A concept recognised in Samoan custom but in this particular case lapsed through absenteeism. The Toleafoa title held by his father Sa, was apparently the highest title pertaining to Tufutafoe. Its honorifics, *o le Tui A'ana aue au malaga ia Leulumoega* (*O le Tusi Fa'alapega 1915:26*) - a reference to its status as a Tui A'ana in its own right. It had been accepted by Matanofo since the title also existed there and derived from a common ancestor and founder of the 'Aiga Taulagi.

² Another of Mealeaga's descendant, Toleafoa Tipa'u and his family moved out in mid-1960s.
easily appropriated the Tui A'ana title for himself were he elected. Alipia returned to his power base in Leulumoega and rued over what might have been.

Having dealt with the contesting interpretations of rights as played out in 1949, how differently was it interpreted in 1977? First I shall discuss it in relation to Sualauvi's four faletama followed by Fa'aoloi'i's six faletama.

6.3. Feuding among the faletama of Sualauvi

In 1977, the number of disputant parties totalled seventeen of which ten represented the four faletama of Sualauvi. Of the ten, one party represented the faletama of Pomare, another party represented the two faletama of Gafata'itua and his sister Ane on one hand and Le'iato Lautiti and Pa'upusi on the other. Another party consisted of descendants of the faletama of Fa'aoloi'i and Tutogi. The remaining seven consisted of parties formed by individual descendants of Fa'aoloi'i. The Taito Tologata-led party in 1949 had spawned directly or indirectly nine parties in 1977 while another was led by Nanai Suavaga for the faletama of Pomare. In 1949, these two parties represented the collective descendants of Sualauvi and pursued their claim for the right to be appointed based on Sualauvi's blood descent, London Missionary Society patronage and tenure of the tafa'ifa titles. In 1949, Sualauvi was their baseline ancestor for right. But in 1977, they suddenly realised that this claim was no longer sufficient. They had all been proclaiming Sualauvi's achievements from the nineteenth century without contributing anything to further their own individual ambitions. While they had secured the right as descendants of Sualauvi, the questions of which descendants were favoured for selection and by what criteria remained ambiguous. In the absence of specific guidelines, the descendants had submitted new criteria which they considered, or had hoped the court would consider, to be the most appropriate for a titleholder. In other words, in the absence of clear and current official guidelines they made them up based on the past experience. The process of arguing for one's own interest had not changed except for engaging the most effective tools. Skill in old club warfare was no longer appropriate but "strong-arm"
tactics such as those described above, are still used in the villages, though not usually admitted in the court.\(^1\) The new criteria put forward by this faction included the principle of 'first among equals' as *suli tofa* or *suli filifilia*, marshalling the combined forces to boost their claim for prior right. The modern credentials and tools include relevant aspects of custom, Christian morality and Western education.

One of the first in 1977 to claim prior rights was the party representing the faletama of Pomare. Their claim was based on the ground that Pomare was the *ali'i o 'aiga* or first born. They stated:

\[
O \text{ le mea moni, ana maliu Sualauvi a'o soifua Pomare, e le taumate o Pomare e tatau ona nofo aua o ia o le ali'i o aiga.}
\]

The fact was that if Pomare didn't (sic) die before his father, he could have succeeded Sualauvi because he was the *ali'i o 'aiga.*\(^2\)

Another claim advanced on behalf of the new criteria was that by the faletama of Gafata'itua and Ane on the grounds of *tautua* or rendering of service and the high number of matai titles on their side of the family. They asserted;

For the past three or four generations, our ancestors have been rendering service to ... the title and we are still serving to this day. From the time of Sualauvi, three successors had come out of Fa'aoloi'i ... but none from this side of the family. We feel the strength of (our side) of the family ... lies in the fact that there are eight matais from our side rendering the tautua to the title ....\(^3\)

In addition, they added a new dimension by suggesting that succession be rotated amongst all four faletama.\(^4\) The suggestion was supported by other faletama including the court. Despite the court's endorsement of the principle of rotation, it continued to appoint from the existing line.

\[^{1}\text{Pers. comm. Ron Crocombe, September 1996.}\]

\[^{2}\text{LC5430. Writ. state. by Nanai Pomare, Lupetalia'ami Taliaoa, Fagalilo Osa and Levalasi Mafulele. n.d. p. 1.}\]

\[^{3}\text{LC5379, writ. state. by 'Asi Pauani and his party. n.d.}\]

\[^{4}\text{LC5379, 29 August 1975 by 'Asi Pauani.}\]
The faletama of Le'iato Lauititi\(^1\) and Pa'upusi had maintained a silent but watchful eye on the claims. In 1949, they had acknowledged that their tautua was to Amaile and Falefa and to make the running for the Mata'aafa title, a view reaffirmed in 1977.\(^2\) Their representative in 1977, Lealaisalanoa Aukusitino confirmed their support for the principle of rotation.\(^3\) The three criteria that evolved from the pursuit of prior rights by the representatives of the four faletama reflected a combination of relevant custom, church and Western influence; two based on selective elements of custom and the third reflecting democratic tendencies.\(^4\)

Among all of Sualauvi's descendants living in Matanofo, by far the largest number comprise the descendants of Fa'aolo'o'i and Tutogi. The chaos that appeared among Fa'aolo'o'i's six faletama contrasted with the unity among Tutogi's three faletama. In 1949, 'Asi Alipia Tusitala enjoyed the support of his half-sisters, Kalala and Tala'ole and this solidarity was reproduced in 1977 for my own candidacy. How did these descendants justify prior rights on behalf of their candidates in 1977? First a a brief explanation on the faletama of Tutogi and Fa'aolo'o'i.

6.4. The faletama of Tutogi and Fa'aolo'o'i Si'ua'ana I

In order of birth, Tutogi was the first born and outranked her brother as being the first born of Sualauvi's last marriage, a fact related by the 'Aiga Taua'ana in their submission in 1977. She was made a taupou by Malietoa

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\(^1\) Known as Le'iato in the writ. state. by descendants of Pomare, LC1052, 7 June 1949.

\(^2\) See writ. state. by 'Asi Lavilavi in LC5605. 'You Lauititi and Pa'upusi, you return to your family because you come from a very high family. Perhaps in the future someone very well known will come from your families.'

\(^3\) See LC5379, writ. state. by Lealaisalanoa Aukusitino as descendant of Pa'upusi.

\(^4\) This principle of rotation has also been adopted by some of the high titles in Rarotonga, which according to Crocombe, is an effective mechanism for minimising conflicts. Pers. comm. September 1996.
Talavou and given the maiden title of Tafaefa, a name in current usage by her
descendants. During her married life, she contracted three usuga or marriages,
all to significant title-holders, carefully chosen as appropriate to her own rank.
Family traditions relate that she was particularly fastidious over her partner's
rank as her main concern appeared to be enhancing her status and family line.
Consequently, the men she married not only held high ali'i titles but also held
orator titles of the highest order in major districts. Her first two marriages were to
holders of the Alipia title, the leading orator-chief of A'ana, and last to Lei'ataua-
Lesa, the leading orator-chief of Manono. A brief summary of her marriages is
given below.

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1 LCS605, Writ. state. by Le Tagaloa P. Aal'ima, Papafi Misipati and 'Aiono Fanaafi.
Figure 6.3 The three faletama of Tutogi

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To Tualau Alipia Fa'ase'e, the offspring was Kalala.¹</td>
<td></td>
</tr>
<tr>
<td>1.1 Muagututia Situpea of Saleologa married Kalala and the children were 'Asi Tupe and his brother Tunupopo. These two men lived and died in Matanofo. Tunupopo died childless but 'Asi Tupe married Lili Crichton of Sataua and is survived by their children and grand-children.</td>
<td></td>
</tr>
<tr>
<td>2. To Alipia Fa'aso'o, the son was 'Asi Alipia Tusitala, a candidate in 1949.</td>
<td></td>
</tr>
<tr>
<td>2.1 'Asi Alipia Tusitala married Akesa, daughter of Tuala in Falese'ela, their children were Tuita'alili Tuala Mailei and his brother Taito Tusitala. Tuita'alili married Tuaupu, a daughter of Anilau of Leulumoega. He is buried in Matanofo and is survived by his wife and children. Taito Tusitala died in Leulumoega.</td>
<td></td>
</tr>
<tr>
<td>3. To Lei'ataua Lesa of Manono, the daughter was Tala'ole.</td>
<td></td>
</tr>
<tr>
<td>3.1 Fuataga Fatu of Lalomanu, Aleipata married Tala'ole, and the children were the ladies Tafiafa and Vaotupu, the twins Pa'upe'a and Pa'upusi, Isu and one brother 'Asi Ta'isi.²</td>
<td></td>
</tr>
</tbody>
</table>

¹ Pers. comm. 'Asi Tupe, Matanofo.

² I am grateful to Tafiafa and her husband Su'emalo Lautusi for these details. Interviewed on 12 July 1985.
Figure 6.3a The descent lines of Tutogi

= 1 Tuala Alipia Fa'ase'e, Leulumoega

Kalala (f) = Muagututi'a Situpa, Saleologa

'Asi Tupe

Tunupopo

= 2 Alipia Fa'aso'o, Leulumoega

'Asi Alipia Tusitala = Akesa d.o. Tuala, Falese'ela

Tuita'alili Mailei

Taito Tusitala

Et al

= 3 Lei'ataua Lesa of Manono

Tafaefa Tala'ole (f) = Fuataga Fatu of Lalomanu

Tafaefa (f)

Vaotupu (f)

'Asi Ta'isi
Her meticulous choice of marriage partners was not lost on her three children especially on her two daughters. Kalala married Muagututi'a, the leading ali'i of Salelologa in Savai'i and Tala'ole married Fuataga, one of two paramount orator-chief of Aleipata in the Atua district.¹ Of her three faletama, two were living in Matanofo and the other in Lalomanu. In 1977, Tutogi's three faletama remained united and firmly backed my candidacy. But no such unity was forthcoming from her brother's six faletama, scattered in their mothers' villages and in a state of disarray. The following figure outlines his eight marital unions of which six were productive.

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¹ The other is Tafua. Both are proclaimed as O le Tui Atua fa'anofonofo, of which two meanings are vigorously contested. One assert they are Tui Atua titleholders and the other refer to their principal role in the installation of the Tui Atua title. They also claim to have the pule to confer the Tui Atua title. Through Tutogi's marriage to Fuataga, Sualauvi eventually acquired the Tui Atua title rather than his marriage into the Mata'afa family.
Figure 6.4 The six faletama of Fa'aolo'i Si'ua'ana I

1. To Lauao, a daughter of Taumua of Si'umu, a son Liuli (whose son, also called Liuli II, was a patele/fesoasoini in Gautavai village in the mid-1970s and candidate in 1977).

2. To a daughter of Afoa in Lotofaga, Safata, a son Fa'agu (titled 'Asi of Matanofo).

3. To Luisa, daughter of Papali'i Neva of Vaiga, Faleta, a son Sualauvi (titled Tuiavi'i at Faleolo and Satuimalufilufi).

4. To Fa'api'o, daughter of 'Asi Vatau of Moata'a, there were two sons, Si'ua'ana II (who succeeded after Fa'aoloi'i to the title for 9 months until his death in 1938) and Si'utava'e, an unsuccessful candidate for the LMS Malua Theological College.

5. To Elenoa, a daughter of the tulafale Tologata of Pata, Falelata, a son Tologata Paepae, who also held the Taito title of Matanofo.

6. To Fa'amaramasana, a taupou and daughter of Lemalu or Mamea in Lefaga but without children.

7. To Tuialuga, daughter of Tagaloa of Ga'utavai, produced three children. The elder was a daughter Tuialuga (f) who married Faumuina Paelili of Gaigafo-ole-Vao, Lefaga, Suatipatia II (who succeeded to the title after Si'ua'ana by a decision of the Land and Titles Court on 10 June 1949), and Aolele (f), who married Su'a Tofa Alo'ese of Saipipi, Savai'i.

8. To Pa'isami, a daughter of Utumapu of Safotu village in Savai'i who died without children. She had lived in Levi, Sale'imoa with the Leiata'atimu family until her death in the mid-1980's.

1 LC5420, March 1977. Writ. state. of Liuli Setefano. Others say she is a daughter of 'Ale from Tafoaloa.

2 See also LC6667, January 1980. p. 2. Writ. state. to by Asi 'Lavilavi, Lilomaia Vao and Taito Tanielu. 'Asi Fa'agu married Fono of the Maposua family in Gautavai.

3 Gafa of Tuita'alili, LC1052. Luisa was of the Wulf family.

4 According to the gafa in the LC1052 by Tuita'alili, the village is Matafaga Tele.

Figure 6.4a The descent lines of Fa'aoloi'i Si'ua'ana I

1. Lauao, d.o. Taumua, Siumu
   - Liuliu
   - 'Asi Fa'agu
   - Tuiav'i Sualauvi

2. ? d.o. Afoa, Safata

3. Luisa d.o. Papali'i Neva, Vaigaga

4. Fa'api'o d.o. 'Asi Sagaga
   - Vatau, Moata'a
   - Si'ua'ana II
   - Si'utava'e

5. Elenoa d.o. Tologata, Falelatai
   - Taito Tologata Paepae
   - Nil

6. Fa'amasamasa, d.o. Le Mamea, Lefaga

7. Tuailuga d.o. Tagaloa, Ga'utavai
   - Tuailuga (f) = Suatipatipa II
   - Faumuina Pa'ueli, = Ta'alefili, d.o.
   - Gaigaifo-ole-Vao

8. Pa'isami d.o. Utumapu, Safotu, Savai'i
   - Aolele (f) = Su'a Tofa
   - Alo'ese, Saipipi
   - So'oa'emalelagi
Out of Fa'aoloi'i's nine children from six faletama, five were alive in 1949 and the four deceased were survived by their respective children. While unanimity remained an ideal, the majority of the faletama including four of Fa'aoloi'i's children, supported the candidacy of Suatipatipa II, the youngest son of Fa'aoloi'i. Of the four deceased brothers, the eldest Liului was not represented in 1949. The second eldest brother, 'Asi Fa'agu had also died but was represented by his son and successor 'Asi Lavilavi I who had taken a leading role in his uncle's party. The descendants of the remaining faletama from the Moata'a lady, namely Si'ua'ana II and Si'utava'e, were divided in 1949. Representing Si'ua'ana II was his daughter 'Aufono and son-in-law Toleafoa Sa, who had supported 'Asi Alipia Tusitala, while Si'utava'e, who was represented by his daughters So'onalote and Felotea'i threw in their lot with Suatipatipa's party.¹

6.5. Recycling and reinventing the old and the new

In terms of re-cycling, adapting and inventing criteria as the basis for prior rights, 1949 was a tame year in contrast to 1977. A total of eight candidates instead of two appeared in 1977, all descendants of Fa'aoloi'i's six faletama and none from Tutogi. In distinguishing prior rights, individual parties had to come up with new arguments and this meant a re-interpretation of custom.

Like the claims advanced by the faletama of Sualauvi, the criteria of tautua was an obvious one and while no one failed to enlist it in servicing their claim, some went to extremes and, at times, embarrassing lengths to detail the extent of their commitments. Another was the right of the ali'i matua. Four of eight candidates cited this right, they were grandsons of Fa'aoloi'i. In doing so, they were switching their ancestral markers. Liului Setefano claimed he was the ali'i matua because his father was the eldest of Fa'oloi'i's children.² Seagai Faumuina

¹ LCS430, writ. state. by Felotea'i Eti et al. p. 3. She was present at the 1949 Court Case.

claimed he was the ali'i matua because his mother was the eldest of Fa'aoloi'i's three children from a family negotiated and church sanctioned marriage.\(^1\) Similarly, two other grand-sons of Fa'aoloi'i, Eli and Anesi, each claimed it as children of Suatipatipa.\(^2\)

In addition to ali'i matua, some candidates invoked the superior rank of their mother. Of the eight women in Fa'aoloi'i's marital life, three were arranged through \textit{faletautu} or family negotiations. His last faletautu to Pa'isami, the daughter of Utumapu of Safotu produced no children. The other two faletautu were to women who held taupou titles. Fa'api'o, the daughter of 'Asi Vatau of Moata'a held the taupou title of Kasalautele and produced two sons, Si'ua'ana II and Si'utava'e. The same point was not lost on their female descendants. Aufono as the daughter of Si'ua'ana II and Felotea'i as the daughter of Si'utava'e invoked these elements on behalf of their sons So'afa and V'a'aleto'a respectively.\(^3\) The second faletautu was to Tuialula, the daughter of Tagaloa of Ga'utavai in Savai'i whose taupou title of Tapusalaia was from her mother's village in Si'umu. This union produced three children, Tuialula II, Suatipatipa II and Aolele. Tuialula's son Seagai Faumuina milked this criterion to the marrow with his submission detailing at lengths his contribution over the years.\(^4\)

The criterion of church marriage was invented in the nineteenth century by the missions before any form of constitutional government took hold. It became a powerful moral criterion in concert with elements of custom. According to family traditions, Fa'aoloi'i's three family negotiated marriages were later sanctioned by the (LMS) church and thus annihilated descendants from other unions in the

\(^1\) LC5430. Writ. state. by Seagai Faumuina et. al. 7 March 1977, p. 5. Tuialula's first born was not Seagai but sister Aoto'a.


\(^3\) LC5430. Writ. state. by Aufono Tolefoa et. al., 6 March 1977, p. 2 and Felotea'i Si'utava'e Eti et. al. Aufono refers to Siua'ana II as the \textit{tama o le fa'autugataga} while refer Felotea'i refers to both as \textit{tama o le fa'afua'ata'aga}.

\(^4\) LC5430. Writ. state. by Seagai Faumuina et. al. 7 March 1977, p. 1. The reference used is \textit{faletautu}, marriages negotiated through chiefly parties.
contest for succession. The technique was applied with deadly effect against one of my half-brothers in 1977.

The following table compares the number of candidates from the six faletama of Fa'aoloi'i and the grounds they cited as customary in pressing their claims. The ambiguous nature of custom as a legitimising factor will be discussed in chapter 7.
Table 6.1 Comparison of 1949 and 1977 claims by faletama of Fa'aoloi'i Si'ua'ana I

<table>
<thead>
<tr>
<th>Faletama - Mothers</th>
<th>Children</th>
<th>1949 Candidate</th>
<th>Basis of claim</th>
<th>1977 Candidate</th>
<th>Basis of claim</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lauao, daughter of Taumu of Si'umu</td>
<td>1. Liuliu, deceased</td>
<td>None</td>
<td>Not represented</td>
<td>Liuliu Setefano, son of Liuliu and grandson of Fa'aoloi'i</td>
<td>Ali'o'aiga or first born</td>
</tr>
<tr>
<td>2. (?) daughter of Afa. Lotofaga in Safata</td>
<td>2. 'Asi Fa'agau, deceased. Rep by son 'Asi Lavilavi I</td>
<td>Suatipatia II. son of Fa'aoloi'i</td>
<td>See 8 below</td>
<td>'Asi Lavilavi I. son of 'Asi Fa'agau and grandson of Fa'aoloi'i</td>
<td>Ali'i matua or most senior family matai. Tautua to 3 titleholders. Took part in 1949 case. Permanent resident of Matauofo.</td>
</tr>
<tr>
<td>3. Faapiru. taupou title Kamasatele. daughter of 'Asi Vatua of Noota'a</td>
<td>3. Si'ua'ana II. deceased. Rep. by daughter, Aupano and son-in-law Telefoa Sa</td>
<td>Suatipatia II. son of Tufaga</td>
<td>Versed in customs and traditions. Suitable age. clean police record. Church deacon. Can access Tui A'ana title.</td>
<td>So'afa Telefoa. Son of Aupano, grand-son of Tuamalealiiifano Si'ua'ana II and great-grandson of Fa'aoloi'i.</td>
<td>Grandfather held Tuamalealiiifano title and was inaao o le fa'amotuga. He had rendered tautua. versed in customs traditions. clean police record. good education. wife of chiefly family.</td>
</tr>
<tr>
<td>In 1977. So'omalote and Feloteva threw their lot in with 'Asi Lavilavi but Feloteva later changed her mind and pressed a claim for her son Va'ate'oa Eti</td>
<td></td>
<td></td>
<td></td>
<td>So'omalote and her son Fa'a'ua supported 'Asi Lavilavi I.</td>
<td>Supported 'Asi Lavilavi I above.</td>
</tr>
<tr>
<td>1. Eisea. daughter of Tokota. Pata</td>
<td>5. Tatu Tokota Papepe</td>
<td>Suatipatia II</td>
<td>See 8 below.</td>
<td>Descendants supported Mokeni. See 8 below.</td>
<td>See 8 below</td>
</tr>
<tr>
<td>5. Luisa. daughter of Papah's Neva of Vaiga</td>
<td>6. Tutan'i Sualauvi</td>
<td>Suatipatia II</td>
<td>See 8 below.</td>
<td>Descendants supported 'Asi Lavilavi I. See 2 above.</td>
<td>See 2 above</td>
</tr>
<tr>
<td>Faletama - Mothers</td>
<td>Children</td>
<td>1949 Candidate</td>
<td>Basis of claim</td>
<td>1977 Candidate</td>
<td>Basis of claim</td>
</tr>
<tr>
<td>--------------------</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Eli, son from Va'ava, daughter of Va'ausua, Faleata of Mafuapu,</td>
<td>Ali's a'a'aga Tuafua Sunday school teacher, youth leader, deputy pastor, education in W Samoa and NZ, loans officer at WSDB, knowledge of customs and traditions, physically fit</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Makeni, son from Ta'afofe, daughter of Sio'semaie, Emenes of Leulumoe,</td>
<td>Eldest from his father's church sanctioned marriage, Matangi born, high birth on both sides, knowledge of customs and traditions, a university degree, strong village support</td>
</tr>
<tr>
<td>9. Auale</td>
<td>Sustipatia II, her brother</td>
<td>See 8 above.</td>
<td>Makeni, Sustipatia II's son</td>
<td>See 8 above</td>
<td></td>
</tr>
</tbody>
</table>
6.6. The contest over the right to confer the Tui A'ana title

Throughout Samoa's history, the contest over the right to confer the Tui A'ana title has been a controversial one engaging the interests of many parties. The contest has see-sawed from the 'Aiga maximal lineages to Tumua and back again to 'Aiga. During the colonial period, the contest for the right receded into the background. But during the 1949 and 1977 court cases, countless and unsolicited references were made by litigants to an apparent association between the Tuimaleali'iifano and Tui A'ana titles. Many claimed that the Tuimaleali'iifano titleholder also held by default the Tui A'ana title. (Similar claims have also been made by members of the Tupua Tamasese family).

In the post-colonial period, deliberations over such titles have not been without controversy and understandably when they appear before the court, they are discussed with restraint, often with the court unable to make clear decisions. According to the practices of the eighteenth and nineteenth centuries, Tumua's role in conferring the Tui A'ana title seemed indisputable. But as disputants revise their traditions for personal interests, the right of Tumua has been collapsed and made ambiguous. From the written statements, the following table (Table 6.2) summarises the views expressed by different litigants as to who they think is the legitimate holder of the right to confer the Tui A'ana title. The divergence of opinion reflects the continuing uncertainty over the association between the tama'aiga and papa titles and also over which title is the right one to be bestowed by the Va'a-nofoa-tolu, if indeed they were to bestow it all. The history of the title shows it has always been either Leulumoega or a maximal lineage such as (but not exclusively) those of the Va'a-nofoa-tolu. In the 1949 hearings, of the eight parties that submitted written statements, three were non-committal on the right to confer the Tui A'ana title. Of the remaining five, four (including 'Aiga Taua'ana) asserts Leulumoega and one the Va'a-nofoa-tolu
Table 6.2 Comparison of 1949 and 1977 contests over the right of bestowing the Tui A’ana title

<table>
<thead>
<tr>
<th>1949 LCI052</th>
<th>1977 LC5605 (also LC5430 and LC5379)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Disputant parties</strong></td>
<td><strong>Right</strong></td>
</tr>
<tr>
<td>1. Taito Togata Paepae, Tuiavii Suaalvi, Lolomaiva Toto’a, 'Asi Lavave I, 'Asi Pauami, Tanoaena Tauti (desc. Suaalvi), Patisami (see Utumapu) Tuimalealifano Fa’alo’o’i Siu’ana.</td>
<td>Leulumoea</td>
</tr>
<tr>
<td>2. 'Asi Pauami, Manu'one, Lolomaiva Toto’a, Tofafoa Fa’asu, Taulamogo Isumu (desc. Ga’ataritua &amp; Anei), Lealaisalai’s Aukuefimo (desc. Pa’upus)</td>
<td>Leulumoea</td>
</tr>
<tr>
<td>3. Tui Tafea, Tutufia Mailei, Ta’alefa &amp; Lautusi Sua’emalo (desc. of Tutou), Aotea Sua Alo’e’ese &amp; Togata Fa’alo’i (desc. of Tuimalealifano Fa’alo’i Siu’ana l, Papali’i Puaumau, and Ta’alefa (see Sua’emalomoe Emeresone) Tuimalealifano Sua’emalo’i A’ana.</td>
<td>Leulumoea</td>
</tr>
<tr>
<td>4. Seagau Faumuina, Aota’a Malealea and Vaa’au Tuimalealifano.</td>
<td>Leulumoea</td>
</tr>
<tr>
<td>6. Si’u’ana, Aupono Ta’avao Tuimalealifano Siu’ana II, So’a’a Tofafoa Su and Fualaupou.</td>
<td>No written statement in LC5605. Leulumoea is presumed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1949 LCI052</th>
<th>1977 LC5605 (also LC5430 and LC5379)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. 'Aiga Tau’a’ana rep. by Nanai Utepo, Mua Fatapua Sila Solia, Ta’efi Lelava, Ta’omoa, Fa’alava’au Nao, Fa’alava’au Ta’ipu, Tafi.</td>
<td>Leulumoea</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>1949 LC1052</td>
<td>1977 LC5605 (also LC5439 and LC5379)</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td><strong>Disputant parties</strong></td>
<td><strong>Right</strong></td>
</tr>
<tr>
<td>3. Leavase’eta Sa and Leavase’eta Faa’au (desc. Meakeaga), ‘Asi Alipia Tuisita (desc. Tuto), Toafoa Sa, Aita.</td>
<td>Vaa-nofo-tohu</td>
</tr>
</tbody>
</table>

Not represented in 1949


Not represented in 1949

16. Toafoa Tiau, Fili Falano, Faganalo (?), Sia Suhoto, Mariana Siiu (desc of Solomonon Tonumava). | Leulumoega | |

Not represented in 1949

17. ‘Aga Taufalei rep. by Afamasaga Mau II. Lealaisalano Kasa, Afamasaga Ioane, Toafoa Fiai, Toafoa Akuao, Toafoa Nako, Unasa Maua, Afamasaga Fa’asuga | Vaa-nofo-tohu |
In the LC5605 proceedings of 1977, of the sixteen parties represented, five parties, all descending from Sualauvi, did not commit themselves to any position on the right of conferral because they did not submit written statements. However, in their oral submissions, all five asserted Leulumoea as holding the pule or authority. Of the remaining eleven parties that had submitted written submissions, seven asserted Leulumoea and four the Va'a-nofoa-tolu. The court made no decision on the association between the two titles. It chose ambiguity largely because it had no specific brief on the matter. This ambiguity reflects the inconclusive logic and nature of Samoan custom and politics. As shall be taken up in chapter 9, an attempt to force the court to decide on the issue surfaced in 1966 and despite the opportunity to issue a definitive and clear statement on the matter, the court opted for ambiguity.

6.7. Baseline ancestors and claim to prior rights

When the court decided in 1949 in favour of all four faletama of Sualauvi to succeed, certainty seemed imminent. But it was short lived. By 1977, they were caught up with the question of claim to prior rights. The faletama of Tutogi and Fa'a’oloi’i argued for prior right while the three other faletama re-affirmed the 1949 decision asserting that all faletama were eligible and argued for the rotation among all and not just one faletama. On this issue, the field of contest was narrowed to two faletama; Gafataitua and his sister Ane on one side and Tutogi and Fa'a’oloi’i on the other. Both were on level playing fields on the criterion of permanent residents in Matanoto and so another criterion had to be invoked in order to re-establish prior rights. The following discussion shows how it was done.

The faletama of Tutogi and Fa'a’oloi’i raised two reasons for maintaining the succession in their line on the basis of prior rights. The more compelling reason was continuous succession. Fa'a’oloi’i Si'ua’ana I was followed by his two sons, Si’ua’ana II and Suatipatipa II, but none from the other three faletama. The second reason proved more involved but in accord with the principle of inheritance. The two faletama claimed that in terms of the residence criterion, they, like the
descendants of Gafataituia and Ane, were permanently domiciled descendants in Matanofo. However, unlike the descendants of Gafataituia and Ane, they were of a higher rank in terms of descent because they were descended from an exogamous union while Gafataituia and Ane were descended from an endogamous union (a local woman of the Falefitu), and thus violated custom. They had argued that Falelatai traditions are in agreement that inter-marriage between ruler and ruled was tapu and amounted to incest with consequent discrimination of favouring one set of family members against another. When it occurred, as it often did, the issue was most likely concealed or strangled at birth. Such a belief is manifest today in the relationship between the faife'au and his congregation. Once violated, the covenant between faife'au and congregation is lifted and offending parties are ostracised or banished. Thus, the union between Sualauvi and the local woman (Amituana'i, daughter of Sila in the honorifics) constituted one such violation. The offspring of this endogenous union carry into the future the prejudices of a by-gone era. The prejudicial attitude is remembered in the given name of Gafata'itua meaning the genealogy pulled down or cast out (the name of the daughter Ane was spared this humiliation). However, the precedent for endogenous unions was not set by Sualauvi but by his father, Suatipatipa I and no doubt in earlier unions among other titleholders. He had named his first Mealeaga, a foul or a bad smell or omen. Consequently, his station in life and by implication that of his descendants was to tautua the nofo or reign of his younger brother Sualauvi and his descendants. These attitudes and practices were exploited in full by the faletama of Tutogi and Fa'aoloi'i whenever Mealeaga and Gafata'itua's descendants agitated for succession. But what about Sualauvi's other two faletama, Pomare on one hand and Lauititi and his sister Pa'upusi on the other?

Pomare's descendants were disadvantaged in that no one lives permanently in Matanofo. His son Mafulele was appointed to the paramount ali'i title of Faolotoi in Lepa in the eastern-most corner of Atua district. But despite this he did not enjoy the appointment and returned home to his mother's pitonu'u of Pata, Falelatai. To some extent, the stigma affecting the descendants of Mealeaga and Gafata'itua applies to Pomare and subsequently to his descendants. His marriage to a daughter of Taefu was also an endogenous one. Given this view amongst the
high titles, the chances of succession seemed remote. His Tongan mother was
reputed to have been well connected but in Tonga and not in Samoa, and the
memory of Tongans in Samoa was not a great asset. As for the faletama of Le'iato
Lauititi and Pa'upusi, all accounts agree that Sualauvi had appointed them to
their mother's village and to succeed to the Mata'a'afa. A decision which their
descendants have kept to the present day.

While the faletama of Tutogi and Fa'aolo'i'i may have succeeded in retaining
the appointment through a claim of prior right, the principle of rotation advanced
by the other three faletama was likely to re-surface. Only this time, the pressure
for rotation would radiate from Tutogi and Fa'aolo'i'i' simply out of demographic
considerations.

What is relevant to the discussion on the contradictions over right is that
despite the court ruling against the descendants of Mealeaga, the dissenting
descendants did not budge. As long as they lived, their version of history
continued. For one powerful reason; to see it otherwise is to to'ilalo or to accept
subservience and another authority. While the next option is to move out, the
social hierarchy tethered one to land, one's principal asset, and both were in turn
tied to family title. Land and aganu'u could not be divorced if one chose to migrate
permanently. Villagers could not sell their share of land and property and start
elsewhere with the proceeds. Those who left the village had to start elsewhere
from scratch.

When the court re-configured baseline ancestors under pressure from
individual claims, those whose descent were not linked to the favoured ancestor
were marginalised. The descendants of Sualauvi's two brothers So'aفا and
Fagugata have long gone from Matanofo. So'aفا's rights were kept alive by his
adopted descendants, 'Aufono and her children, but they too cleared out soon after
the court decision in 1977. So too have all but one of Mealeaga's descendants.
When Suatipatipa II was appointed in 1949 he had to ask relatives from other
parts of the country to move in to work family lands which had become idle from
the exodus following his appointment. The incoming families included Tuialuga
and her children Aoto'a and Fa'alele Faumuina of Lefaga, Tiumalu'aii Tafua
Matagi and Tulua from Si'ufaga; 'old' Petelo, Tanoa'i Talipope and Luse, Iole
Fa'aulia-Pine and Sosoatu from Le'auva'a; Fa'aoloi'i Tologata and Ioana Kamilo of Pata, Nanai Taulia and Sa'ilau, Tilafaiga, Saunoa, So'afa Toleafoa and Tusipepa from Tufutafoe, Aufono and Situi. Others included, Fa'aiua Si'uta've and Ioane Eti from Nofoali'i and Lomi Pouli from Mulifanua. These people supplemented Suatipatipa's in-laws from Leulumoega, Talapelo and Gaulua, and their children To'oto'o and Fetaia'i. In addition to Suatipatipa's piggery these family workers produced copra, bananas, taro and tobacco for the local and markets in nearby American Samoa and New Zealand. A Co-operative store was opened in the 1950s and a cattle farm in mid-1960s When I returned for field-work in December 1994, none of the people above was seen nor any of the projects continued in Matanofo. The contest and aftermath of 1977 was merely a re-run of 1949.

The 1949 decision may have served the circumstances of 1949, but it has become woefully inadequate even for 1977. Should the court revise and update its ruling to reflect contemporary realities in terms of the remaining descendants and how? Assuming the court does revise its baseline ancestor from Sualauvi to Fa'aoloi'i, it can only be a short term measure as Fa'aoloi'i's descendants have multiplied and the same conflicts will haunt successive generations. The attrition rate from village lands can only increase. These conditions, prevailing throughout villages, fuel insecurity and frustration with ramifications on law and order.

All available evidence confirms that Samoans accept the court as the final arbiter of custom. Should the court countenance the kind of claims which marginalise descendants because of customary prejudices against endogamy? Or should custom continue to criminalise the descendants of endogamous unions because of the acts of their ancestors? If so, then should the institution continue to be called a court of law or an administrative tribunal which protects the interests of those favoured by custom? For example, is the right of the first born a realistic element in determining successors? Should alternate ancestral markers be used and how should they be determined? In cases of multiple family negotiated unions, on what grounds should one set of descendants be favoured over another? Should permanently domiciled right-holders be treated more favourably than absentee right-holders irrespective of rank and profession? What about the rights of female
descendants to succession? Should the interpretation of custom continue to preclude and criminalise women on the basis of gender? Should church marriages continue to be considered superior to non-church unions? If so, how does this affect other criteria? What other criteria should be considered for succession? I hope to examine some of these issues in the next chapter.
7. Custom and the Court: principles and practice

The previous chapter examined how litigants use custom and traditions to assert their rights to be appointed to family title(s). This chapter examines how some old and new elements of custom are used by the Land and Titles Court to determine legitimacy for appointment to family titles. These elements include descent, residence in the village, service to previous titleholder(s) and family, and personal suitability, generally in that order. Is the right of the first born a realistic element in determining successors? Should alternate ancestral markers be permitted and how should they be determined? In cases of family negotiated unions, on what grounds is one set of descendants favoured over another? How does the court deal with the customary prejudices against endogamous unions? Should permanently domiciled right-holders be treated more favourably than absentee right-holders irrespective of rank and profession? What about the rights of female over male descendants, and candidates of non-church unions? Such issues are used as examples in examining how the court determines legitimacy through its re-interpretation of custom and usage.

It is generally believed that in their deliberations, the court would deal with chiefly titles and customary land 'in accordance with ... the law relating to Samoan custom and usage'.¹ Before the Land and Titles Act of 1981² came into effect, the court was under no obligation to explain or disclose the basis of its decisions. In asking the court to make an appointment, Samoans were placing their customs and traditions at its disposal. The absence of a uniform and coherent body of documentary knowledge meant dependence on a Samoan Bench of judges and assessors, who bring to the court their own and not necessarily compatible experiences and background.

¹ Part IX, Land and Titles, S100, Article 103 of the 1962 Constitution of Western Samoa.

² Section 66, Land and Titles Act 1981. Every decision on a petition shall give the reasons of the Court, or the majority of its members, for the decision.
The Bench, while learned in the esoteric language of honorifics, genealogies and oratory, are not so in the rigours of modern systems of justice. The Bench is drawn from holders of senior titles, who are bilingual, possess a good command of local history, custom and tradition (most were former Members of Parliament and retired civil servants), and are expected to interpret these matters according to acceptable principles to Samoans at the time. But such principle understandings have not been drawn up nor agreed upon in any formal way by the court. Consequently, there was little way of knowing how much weight, if any, was given by the court to old and new elements (e.g. church marriage and morality and Western values) of custom, nor in the event of a conflict over custom, how that was to be resolved. There is little doubt that whatever the court does, custom is transformed. In the absence of a coherent and accessible body of documentary sources, how that transformation process takes form is done by comparing what the litigants interpret as custom and what the court does with it in practice. The particular issues are what elements are asserted by disputants, and what elements are accommodated, ignored and introduced by the court. How is dissension within the Bench handled?

The 1949 and 1977 cases were concerned with three main issues: the pule - authority of the title; defining the roles of the maximal lineages; and choosing a successor. The main issue to which this discussion is confined is the issue of succession. There were obvious limits regarding the extent to which it was possible to access the court records, one was the fact that both cases were held prior to 1981 when decisions were often cryptic and did not require detailed explanations. The task of accessing record of court deliberations conducted behind closed doors should be a clear cut matter. But it was not. This was partly because the regulations regarding access to family records were not clear but more importantly was the absence of definition on what precisely was custom. The statutory phrase aganu'u ma agaifanua - customs and usages remains undefined. The way in which the court interprets aganu'u ma agaifanua also remains undefined. Before

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1 Marsack 1961:4; Meleisea 1987b:187-188.
examining the extent of accommodation or rejection of the principle elements of
custom by the court, it is useful to background the events regarding the succession
against which such principles were invoked.

7.1. The principle elements of custom in 1949

Of the three candidates in 1949, two were matai, Seiuli Fitisemanu¹ and
'Asi Alipia Tusitala, and one taule'ale'a (non-titled), Suatipatipa II. At the time, all
were non-permanent residents of Matanofo. Fitisemanu's Seiuli title was from the
Malietoa family and he was living in Apia where he worked in the Police
Department as a Sergeant. Ten years earlier, he had unsuccessfully contested the
Malietoa title as a descendant of Malietoa Talavou. His nomination for the
Tuimaleali'iifano title was supported by the village lineage of 'Aiga Taua'ana and a
small party led by Tuiletufuga Papali'i Lafo of Apia. The main principle under
custom for their support was Seiuli's descent. Their case rested on two simple
assertions: that succession had been dominated by descendants of Leavaise'eta
and, the disagreement between the rival candidates 'Asi Alipia and Suatipatipa II.
'Peace and harmony,' so they claimed, 'would be restored by appointing a
descendant from 'Asi,' a brother of Leavaise'eta. But these claims quickly withered
on the principle of direct descent. When pressed by other litigants for precise
details of Seiuli's family background and descent, members of the 'Aiga Taua'ana
could not trace a direct link to a titleholder in recent history. Furthermore, a party
member, Taefu Lelava, contradicted their argument by asserting in court that the
original 'Asi had left no descendants in Samoa and Seiuli was instead descended
from 'Asi's sister, Fuata'ioutui who had no descendants living in Matanofo.² There
was further confusion when Taefu's point was taken up by Tuiletufuga Papali'i
Lafo. Tuiletufuga's written statement recorded Seiuli as a descendant of

¹ He later acquired another title, Le Tagaloatele.

² LC1052, proceedings. Taefu Lelava, witness for 'Aiga Taua'ana. Taefu was a descendant of Sualauvi.
Taefu's father Gafata'itua had held the 'Asi title of Matanofo and was thus privy to Matanofo traditions.
Tuita'ali'i's union to Leilua in Falealili. However, at the hearing, Tuiletufuga revised his statement by claiming Fuata'iotui.¹ But even this revised claim was shortlived when it was contested by the blind leader of Suatipatipa's party, Taito Tologata, who categorically rejected Seiuli's connection to Fuata'iotui. 'We', Taito asserted, 'say he is not.'² The court assessor H. J. Moors (Misi Moa) summarised the court's attitude.

Taua'ana had no right to make an appointment, ... it has been proven that 'Asi had no heirs.³

The implication of the court decision was clear. Even if Seiuli Fitise-manu was proven to be descended from Fuata'iotui, he was ineligible because of other factors such as a non-residence, no service and lacking support from the seat of the title inside Matanofo.

After Seiuli's dismissal, the field was narrowed to a show-down between two close relatives: a sister's son, 'Asi Alipia Tusitala, and a brother's son, Suatipatipa (brothers in Samoan and first cousins in Western terms). Of the two, 'Asi Alipia's case was the most compelling. He was firmly rooted in the principles of descent, mataiship, and church office. He was a goliath of a man with regal bearing and firmly established in the village polity. On descent, 'Asi Alipia's was high on both sides having inherited from his father the Alipia title of the elite orator village in Leulumoega where he lived. His father was a favourite of the German Governor Dr Solf from whom he acquired knowledge of colonial government. 'Asi Alipia was considered an authority on customs and traditions, an ideal criterion commensurate with the status of a tama'aiga titleholder. On his mother's side, his claim, based on descent, was exceptionally strong. Tutogi was the first born of Sualauvi's last marriage and thus ali'i o 'aiga or first born, and was made a

¹ LC1052, 1949. Writ. state. The 1949 version of Tuita'ali'i's marriage to Leilua of Saleilua in Falealili mentioned only a daughter Leiluasusuvaivai. But in the 1977 version, a son Talouli was added. See previous chapter for the 1977 reconstruction of the genealogy.

² LC1052 proceedings, p.3. He instead named Papali'i Poumau as a descendant of Fuata'iotui. Papali'i was at the time a Deputy Registrar.

³ LC1052. Deliberations of the bench.
taupou or titled village maiden of Malietoa Talavou. When Sualauvi died on 25 August 1870, his mavaega or dying wish was that he be succeeded by her. Traditions from opposite sides of the dispute, namely 'Aiga Taua'ana, Sa Fasavalu and descendants of Mealeaga, were unanimous on this point. They shared the view that when Tutogi was approached to succeed, she declined in favour of Fa'aoloi'i, who at the time was living in Afega. Nanai Utupo, the senior spokesman for 'Aiga Taua'ana, was emphatic. Fa'aoloi'i was appointed 'on [the] recommendation of his sister.' The point was so blatantly clear that 'Asi Alipia thought it hardly worth a mention. 'Generally speaking,' he stated at the proceedings, 'the male line has precedence over the female line, but here we rely on the mavaega of Sualauvi.' Perhaps, not so obvious was a further distinction within the brother-sister relationship, a point overlooked by 'Asi Alipia and his party. As the offspring of the elder sister and thus first born, 'Asi Alipia was a tamasa or sacred son to the Tuimaleali'ifano and thus of higher rank to any of her brother's children. Age was another criterion on which 'Asi Alipia had it over Suatipatipa. He was in his early fifties and thus of a more suitable age than Suatipatipa who was 42 years old.

How did Suatipatipa II match up to this imposing list of credentials? His party dug deep for precedents and personal achievements to match if not better his powerful rival. In terms of personal credentials and church office, Suatipatipa had none. His inconsequential stature as a taule'ale'a (a non-matai) was reflected in their party's written submission which almost forgot to mention him. Their claim was based on descent, on the customary prior rights of tamatane (as a son of Fa'aoloi'i) over the tamafafine line of Tutogi (sister of Fa'aoloi'i). But any argument they had advanced against 'Asi Alipia was returned with interest.

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1 LC5605. Writ. state. by Le Tagaloa L. P. Ala'llima et al. They claim her taupou title was Tafaefa, a name which is confirmed in Matanofo traditions but not readily acknowledged as a taupou title.

2 LC1052 1949, writ. state. in somewhat vague form by Leavaise'eata Sā, Leavaise'eata Fa'aui, Te'o Fa'avaivai, Toleafoa Sā and 'Asi Alipia Tustala. Also LC5605. Jan. 1977. Writ. state. by 'Aiga Taua'ana.

3 LC1052 proceedings, 9 June 1949, p. 9.
The final blow to Suatipatipa's chances came when 'Asi Alipia drew attention to an incident where Suatipatipa was purported to have had a run in with the law, the precise nature of which remains a mystery even today. Without mincing words, 'Asi Alipia railed into his opponent at the final hearing.

I, Alipia, want the title Tuimaleali'ifano. Sua[tipatipa] has a bad mark against him according to the law; I have a clean record. I know that Fa'aoloi'i had no goodwill toward his son, Sua[tipatipa].

After the statements had been read and litigants cross-examined by the Bench, procedures allowed for each party to reply to each other's statement through the Bench, beginning with the last party first. Toward the end of these replies, vituperative remarks were hurled by a representative of the Falefigi, Lupematasila (Sila) to other parties and particularly at Taito Tologata, the blind man's party. The precise nature of his comments were not recorded except that the blind Taito Tologata's party took strong exception to Sila's language. When tempers had subsided and the court resumed some semblance of order, the battling blind man of the petitioning party as the last party to reply had the last word. He cast aspersions on 'Asi Alipia's otherwise impeccable credentials. He reminded the court that 'Asi Alipia had previously agreed to Suatipatipa's nomination and subsequent installation, an allegation to which 'Asi Alipia had no opportunity to reply to. In concluding, the blind battler confidently asserted that Suatipatipa's appointment 'is respected by the two high families [Sa Tupua and Sa Malietoa] of Samoa'.

To sum up this section, 'Asi Alipia's credentials under custom alone were beyond reproach, he also had a high church office. On the other hand, in addition to an alleged criminal record, the nomadic Suatipatipa was having a series of de-facto relationships. Given the substantial weight of criteria under custom,

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1 Based on an interview with 'Asi Pauani, 27 January 1995 at Tuana'i village. 'Asi Pauani was a witness for the petitioning party in 1949 and current ali'i matua of Matanofo. According to 'Eli Tuimaleali'ifano, his grandmother thought it involved money to the extent of about two pounds. Interview, 25 January 1995.

2 LC1052 proceedings, 10 June 1949, p. 9.

3 Ibid, p. 15.
Christian morality and administrative familiarity, 'Asi Alipia's nomination, so it would seem was a forgone conclusion. But this was not to be so.

The Presiding judge was Charles Croft Marsack, a New Zealander who had arrived in Samoa two years earlier in 1947. The Samoan Bench comprised three judges; Matai'a Si'u, Amiatu and Lavea and two local assessors of Samoan ancestry; H. J. Moors (Misi Moa) and C. Bartley (Kalolo), and the Secretary of Samoan Affairs, J. H. Grattan (Misi Talatonu). In their deliberations, what elements of custom were accommodated, which were ignored or given a lesser value and were any new criteria appropriated?

On succession, a marked difference of opinion emerged on grounds of custom between the parties and the majority attitude of the court. In a close examination of the deliberations, the court invoked elements which were substantially different from those invoked by the litigants. The first to disclose their opinions on these matters were the three Samoan judges. They were unanimous that the case was essentially one between the brother and sister, and they concentrated their discussion on the principle of tamatane/tamafafine. Lavea was emphatic when he stated that 'the appointment of [Asi] Alipia is not so good, as being from the female line,' and, he continued, 'it would be quite proper if there was no male heir.' Amiatu on the other hand had no misgivings. 'Action of Ta'auso re: [Asi] Alipia was not done well. It was done to cause dispute between brother and sister. I think Suatipatipa is rightful holder.' Presumably, his reasoning was based on the principle of the prior right of the tamatane. Matai'a's remarks were unsettling and ambivalent. In arguing for Suatipatipa, he referred to the marriage of Fa'aoloi'i to Tagaloa's daughter in Savai'i as an arranged marriage between two chiefly families. Suatipatipa as an offspring of this marriage, he argued, was the more eligible of the two (a point overlooked by the petitioning party). But, as he pointed out, 'Asi Alipia's nomination was 'for apparently good reasons.' There is 'no real prevention of successor by female descendants if suitable or good reasons

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1 LC1052. Deliberations of the bench, 10 June 1949.

2 LC1052 deliberations, p.1. Ta'auso is the honorifics for Matanofo.
[exist].' In support of which he quoted titleholders in other families who were appointed from the tamafaine line.1

Two Samoan judges and H. J. Moors considered certain but unspecified matters of custom as insignificant in favouring Suatipatipa. They also overlooked Matai'a's ambivalence over the prior rights of tamatane over tamafaine. Without specifying any aspects of custom, Bartley and Grattan were equally dismissive of 'Asi Alipia. Grattan's tone indicated no misgiving; 'I think the family has waited ten years on account of ... [a] short[age] of descendants on [the] male side.'

Matai'a also raised another moot point which was not discussed. He cited the faletaunitu in favour of Suatipatipa's prior claim. But the same element could be equally advanced for 'Asi Alipia whose mother was a titled taupou of the Malietoa family and whose marriages to high-ranking orators were celebrated strategic marriages. Yet despite these elements of custom in favour of Tutogi's heir, and criminal allegations by 'Asi Alipia, the Bench unanimously endorsed Suatipatipa. In line with the practice of the day, the court pronounced his appointment with little explanation except that he was a descendant of Sualauvi. This leaves one matter unanswered. If a criminal act punishable under common law is not so considered under the Land and Titles Court, why not? Does this not breed double standards in any country's system of justice?

7.2. Marsack's role in the re-construction process and handling of dissension

By Marsack's own admission, extraordinary criteria were considered in the determination of their decision. Two things can be assumed. One, in spite of Matai'a's citation of precedent in other traditions which accorded prior rights to tamafaine lines, the element of customary discrimination against tamafaine lines among an all-male Bench cannot be ruled out. The second factor was Marsack's protective attitude toward Suatipatipa as a former court employee. Under normal

1 Ibid. Matai'a referred to the titles of Faolotoi in Lepa and Seumanutafa [presumably of Apia].
circumstances, when a judge had some prior dealings with the 'defendant' or candidate as in this particular case, it is customary in Western jurisprudence to disqualify himself or herself from the proceedings, something which Marsack did not do.

Frank discussions of contentious issues in custom have the benefit of making the decision-makers act as a catalyst for identifying and reconciling conflicts within custom itself, and between custom and statutory law. How was dissension handled? It is difficult to resist the tempting inference that custom overlooks precedence and condones violation of the law. There were two areas of controversy. The first arose out of Matai'a's observation of a precedence that certain families were appointed from the tamafafine line. This would have generated debate on the kinds of environments obtaining and the variant conditions operating for a tamafafine on one hand and tamatane on the other. The second potential controversy was when the court's attention was drawn to Suatipatipa's conviction. Both points were ignored by the Bench. The tamafafine-tamatane dichotomy was ignored and the ramification of a conviction under customary law in custom was also ignored. As President and Chief Justice, Judge Marsack, had every opportunity to verify his protege's record and if warranted, to disqualify himself. There is evidence which confirms he knew about the conviction but failed to disclose it to his fellow judges. Under his own hand on the top of the page in which he drafted the 1949 decision, he wrote,

Sua[tipatipa] used to work in my office and said[?] he would go to Matanofo and serve; which he did. ... Another reason for waiting was Sua[tipatipa]'s trouble with [the] law, as a silly boy.¹

There are two points in Marsack's note which are worthy of closer examination, taautua or service and infringement of the law. On the matter of taautua, Marsack's reasoning was difficult to follow in relation to the court proceedings. In their submission, 'Asi's party had asserted that their candidate

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¹ On 31 January 1995 I interviewed 'Auelua Falefatu Enari, the current Deputy President of the court and who had for many years served as a court Registrar under Marsack at Mulinu'u. I asked him on what Marsack meant by Suatipatipa being in 'trouble with the law'. 'Auelua stated that when he began work in 1952, Sua[tipatipa] and Ioane Malietoa [later Savea] had left the department where they had been working as court clerks. Sua was discharged for some misconduct the nature of which he could not recall.
had served the titleholder and family. But Marsack doubted the claim. He wrote, 'I am not satisfied with [Asi] Alipia's service.' But when other parties pointed out that Suatipatipa had not rendered service, Marsack rejected them. It would not have been difficult to ascertain that Suatipatipa had been living in Apia and not in Matanofo. In contrast to his rival's credentials under custom, Suatipatipa's exploits, as a non-titled young man living around Apia had little to show for himself. Living in a de-facto relationship drew more than a passing comment from rival factions in Leulumoea where he was living at the time.¹ On the second matter of a criminal conviction, my own search failed to expose any evidence of a charge or conviction.² If any evidence of an infringement existed, it was either destroyed, removed or its nature was such that it did not warrant an entry.

7.3. Colonial inheritance and custom

The court had transformed custom through its understanding and interpretations of the issues and personalities involved, and on its selective use of the evidence presented by disputant parties. Marsack himself became a participant in the process. He had invoked another principle element of toe ole uso - the right of the surviving brother, in favour of his protege, one which was not raised by anyone, including his protege's party. Tuimaleali'iifano Si'ua'an II, the titleholder for nine months, had three brothers and two sisters surviving at the time of his death. Of the brothers, Tuiavi'i Sualauvi³ and Taito Tologata⁴ were already titleholders in their respective mother's villages leaving Suatipatipa as the surviving brother. Although this potential argument was ignored by Suatipatipa's

¹ Pers. comm. Toleafoa Fa'ailua and So'onalote Si'utava'e Tuimaleali'iifano, Nofoali'i, 23 January 1995.
² Secretary T. Apa for Commissioner of Police, Galuvao T. S. Galuvao, pers. comm. 30 October 1996.
³ Tuiavi'i was conceived when Fa'aoloi'i was banished by 'Aiga Taua'ana for an unspecified incident.
⁴ Tologata was conceived from an endogenous marriage to a Falelatai woman in Pata.
party, it did not escape Marsack. In his ‘Notes on the practices of the court and the principles adopted in the hearings of cases affecting (1) Samoan matai titles; and (2) land held according to customs and usages of Western Samoa,’¹ he recognised the importance of the principle in custom as a legitimate element for advancing the claim of a surviving brother of a deceased titleholder.

While an old connection was being re-worked between President and protege, another was revived by Fa'aoloi'i's widow Pa'isami Utumapu. At her instigation, the services of the then Deputy Registrar Papali'i Proumou was enlisted as consultant and writer of their submission.² Theirs was the most comprehensive of all submissions. It outlined the number of meetings that were held and the stalemates encountered. A large part detailed their prior right as descendants of Sualauvi based on his descent and achievements.

A factor favouring Suatipatipa's candidacy was the public profile of the two candidate's families. Tutogi's descent on grounds of custom was exceptional. But in accordance with the prejudices of the time, any aspirations for public office she may have harboured must have been suppressed as long as her brother Fa'aoloi'i remained alive. Her role was confined to supporting her brother's nofo (reign) and nurturing the family's social rank through strategic marital alliances.³ As stated earlier, one of her husbands, Alipia, was a favourite of the German Governor Solf, and had succeeded to a senior position as a ta'ita'i itu (district leader) of Manono. But his stern and authoritarian personality did little to enhance his standing in the district, apart from instilling fear in the village. In comparison, as the titleholder, Fa'aoloi'i enjoyed the prestige in light of his role in the Samoan and colonial hierarchy. His longevity of life and his association with the political


² Pers. comm. So'onalote S'iutava'e and 'Asi Pauani. The latter claims the original submission was hand written by Papali'i. A claim which remains unexplored in terms of such internal connection was that Papali'i Proumou had obtained a piece of prime land in Fa'aoloia at which Tuimalealifano Fa'aoloi'i and Pa'isami had lived.

³ In a personal communication, Gunson states that 'once a woman gives up her right of succession she does so for all time and this would weaken the claims of her issue. But it should strengthen their influence in the succession of others.' 28 February 1997.
nuances of the time assured the prior rights of his descendants at the expense of his sister's.

7.4. The principles and re-construction process in 1977

My own role as a candidate in the 1977 dispute casts me as a major protagonist and an insider in this story and perhaps I should say a little more about it. Under the auspices of the 'Aiga Taua'ana, I was ceremonially installed in July 1975 as a twenty-one year old candidate while a university undergraduate student in Fiji. My installation precipitated the disputes in January and July 1977. In comparing the elements of custom invoked against those considered by the court, the same questions asked in 1949 surfaced in 1977. What elements were accommodated, ignored or appropriated? To what extent was the court influenced by Christianity and Western values or in their consideration of custom? When dissension emerged within the Bench, how was it handled and how did that transform custom?

I have already dealt with the January 1977 dispute and I will now deal with the issues of July 1977. The July court sitting to choose a successor had to meet twice because it wanted to interview all candidates before making a decision. At the time, I was sitting final exams in Fiji and when I returned to Samoa the following day, the court reconvened. The Bench consisted of New Zealand President, B. O. Nicholson and the panel of Samoan judges were Deputy President Tagaloa Siaosi Kerslake, Taulapapa Anesi and Tamaseu Papa with Toelupe Vaito'a and Mainu'uoti Fatu as assessors. As a newcomer, Nicholson lacked Marsack's depth of experience concerning chiefly titles and land tenure, and naturally deferred to his Bench for their advice. Such advice and the basis of it are emphasised in this comparison. The number of candidates had increased more than threefold from three in 1949 to ten in 1977. For convenience, the 1977 claimants and other parties have been split in two categories: eight descended from Fa'aoloi'I, and two not. Dealing with the latter first, they included two
candidates, Toleafoa Gutu and 'A'eau Peniamina Leavaise'eta. (See Table 7.1 below).
Table 7.1 Comparison of 1949 and 1977 claims by faletama other than Faoaolii

<table>
<thead>
<tr>
<th>Other faletama</th>
<th>1949 Candidate</th>
<th>Basis of 1949 claim</th>
<th>1977 court deliberation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malaga child</td>
<td>As Alipa Tuataha</td>
<td>A descendant of Tugai</td>
<td>Dismissed as a descendant of As nor Pualivai.</td>
</tr>
<tr>
<td>Na Sa’ua</td>
<td>As and Fualai Pulu’i</td>
<td>Dismissed as not a descendant of As nor Pualivai.</td>
<td></td>
</tr>
<tr>
<td>Na Tui’i</td>
<td>Tualii and family founder</td>
<td>Dismissed as a descendant of Tugai as first born.</td>
<td></td>
</tr>
<tr>
<td>Na Talalo</td>
<td>Tugai’s sister of Faoaolii</td>
<td>Majority opinion considered tamafiafa line inferior to dimaumate. Married also wrote the claim for her children with claim for Faoaolii.</td>
<td></td>
</tr>
</tbody>
</table>

Note: See Table 7.2 below, claims by faletama of Faoaolii.
In 1977, 'A'eau P. Leavaise'eta was a candidate as a descendant of Mealeaga. But before he could stake his claim, his candidacy was terminated by the court ruling that he was not a descendant of Sualauvi. On the other hand, Tolefoa Gutu, as a descendant of Sualauvi through his maternal great-grandfather, 'Asi Gafata'itu, fared better and advanced to the third and final sitting. While elements of custom were advanced, the mainstay of his candidacy was based on church affiliation, an impressive list of overseas educational qualifications and experiences, and extensive work-related exposure within the region. He was the first in the family to receive a government scholarship in 1946 and had begun his career as a government teacher on his return in 1954. The basis however of his claims on custom, namely descent and tautua, were negligible. Tolefoa's descent was not denied but the court unanimously dismissed his candidacy on the grounds of absenteeism and having a criminal conviction which the court was hard put to extract from him.

In addition[,] I am concerned about his conviction for drunkenness (sic). It is not the fact of the conviction but his lack of frankness in failing to disclose it to [the] court when questioned that concerns me.¹

Also included in this category were two parties not descended from Fa'aoloi'i, one claiming descent from Fuata'irotui and led by Le Tagaloa L. P. Ala'ilima and the other descended from Tutogi and led by 'Asi Tupe and Tuita'alili Mailei. The first attempted to rescind the 1949 decision by driving back the baseline ancestor by four generations from Sualauvi to Tuita'alili. Their application was dismissed at the first sitting for failure to show reasonable cause as to why the 1949 decision should be altered (see previous chapter). As descendants of Fa'aoloi'i's sister Tutogi, 'Asi and Tuita'alili were included in the second category because of their sponsorship of a grandson of Fa'aoloi'i and son of Suatipatipa II.

7.5. Assertions and decision in 1977

In the first of its two deliberations, the Bench quickly reduced the field of eight candidates to two by the process of elimination. Those eliminated in the first round were Liuliu Setefano, So'afo Toleafoa, Va'aleto'a Eti, Seagai Faumuina, Anesi and Eli Tuimaleali'ifano (See Table 7.2 below). What elements of custom were accommodated or ignored by the Bench in the elimination of the six contestants? Liuliu Setefano's claims rested on his grandfather being the first born of Fa'aoloi'i's children, which went without comment. The grounds of his rejection were absenteeism and lacking 'any visible acceptable qualities'. The only favourable comment came from Tagaloa Kerslake in relation to Liuliu's position as a catechist, `... he should keep on praying for the benefit of the family'.

On grounds of custom, So'afo's claims were promising at least on paper. His grand-father Si'ua'ana II was an offspring of a family negotiated union and was Fa'aoloi'i's immediate successor. So'afo's family including his sponsoring mother, Aufono, had been living in Matanofo and served his grandfather's successor, Suatipatipa II. But these quality elements of custom failed to impress the Bench citing his 'placid personality and mediocre education'. According to assessor Mainu'utoi, So'afo had 'failed to impress both in his manner and his own person'. In contrast to So'afo's residence and service in Matanofo, the next candidate, his first cousin Va'aleto'a Eti and his sponsoring mother Felotea'i, had neither lived nor served the family continuously, except the occasional visit and token contribution whenever they could afford it. Eti's claim under custom was his descent from his mother as daughter of Si'utava'e. The New Zealand Commissioner of Police, as his employer, provided Eti with a reference which drew the only comment from Tamaseu. He is `[q]uite suited for his present job'. His church involvement and community activities around the Apia environ drew no response from the court but Deputy President Tagaloa Kerslake's assessment summed up the general mood of the Bench,

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1 According to Toelupe Vaito'a, Liuliu 'sleeps most of the time'.

He is qualified in accordance with modern trends. Looks good, well mannered. Unfortunately, the family say they would not have known of him but for this case. Same story as others. Only his mother nominated him without [the] backing of any matai. No doubt his time will come. Has a brilliant career.¹

The fourth candidate, Seagai, had extensive written submissions documenting his claims. His grounds in custom, like previous claimants, were derived from his mother, Tuaialuga, whom he asserted was the first born of Fa'aoloi'i's children from his last negotiated marriage to Tagaloa's daughter in Ga'utavai (a criterion also highlighted for Suatipatipa in 1949). Two other criteria advanced were service and fluency in family lore. The latter drew favourable comments from Tagaloa Kerslake and Mainu'uot. They were curious about his non-titled status in spite of his wide knowledge and apparent abilities in family custom and Western culture. As one of the first in the family to savour higher education overseas in the 1950s (through the Hawai'i-based Mormon Church), he possessed a 'capability in modern trends'. As evidence of his entrepreneurial potential, Seagai submitted a Deed of Lease for a hotel project in Lefaga with a Memorandum of Subscription. Its membership included the Head of State Malietoa Tanumafili II, former Prime Minister Tupua Tamasese Lealofi IV, Minister of Lands Lesatele Rapi, and senior government civil servants.² In addition to his younger brother and older sister³, he had secured the signature of Suatipatipa's daughter Vao'au, from Ta'aitulagi Leituala of Niusuatia. As shown in the previous chapter, his claims of service to the previous titleholder were exhaustively detailed if somewhat tedious. But the Bench dismissed his candidacy on the ground of non-residence and lacking support, particularly from any household head in Matanofo.


² Documents were prepared by a local solicitor, Herman Retzlaff (now Misa Telefoni).

³ His claim was based on his mother's status as the eldest of Fa'aoloi'i's last marriage with offspring. He was not however his mother's eldest but his sister, Aoto'a.
Suatipatipa's sons, Anesi and Eli, from de-facto relations with different women were considered together by the court. Like Seagai, Eli's candidacy was extensively documented drawing a comment from Tamaseu on his 'good education'. Anesi's eleventh hour candidacy was launched at the last sitting in a one-page submission¹. Taulapapa noted that Eli's supporters were not of Matanofo and Anesi had none from Matanofo except from Malie. Their simultaneous claim to be the eldest of Suatipatipa's children and thus first born did neither of them any good and remained unresolved. Both were dismissed on the grounds of non-residence and not providing service.

The number of candidates was reduced to two, myself (Mokeni) and 'Asi Lavilavi I, and in certain respects, the features that distinguished 'Asi Alipia Tusitala from Suatipatipa II of 1949 were uncannily reproduced in 1977. 'Asi Lavilavi I and I were sons of two half-brothers, 'Asi Fa'agu and Tuimaleali'ifano Suatipatipa II, and thus brothers and first cousins in Samoan and Western terms respectively. On the side of custom, 'Asi's credentials like 'Asi Alipia were impressive; he was appointed to the 'Asi title in 1938 and had been an ali'i matua or senior adviser to the Tuimaleali'ifano titleholder ever since their victory in the 1949 title dispute.² He was of mature years, a permanent resident of Matanofo and had rendered continuous service to three past titleholders. As the mediator between the titleholder, Matanofo family and village lineage, he had legitimate claim to possessing extensive knowledge of family customs and traditions.

The custom with regard to this relationship is well known to me because I have always lived and rendered service to past chiefs.

In addition, he had served in the church as a long standing deacon and in national government as a member of the Plantation Inspection Committee for the Ministry of Agriculture. However, 'Asi's private behaviour contradicted his public rhetoric. In public, he was disdainful of Western values and technology but in private he encouraged its utilisation. His house was the first Western style structure in

¹ LC5379. Writ. state. by Anesi Tuimaleali'ifano, 15 July 1977.
² LC5762. This advisory 'office' was shared with 'Asi Pauani who was appointed to the 'Asi title in 1946.
Matanofo (if not Falelatai) built from family remittances. He had encouraged his brothers and sisters to migrate to New Zealand where they enjoyed higher education and better employment. For over twenty years, his wife was the envy of many village women as the only teacher at the local Matautu village school. In spite of these Western derived aspirations and benefits, he condemned Western values, particularly Western education as a threat to customs and traditions of fa'a Samoa.

The relationship between Tuimaleali'ifano and his family is through respect to Taulagi, Tau'a'ana and Satunumafono. This is not done by just obtaining a degree from overseas.... With regard to the relationship of Tama-Aiga - Malietoa, Tamasese, Mata'afa and Tuimaleali'ifano, ... this can only be understood through experience and not by holding a degree from overseas. I am knowledgeable of all these matters because I have always watched and lived in the family and rendered service to them... Any degree to be awarded on Samoan affairs, can only be given to the person knowledgeable in the custom and traditions of Samoa, not from overseas[.] [A]nd outside degrees cannot squash the foundation already laid for this country.1

His submission drew mixed responses from the Bench. His descent, permanent residence and long years of service in Matanofo were acknowledged by Tagaloa and Tamaseu. There was however a difference of opinion about his age, with Tagaloa, Taulapapa and Mainu'utoi agreeing he was too advanced in years but Tamaseu rated it comparable to other tama'aiga titleholders. 'Asi', he continued was 'deeply steeped in family affairs'.

'perhaps [Asi does] lacks (sic) academic qualifications, but I believe such qualifications are seldom useful in this title. Knowledge of customs and traditions should take predominance.

Leadership (or lack of) qualities also came into play as Tagaloa and Toelupe doubted 'Asi's ability to unite the family because there was growing tension between him and other senior lineage chiefs of the Falefitu. Tamaseu disagreed by citing an example from that morning's proceedings (21 July 1977) when 'Asi

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1 LCS379. Writ. state. by 'Asi Lavilavi et. al, 11 July 1977. Among all those who had appealed the decisions of the court, 'Asi Lavilavi I was the only one who had retained the services of a local solicitor.
presumed the role of family apologist for remarks uttered by other disputants in replying to submissions by other parties perceived by 'Asi as callous in public. In his contribution, Toelupe returned to the tension between 'Asi and the seven lineage chiefs of 'Aiga Taua'ana and attributed the tension to 'Asi's marriage. 'Asi's wife was a woman from the village lineage of 'Aiga Taua'ana in Falelatai. She was the daughter of Misa Mu, the senior lineage chief of Sa Misa, who was also at the time the pulenu'u or village mayor. The unstated logic was found in custom. If 'Asi were to be appointed, his wife's position would be elevated to that of a Masiofo or a Queen. The social position of her father's clan could not remain unaffected by her possible change of status and posed a potential threat to the equilibrium prevailing among the status-conscious Falefitu or seven clans of the 'Aiga Taua'ana. Toelupe strongly felt this was inconsistent with the customary position of a tama'aiga titleholder. As he pointed out, O lea feusua'iga, ... e fai ma fa'apa'ia mata i le 'Aiga Taua'ana, this (endogenous) relationship is a blight in the sight of the 'Aiga Taua'ana lineage.

My own candidacy was advanced on the basis of my descent, village support and recently acquired university degree. Other parties doubted my suitability in terms of my youth. But the main concerns were the long period of overseas absence, lack of service in Matanofo and consequent ignorance of family customs and traditions. In addition, my marriage to a Fiji woman was perceived by some parties as unbefitting of a tama'aiga titleholder. In response to these allegations, Tagaloa Kerslake, Taulapapa and Mainu'otu were convinced that though young, '[I] had been sent away to succeed [my] father' and 'had the elderly people to back him up'. On my ignorance of customs and traditions Tagaloa Kerslake was full of optimism.

As to his knowledge of custom, he will have sufficiently acquired these during [the] years he grew up in his father's family. No school here for Samoan custom[s] and traditions. As a child grows up, he observes what is going on [in] the family and social and village and church structure[s]. Custom varies from village to village and you acquire knowledge from living in it.¹

Toelupe believed in divine intervention, 'Wisdom will come from God', he said. Despite being isolated, Tamaseu stood his ground and rejected these arguments outright on two counts. He argued that I was disrespectful to the court by failing to attend earlier sittings, and my educational qualification was for personal aggrandisement. Mokeni, he said,

... does not pay much heed to the title. Qualifications [are] useful in terms of modern trends but not much use in the title, ... qualification for his personal advantage and not for the title, Mokeni not suitable.¹

The resulting vote was four to one in my favour. But Nicholson hesitated. He stated that without examining me, the decision 'would be against the weight of evidence'. By this he meant the weight of petitions against my candidacy. The suggestion was voted upon and accepted by four to one.² Once the announcement was made, it was a foregone conclusion that the party supporting me had won and that my appearance was a mere formality.

I arrived from Suva the following day and appeared for examination.³ In accordance with convention, Tagaloa led off and took me through the preliminaries. Taulapapa was next and quickly closed in, `... e [te] fia umia le [suafa] ona o le finagalo o e o lo'o fa'atufina mai 'oe? - was the holding of the title the wish of the sponsors?'

'O e o lo'o fa'atufina a'u - the sponsors'.

Startled, Tamaseu could not wait. He homed in for the kill. `E te mafaia ona e tau'ave le suafa - can you carry the title?'

'Leai - No.'

After Toelupe confirmed the time period of my absence overseas, Mainu'uoti Fatu pressed in with a volley of short and pointed questions. 'Sa iai sou mana'o na momoli i luma o le filifiliga a lo outou aiga? - Did you make a formal request to your family?'

¹_lbid.
²_lbid.
³_The source for the remainder of this discussion is LC5379, proceedings, 22 July 1977.
'Leai - No'.

'Fa'apefea ona fa'atuina mai oe e Tuita'alili ma isi o le aiga - How were you appointed by Tuita'alili and others?'

'A maliu loa le tama, ae mana'o le atali'i, ona sui ai lea i le tama - The usual practice is when the father dies, the next in line, usually the son, succeeds.'

'O lona uiga e le'i iai sou maliega i le faia o lau nofo lea na fai? Do you mean, you did not agree with your appointment?'

'Sa o'u usita'i, ae o le tali lava o le fesili, e leai. - I obeyed instructions, but the real answer to the question is no, (I did not agree).'</n

'Ona o lou le mafaia o le tiute Tuimaleali'ifano po'ono ona o lou musu? - Was it because you could not perform the duty of the title or because of stubborn refusal?'

'O se vaimea o ia itu, o i'ina o lo'o iai lava so'u talitonuga - Somewhere in-between.'

'O lona uiga ua o iai se agava'a ia te 'oe mo le tauisiga o le aiga? - Do you mean to say that you are incapable of looking after the family?'

'I le agava'a lava i le fa'a Samoa ma le aganu'u e leai. - In terms of its customs and traditions, yes'.

Nicholson, listened intently throughout, learning and leaving the Bench room to range and gather. In the end, he broke with the final set of questions. Preliminaries dispensed, he homed in on Makeni, 'Your absence from previous sittings of the court, was it because you had thought little about the title or were there other pressing reasons.'

'Both. I was preoccupied with my finals and the court dispute was far from my mind at the time.'

'Leaving aside the title for the time being, what are your intentions for the immediate future?'

'That I be useful in some way .... I hope to learn something about Samoan customs and traditions, but my immediate interest is the goals of regional cooperation ....'

'What is your wife's feeling about your candidacy?'

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1 These are slightly reworded due to the differences in Samoan usage of double negatives.
'Because of her own ignorance of Samoan customs and traditions, she is reluctant to express a point of view on the matter.'

The court retired for its final deliberations and the choice of 'Asi seemed a foregone conclusion. The Bench went through the motions, it reaffirmed the eligibility of the two candidates and refined their arguments. Tagaloa Kerslake set the tone for the final discussion.

Mokeni has the royal attributes of truth. I am convinced of his suitability. Still support him but would, if no majority, approve 'Asi Lavi as second choice.

Judge Taulapapa Anesi:

Only Mokeni and 'Asi Lavi have the qualifications. But though he is not interested, I still think [Mokeni] should be appointed.

Judge Tamaseu Papa,

Mokeni is very sincere and truthful man. Pleasant personality. Nevertheless, I cannot change my mind. He has said he is unable to assume the responsibilities of the title. He has other ambitions. I still support 'Asi.

Assessor Toelupe Vaito'a:

... having heard his honest reply that he has other ambitions, and cannot maintain the title's responsibilities, I have changed my mind. Yesterday, I expressed adverse opinions of 'Asi Lavi particularly as to his [endogenous marriage to a woman of the 'Aiga Taua'ana]. But in light of Mokeni's intentions, only 'Asi is suitable. He has some good points. He has served three previous holders and is still serving. I support 'Asi Lavi's appointment.

Assessor Mainu'utoni Fatu:

I agree on 'Asi Lavi to some extent. From customary point of view, he is qualified according to his individual abilities. But as to modern qualifications, I don't think he has them. Most of the other candidates are in same positions. Others have modern qualifications but are not residing in the family. I therefore find myself unable to change my mind. I still support Mokeni.

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Compared to previous deliberations, my diffident reaction to take the title led to a divided Bench. Despite this, the court had decided by a one vote majority on me.\(^1\) Nicholson was also diffident and initially confessed he thought it unnecessary for him to express an opinion.

But in the light of Mokeni's appearance and his statements today, it indicates that he ... has no real interest in the title. Perhaps this is on account of his youth. ... I am certain that as far as other candidates are concerned, no other candidate is eligible. ... If a decision is to be made, 'Asi Lavi should hold it until Mokeni deems himself ready.

With the benefit of hindsight, I would have been happy with this decision though not my supporters. The leading matai of Matanofo were torn apart by the dispute and the village lineage would not have accepted it on account of 'Asi's marriage and the implications on clan parity. I believe these differences would have been resolved over time at the local village setting as indeed they have with the appointment of a stranger.

7.6. Nicholson's role in the re-construction process

Nicholson's comment reflected a vote for 'Asi. Assuming he had voted in favour of 'Asi, that tied it to 3-3. As President, a casting vote would have brought 'Asi home with a one vote majority. But it was not to be. His rider 'until Mokeni deemed himself ready' suggests otherwise. Nicholson hesitated yet again. He took a breather on the pretext that 'there was no unanimity'. Reappearing fifteen minutes later, he had another idea. Instead of choosing from either of the two candidates, he returned to the full list of candidates and began repeating the process of elimination. The first elimination was Toleafoa Gutu on the previously stated grounds. 'Asi Lavilavi I was next. Contrary to his earlier position, Nicholson dismissed 'Asi on the ground that

\(^1\) This begs the question outside the scope of this chapter. In spite of my disowning the title on the grounds of ignorance and of interests elsewhere, why did the majority stick up for me? What were the premises behind their thinking?
he is elderly and lacks education, but he has been a faithful servant of three [past] holders and has a reasonably good following. I suspect however that his insistence on being a candidate himself has been a serious factor in continuing family disunity. He has not so far demonstrated any ability to reunite this family.

The next elimination was Seagai.

A bombastic aggressive personality which will achieve nothing in uniting this family. He is knowledgable of the family (traditions), able in business, reasonably well educated. He has offered some service but he has not been living in the village. ... Seagai has only a small following.

Followed by So'afa.

He has some strong customary qualifications, his religious position is insecure, he is low on educational qualifications. But principally, I feel his personality is not strong enough and his brain not shrewd enough to successfully hold the title.

He repeated what he said about Va'alet'o'a Eti.

He is a young man of high ability in his profession, quite good educational qualifications, a sound religious background and a pleasant personality. His employer [Commissioner of Police, Sir W. H. A. Sharp] finds him firm but courteous in his duties. He is a sound administrator. But he has never lived among the family and his only claims to rendering service are through his brother and his mother. This I understand is acceptable in custom but it is hardly a strong qualification. He seems to have a reasonable grasp of traditions. He has no large following.

On Eli, he said,

Another aggressive personality who I think would tend to divide the family further. Well-educated, of good physical build, he like Seagai and Va'alet'o'a has not built a strong record of service or lived in the family.

Liuluu and Anesi were dismissed in one line.

I think [both] are unsuitable for obvious reasons.'

He was curt with my candidacy.
'Mokeni is not interested.'

In the end,

I choose Va'aleto'a Eti. Maybe the lack of a large following will be an advantage to him in settling family differences.
Table 7.2 Comparison of 1949 and 1977 claims by faletama of Fa'aooloi'i

<table>
<thead>
<tr>
<th>Faletama of Fa'aooloi'i</th>
<th>1949 Candidate</th>
<th>Basis of claim in 1949</th>
<th>1949 court deliberation</th>
<th>1977 Candidate</th>
<th>Basis of claim in 1977</th>
<th>1977 court deliberation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Liulni, deceased. No rep.</td>
<td>Not represented</td>
<td></td>
<td></td>
<td>Liuku Setefano, son of Liuku and great-grandson of Fa'aooloi'i</td>
<td>Ali'i oiga or first born of Fa'aooloi'i's children.</td>
<td>No suitable qualities.</td>
</tr>
<tr>
<td>2. 'Asi Fa'ag, deceased. Rep. by son 'Asi Lavilavi I.</td>
<td>Suatapatia II, son of Fa'aooloi'i. See 8 below.</td>
<td>High descent from mother as ali'oiga. Versed in customs and traditions, suitable age, no police record, church deacon. Accessible to Twi'A'ana title.</td>
<td>Tama'afofo, regarded as of lower status than Tamatana. Marack unsatisfied with 'Asi Alipa's service.</td>
<td>'Asi Lavilavi I, son of 'Asi Fa'ag and great-grandson of Fa'aooloi'i.</td>
<td>All'i mata, most senior family matai. Tautua to 3 shareholders. Took part in 1949 case. Permanent resident of Matanofo.</td>
<td>Second choice of Bench. His marriage was a fettering point in relation to Faletatu.</td>
</tr>
<tr>
<td>3. Tuimalali'i'aiapo, Sia'ana II, deceased. Rep. by daughter Afono and son-in-law Toleafoa Sa</td>
<td>'Asi Alipa Tusita, son of Tutoi and grandson of Sia'ana.</td>
<td></td>
<td>Tama'afofo, sponsored by mother Apono. Toleafoa's maternal great-grandson of Tuimalali'aiapo Sia'ana II and great-grandson of Fa'aooloi'i.</td>
<td>So'afo Toleafoa, sponsored by mother Apono. Toleafoa's maternal great-grandson of Tuimalali'aiapo. Sia'ana II and great-grandson of Fa'aooloi'i.</td>
<td>Grandfather Sia'ana II, held the title, and an offspring of a faletau. Resident of Matanofo rendered tautua, versed in customs and trads, no police record, good education, wife of chiefly family.</td>
<td>No matai support. Weak personality and no suitable qualities in the Western sense.</td>
</tr>
<tr>
<td>5. Taito Tologata Paape</td>
<td>Suatapatia II</td>
<td>See 8 below. Taito Tologata was leader of petitioning party.</td>
<td>Descendants supported Mokenu. See 8 below.</td>
<td>Descendants supported 'Asi Lavilavi I.</td>
<td>See 2 above.</td>
<td></td>
</tr>
<tr>
<td>6. Tuivaii Sia'ana</td>
<td>Suatapatia II</td>
<td>See 8 below.</td>
<td></td>
<td>Descendants supported 'Asi Lavilavi I.</td>
<td>See 2 above.</td>
<td></td>
</tr>
<tr>
<td>7. Tuiahuga, D 1978 (?)</td>
<td>Suatapatia II</td>
<td>See 8 below.</td>
<td></td>
<td>Seagai Faumina. His mother had supported Mokenu. After she died, Seagai became a candidate.</td>
<td>Claims he is ali'i oiga as his mother was the eldest of Fa'aooloi'i's children from his marriage to Tuiahuga. Tautua, university edn. at BYU in Hawaii and Calif. a promising local entrepreneur.</td>
<td>Non-Matanofo resident and limited service. Good grasp of fam. trads. Western edns. &amp; commerce.</td>
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<tr>
<td>Faetana of Fa'auolii</td>
<td>-</td>
<td>-</td>
<td>Efi, son from Va'au</td>
<td>Claims he is ahi o aiga as eldest of Suatipaga II's children. Tautua. Sam. sch teacher, youth leader, actg. pastor; educated in W Samoa and NZ. W. SDB loans officer; Snr. Instructor at Vaivase TITI, good knowl. of cust. and trad. Fluent in English, physically fit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suatipaga II</td>
<td>See 8 above.</td>
<td>Tagahia in Ga'utavai</td>
<td>Daughter of Va'afusaga</td>
<td>Matanob born, high birth on both sides, conversant with customs &amp; trads. Has a university BA degree and strong village support.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mokeni, son from Tafalefili</td>
<td>Supported Mokeni</td>
<td>Supported Mokeni</td>
<td>Emerson of Leulumoeiiga</td>
<td>First choice of the Heific. Even when he declined on account of ignorance of cust/trad.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
7.7. The rules and practice over a divided Bench

A less significant point, but one worth mentioning nevertheless, is the issue of numbers during a split decision, as was the case in 1977. Marsack in 1961 stated that the court under the 1937 Ordinance, 'is normally composed of the President, two assessors and three Samoan judges'. This requirement remained unchanged in 1977. But Marsack contradicted himself in his next sentence,

... if three-quarters (3/4) of assessors and Samoan judges agree on a decision, that shall be the decision of the court.¹

Excluding the President, the stipulated total of the Bench without the President in Marsack's own words is five not four. In other words, the proportion by which a majority is constituted is out of a total of five, not four. Of the five, the minimum proportion required for a majority is 3/5 and not 3/4. There was no problem in 1949 as there was unanimity. But not so in 1977. Marsack continues, 'if that measure of agreement is not obtained [3/5], the decision must be that of the President'. In the dissension within the Bench in 1977, while unanimity was evasive, a majority was obtained. The first vote was 1/5 for 'Asi and 4/5 for me, the second was 2/5 for 'Asi and 3/5 for me. In terms of Marsack's interpretation of the Ordinance, the Bench had obtained the required majority of 3/5.

In spite of the 3/5 majority vote in favour of my reluctant attitude, Nicholson conveyed the impression immediately after the second deliberation that he was inclined to appoint 'Asi Lavilavi I until I had deemed myself ready. Instead, he returned from his private deliberations, ignoring both options and backed-off from an earlier intention. Instead of choosing one of the two shortlisted, he chose someone who had been eliminated in the first round. Any views that the five Bench may have had of Nicholson's decision were not, at least publicly,

¹ Marsack 19614. In the Land and Titles Act, 1981, section 35 stipulates the composition of the court shall be the President (or Deputy President), at least two Samoan Judges and at least one Assessor. The total number of Samoan Judges and Assessors shall not be less than four.
revealed. There was no reaction from the Bench. When he stated that he would proclaim the decision as his own, the senior Vice-President Tagaloa Kerslake assured him of their support. Whether Tagaloa's action arose out of obedience or professional loyalty is conjecturing. But the facade of consensus in the face of dissent was consistent with the view the Samoan public had come to expect from the court.

7.8. Patronage as a criterion

What led Nicholson to ignore the positions of his Samoan colleagues remains speculative? In a brief attempt to answer this question, it is necessary to return to Nicholson's comments on both candidates. On my candidacy, Nicholson stated that I had 'no real interest in the title.' As for 'Asi, he dismissed him completely and chose Eti. In his choice, Nicholson emphasised Eti's Western qualifications, personal qualities, church affiliation and reference from his employer.

... a young man of high ability in his profession, quite good educational qualifications, pleasant personality, sound religious background, his employer finds him firm but courteous in his duties. He is a sound administrator.

On grounds of customs and traditions, Nicholson admits, he was at best marginal.

... he has never lived among the family and his only claims to rendering service are through his brother and his mother. This I understand is acceptable in custom but it is hardly a strong qualification. He seems to have a reasonable grasp of traditions.

When he announced his choice, he enumerated his list of criteria,

Blood relationship, service, knowledge of tradition, personality, administrative ability, educational levels and most of all the personality and ability to bring together a disunited family.

This list was not discussed prior to any deliberations nor made known to the Bench, let alone to the disputant parties. It contained Commissioner Sharp's
expression of potential, a point which Nicholson emphasised in his decision. On the combined criteria of blood descent, residence, service, knowledge of family traditions, and seniority, Eti came nowhere near 'Asi, his collateral uncle. Instead of the conventions of custom, Nicholson ignored them and opted for Western or 'modern' criteria such as education, personality and ability. Age, personality, profession and education made [Va'aleto'a Eti] suitable. But suitable to whom? The Land and Titles Act 1981 provide that custom and usage shall be applied according to those customs and usages 'acceptable' to the Samoan people at the time in which they were accepted. The custom and usage applied in the appointment of Eti was in accordance with custom and usage as interpreted by Nicholson. It was not according to the majority or minority opinion of the Samoan Bench nor necessarily according to the rules governing dissension.

In 1949, unanimity prevailed. The one thing that Eti did in 1977 which no one else did was to obtain a reference. The reference from his employer, Sir Angus Sharp, a New Zealander and Commissioner of Police was the most likely basis of Nicholson's decision, a source familiar to a man trained and grounded in Western law and probably personally known to Nicholson in the very small community of senior expatriates in Apia. Once the decision was announced it gained the imprimatur of custom, and re-constructed at will as oral tradition.

These two cases demonstrate that the undocumented principles of custom, under which the court profess to operate, remain untenable or at least unpredictable. This sad state of affairs is compounded by the fact that the Constitution and the Land and Titles Act of 1981 are also mute on matters of customs and usages. The studies demonstrate the limitation of the Act in defining 'customs and usages' as those 'being in force at the relevant time' and 'accepted by the people of Western Samoa in general.' What is meant by 'relevant time', which

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1 Nor to So'afa Toleafoa.

2 See Meleisea 1987b:198-199.

3 Seagai had enclosed documents promoting his company and Eli enclosed material on work experience but neither provided references.

4 Section 2, Land and Titles Act 1981. See also O'Meara 1995:126.
'people' and mechanism of determining acceptance remain as elusive as ever. Further, contrary to the conventional definition of a court, the court has throughout its history been starved by a lack of documentation and development of a cumulative body of legal precedents. Without this, any attempts at critical definition and examination of tu ma aganu'u can and must be futile. Furthermore, as the Bench is invariably drawn from people with a variety of experiences and backgrounds, they bring variant viewpoints on custom to bear on their work in the absence of a universally recognised view of custom.

The potential is evident for utilising the frank expression and exchange of views as the laying down of basic ground rules. But this potential in the context of a changing society is silenced by the belief that 'peace and harmony' will be obtained through some semblance of consensus, however incurably ulcerated it may be. In the absence of definition as to what customs and usages might mean and what might be accepted as admissible evidence, these remain contestable issues. Having shown what happens inside the court in terms of re-construction custom, the next chapter examines the consequences of the court decision on the authority of the village council.

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1 No specification has ever been made of what those 'customs and usages' might be, how they might be ranked, how contradictions might be accommodated and whether 'customs and usages' might be taken to have changed.

2 The extent to which the status factor among matai judges stifles free exchange is largely based on an assumption and warrants further investigation.

Another aspect that could not be determined, in the dearth of a cumulative corpus of written decisions, was how official views of the court might have changed, if at all, in relation to principle elements of customs and usages, over time.
8. Court decision and village response

This chapter traces the reception of the court's decision by the village lineage of Falelatai and the rival factions within Matanofo. What new tensions emerged? Who were the main players, what roles did they play, and what factors hindered or helped the accommodation of the decision? How did the litigants interpret it in terms of the relative weight and priority of customary criteria? I begin by analysing what criteria constitute custom, and examine house rules for different titles.

8.1. Criteria of custom and house rules

As alluded to in chapter five, Samoa had re-constituted itself through four sacred titles, the Upolu-oriented titles of Tui A'ana, Tui Atua, Tamasoali'i and Gatoa'itele, in response to the Eastern dominance through the Tui Manu'a titleholders. These titles were elevated to a new category called papa titles by Salamasina, the first holder of all four titles. In time, they eclipsed former sacred titles of more ancient derivation such as the Savai'i-centred ao titles of Tagaloa, Lilomaiava and Tonumeipe'a. By the turn of the nineteenth century, only four, from a constellation of ancient titles, had survived with the honorifics of tama'aiga (see chapter five). Next to the tama'aiga titles was another layer of titles called the aloali'i or sons of chiefs of equal stature, and generally regarded as sons of Tui A'ana Tamalelagi and Galumalemana. ¹ Another layer was called the Sa'o or the head of a group of chiefs.² The next level was the class of titles which embodied the

¹ They include Muagututia, Palelei, Paitomaleifu, Saipa'ia, Sala, Ta'isi, Tuala, Tuiotia, Tupou, Tupua, Va'ai, etc.

² They include 'Ai'ono, 'Anapu, Afamasaga, Fiame, Faumuina, Leutele, Lealaisalanoa, Toleafoa, Va'aafusuaga, etc.
attributes of both tulafa'el and ali'i called tulafa'el-ali'i.¹ Those of this class enjoyed the privileges of an ali'i such as a principal sitting post and were among the first to be served with 'ava on formal occasions. But at the same time, they can invoke the privileges of a tulafa'el when it is in their interest to do so. Such privileges include a prior right over other orators to speak in formal ceremonies and be entitled to the choice cuts of meat and other gifts from the re-distribution of wealth. In a dual-mode ranking, the tulafa'el-ali'i enjoy the best of both worlds.

When Marsack arrived in 1947, he appears to have followed the former Secretary of Samoan Affairs, Grattan's 1948 notes closely. After ten years as President of the court, Marsack released a booklet in 1958 as a guide to the court's deliberations. The sections on succession were culled from notes by his German predecessor Schultz (1911) and by Grattan (1948)². Sale'imoa Va'ai asserts that Schultz's published principles of succession contradicted what he practiced. For example, in his early decisions, Schultz awarded the pule (right or authority) over certain matai titles to certain individuals and also recognised a mavaega or the dying wish of a matai. But then in 1909 he withdrew these recognition.³ Despite minor criticism of its accuracy and failure to attribute relative weight to different elements of custom, an alternative publication by a Samoan has yet to surface. While Samoan judges and assessors are aware of its contents, the extent of its availability to the Samoan public can only be guessed, particularly as it is not printed in Samoan. In practice, the interpretation of its general principles were tempered by new criteria. Custom was not a set of rigid mechanical rules and relative weighting depended on the circumstances of each case, and thus matters of degree rather than absolutes.

¹ These include among others, Fuataga and Tafua of Aleipata, Alipia of Leulumoea, Vaili of Satapuala, Tolova'a and Tuato of Sala'ilua, Tofilau of Iva, Asiata of Satupa'itea, Fiso and Seumanufagai of Vaito'omuli in Palauli.

² Marsack and Grattan overlapped by a few years when Grattan was Secretary for the Office of Samoan Affairs.

³ Va'ai 1995:228.
Both Grattan and Marsack identified the 'aiga potopoto (extended family) as the electoral body for choosing successors, a body that is universally accepted as it remains unchallenged. The important criterion of primogeniture was not automatic but subject to the candidate's suitability and the majority view of the 'aiga potopoto. Family members, particularly those permanently domiciled on village lands, and in many cases including adopted members, have, if not equal, a voice in this selection process. The kinds of criteria they considered important in determining selection were listed under four headings. One criteria once considered important was the wish of the dying chief but it was later dismissed because of the alleged number of disputes caused by conflicting interpretations. The listed criteria were descent, residence in the village, service to titleholder and family and personal suitability generally in that order. In determining the elements of descent, the most important was the blood line normally followed by adoption and the desirable mix of tamatane/tamafafine relations and primogeniture. I say normally because many family lines such as the Sa Tupua line and many more along the tamafafine line have originated from adoptions. Following Schultz, the right or claim of the surviving brother was also accorded priority within the descent element particularly in association with residence and service to previous titleholders. The remaining three criteria of residence, service and personal suitability were subjective. Grattan did not specify residence but Marsack accorded it special importance. For him, residence was part and parcel of service. Without it, he argued, proper service was impossible. (That was no doubt true when communication was limited to personal oral contact and transport was on foot or by canoe. But modern communication and transport modify such principles considerably in practice).

'The Land and Titles court', Marsack continued, 'works on what it understands to be the principles of Samoan custom'. He hastened to add a qualifier: 'the rules ... are elastic and must at times be adapted to family traditions or to the history of the village concerned'. But like the fa'alupega, documentation

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2 Marsack 1961:10.
lags behind new understandings which have evolved over the last forty years but have not been incorporated in a revised booklet. The operative word is understanding, and the critical issues are the circumstances of the case, who interprets and applies that understanding to the working language of the court. In the absence of an alternative, Marsack's list of criteria remains the standard reference upon which comparisons are made against the understanding of the Bench and the litigants. One criterion which has perhaps gained increasing significance is knowledge of family history and traditions, particularly the recitation of fa'alupega and the *gafa*, delivered in animated and alluring oratory. Another important change was the broadening of *tautua* or service to encompass services by family members domiciled overseas. Tautua included remittances, facilitating the re-settlement of family members, education, employment opportunities and the enhancement of the family's reputation. With mission influence permeating every aspect of life, tautua *lotu* - service to the church - has been added to custom. To paraphrase Marsack's list of criteria below, the higher the title, the higher the consideration given to blood descent.

1. **Blood descent.** In the cases of tama'aiga titles, it would be impossible to pass over a close blood relation in favour of a person of more remote kinship. Other important elements were the right of the surviving brother and the prior rights of tamatane/tamafafine lines.

2. **Tautua - Service.** Rendering of proper service to previous titleholders, family village and district (and in recent times to the church). More important aspects of tautua included; *monotaga* - the practice of formal presentation of food on behalf of the family title to visitors, furnishing daily meals to the matai and (when required), making religious subscriptions and donations, implicit obedience to the orders of the matai in clearing and planting family land, general observance to the wishes of the matai in matters pertaining to the family's welfare, and other services as one may be called upon to render to the village, church and district.

3. **Residence.** The court stipulates that the appointee shall live in the village on family lands and take care of the family - *tausi le 'aiga*.

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1 Schultz 1911:13; Marsack 1961:10-11. The two conflict over emphasis. Schultz stresses the tamatane/tamafafine dichotomy over the surviving brother and Marsack the reverse.
4. **General fitness.** The general character of the appointee should be acceptable to the family and village. Some of the most important factors include; the likelihood or otherwise that his/her appointment will re-unite a broken family or keep a united family which is already at peace, that he/she has earned the respect of both family, *ali'i ma faipule* or Village Council so that his/her appointment will be honoured by them, a good knowledge of family history and traditions, a thorough appreciation of the standing of his/her family and of the title in the community, and ability to maintain that standing in the eyes of the district and village fono.

5. **Mavaega or dying wish.** A verbal will or testament in which the final wish of a dying chief can tip the scale in favour of a candidate whose chances are hanging in the balance.¹

In addition to Marsack's list, certain understandings, which we might term 'house rules'² pertaining to different families such as tama'aiga titles, were often concealed from the general public. These house rules remain generalised and family factions do not always agree on them - particularly, those disadvantaged by the rigid application of the rule. A few house rules for the Tuimaleali'ifano family were discerned from litigants' written statements. In matters of succession, for example, it was *tapu* - forbidden for appointees to be born of, and if titled, to be engaged in, endogamous unions. One unarticulated reason often given was its incestuous innuendoes.³ Perhaps a more cogent reason was status rivalry, and the consequent disturbance of the equilibrium among the Paleifitu, all of whom are of equal rank. Offspring of such unions used to be either strangled at birth or adopted by other family members under a new identity. Any that survived and later harboured aspirations for succession had to contend with this house rule.

¹ Marsack 1961:10-14.

² This term arose in discussion with Dr Niel Gunson.

³ From this *tapu* is derived the *feagaiga* between the church minister and his/her congregation.
Some recent examples of disadvantaged descendants include the line of Gafata'itua, whose mother was of Sa Sila, one of the Falefatu. Another is the line of Pomare, whose wife was a daughter of Taefu of Sa Taefu, another member of the Falefatu. The rule continued to apply in 1977 when 'Asi Lavilavi's candidature was dismissed because his wife, 'Aiga, was a daughter of Misa Mu, the ali'i matua of Sa Misa, and another of the Falefatu. As indicated in an earlier chapter, the pejorative insinuation attached to the ancestral name of Mealeaga is generally attributed to an endogamous union between Suatipatipa I and the daughter of Tonumaivao, a local chief, which led to the disinheriting of Mealeaga's descendants from succession except to titles at lower levels. That these house rules were common knowledge to the lay Bench can be illustrated by one example from the 1977 court case. In their deliberations, assessor Toelupe Vaito'a rejected 'Asi Lavilavi's candidature on the ground of the house rule discouraging endogamous unions pertaining to a tama'aiga titleholders. In his own words,

... sa o'u le manatu ia 'Asi Lavilavi ... e pei o tulaga o se tama'aiga, ae toe feusa'i ma se [fafine] o lea alalafaga. O lea feusaiga ... e fai ma fa'apa'ia mata i le 'Aiga Tau'a'ana.¹

... 'Asi Lavilavi did not figure ... on the condition of seeing a tama'aiga united with a [woman] from the same village. This union ... is a blight in the eyes of the 'Aiga Tau'a'ana.

Nicholson failed to grasp this understanding. Either through mis-interpretation, mis-hearing or ignorance, he mis-quoted Toelupe when he attributed to Toelupe the following translation;

... I expressed adverse opinions of 'Asi Lavi particularly as to his knowledge of Samoan and family traditions.²

In failing to grasp this understanding, Nicholson dismissed the ali'i matua of Matanofo for the wrong reason as ignorant of traditions.

Another unarticulated understanding is the prior right of offspring from arranged unions. These included Fa'aoloi'i's unions with Fa'api'o, daughter of 'Asi

¹ As transcribed by the Senior Stenographer Mrs Pepe Te'o of 22 July 1977.
² From Nicholson's handwritten notes of the deliberations of 22 July 1977.
Sagaga Vatau of Moata'a resulting in Si'ua'ana II (titled) and Si'utava'e. Another was to Tuialuga, daughter of Le Tagaloa of Ga'utavai, the offspring being Suatipatipa II (titled) and his sisters Tuialuga and Aolele.

Further examples of unarticulated but practised understanding for succession was through ultimogeniture which was common in high priestly lineages as it favoured the passing of highly specialised knowledge by the father to a son with a young memory. For example, Suatipatipa I was succeeded by his youngest son, Sualauvi and he was in turn succeeded by his youngest son Fa'aolo'i (although he preferred his daughter Tutogi). Fa'aolo'i was in turn succeeded by Si'ua'ana, the younger of two sons from his first arranged union, followed by his youngest son, Suatipatipa II, again from another arranged union, who in turn would have been succeeded by me, as the youngest of his three sons, had I been interested.

8.2. The fono's reactions

The court's power to decide is matched by its inability to enforce its decisions. No villager, from the humble to the high born, has ever challenged the authority of the fono either in the village or in the court and expected to continue living in the village. Instead pragmatism dictated the approach to living under village authority. In 1949 and 1977, the victorious candidates were declared persona non grata in the village. Each village fono was a law unto itself and other maximal lineages who supported the court in 1949, such as 'Aiga Taulagi, had no jurisdiction over other lineages as a non-Falelatai lineage could not guarantee their appointee's safety.

Once appointed, Suatipatipa II moved to Matanofo in 1949 and attempted to bring about family unity. It could not have been easy on someone who had been absent from family feudal politics. It must have been no less easy for Eti when he was proclaimed in 1977. He has not moved to Matanofo preferring instead suburban Apia. While the 'Aiga Taua'ana submitted a petition refusing to recognise the court's appointment in 1949, no formal appeal was actually lodged.
There were six appeals against the 1977 decision. 'Aiga Tau'a'ana responded to the decision through its own mechanism of power, the village council. The way in which the conflict between the court and village council was negotiated is important in terms of understanding the re-negotiation of power within the principles of custom and law. I discuss the council's response first, then the appeals by the descendants.
Table 8.1 Comparison of Marsack and Nicholson’s criteria

<table>
<thead>
<tr>
<th>Marsack’s criteria in 1958</th>
<th>Blood descent</th>
<th>Talu - Service</th>
<th>Residence</th>
<th>General fitness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susipatipa II’s appointment in 1949</td>
<td>Tamatane/tamafine; right of surviving brother; immediate relation to previous titleholder</td>
<td>To previous titleholders, family, mu'u and district; furnishing of daily meals; contribute to monodoga; religious subscriptions and donations; clearing and planting family lands; general observance in matters pertaining to the family welfare</td>
<td>The court stipulates that the appointee shall live on family lands in the village and take care of the family</td>
<td>Likelihood or otherwise of re-uniting a broken family or keeping a peaceful family united; earning the respect of ali’s matai; good knowledge of customs and traditions; able to maintain the title’s standing in the village and district</td>
</tr>
<tr>
<td>Nicholson’s criteria in 1977</td>
<td>Blood descent</td>
<td>Talu - Service</td>
<td>Residence</td>
<td>General fitness</td>
</tr>
<tr>
<td>Eti’s appointment was decided by Nicholson</td>
<td>Nicholson was silent on Eti’s blood descent</td>
<td>Nicholson was silent on Eti’s tautua on his absentee mother and brother</td>
<td>Nicholson was silent on this criterion</td>
<td>Nicholson emphasised personality and administrative ability.</td>
</tr>
</tbody>
</table>
8.2.1. In 1949

Smarting as the village fono was from the ramification of the new precedent regarding its authority, the fono's reaction was quick and unsurprising. The pule of the court over the title was one thing; but pule inside the village was another. In 1948, the recalcitrant Matanofo factions were banished for failing to support the Falefitu's candidate but this decision was withdrawn after Grattan's intervention. As expected, after the 1949 decision, the village fono again banished Matanofo from the fa'iga-nu'u or village governance, but stopped short of total banishment, fearing further intervention from Mulinu'u. This was followed by a petition to Grattan ten months later on 17 April 1950. Signed by seventy-three matai, the petition rejected Suatipatipa's appointment. It was signed by the Falefitu, Sa Fasavalu, mainly the co-sponsors of 'Asi Alipia and Seiuli Fitisemanu, and the orators of Pata except Taito Tologata. They declared,

that [LC1052] decision will remain effective as long a time (sic) according to the wish of the Government. But, the rights, dignities, and the kingly privileges of the Taua'ana family to protect and respect any holder of the royal titles will not be rendered to Suae[tipatipa]. We hereby declare that none of the above privileges will be given to Suae[tipatipa] until he is passed away. We, therefore, declare publicly that we, the Taua'ana family and Falelatai, will never recognise [him] forever.¹

Significantly, the list was headed by Leavaise'eta Fa'au'i and Toleafo'a Sa, the leaders of the rival faction within Matanofo itself. The seventy-third signatory was their candidate, 'Asi Alipia Tusitala. How did the court deal with this response?

In the absence of Grattan, the petition was received by the Registrar Matatumua Ata², who reported to Grattan that,

¹ Petition to Secretary of Samoan Affairs, H. C. Grattan, 17 April 1950, led and signed by Leavaise'eta Fa'aui, Misa F, Auva'a'ipeau S, Toleafo'a Sa and 69 other matai.

² Pers. comm. Mrs Pepe Te'o, 29 October 1996.
Despite the decision given by the Land and Titles Court[] which is binding to all Samoans concerned[,] and should be respected, this letter sent in by the District show[s] their disrespect to the Hon. Court.

Matatumua's reply suggests a widely held view within the bureaucracy that the court decision implied the court had appropriated the rights and privileges of the Va'a-nofoa-tolu in conferring the titles. Matatumua wrote:

The consecration of a title by the three royal lineages is not quite an important matter, because there are two other royal families who are not joining in this and the position of the present titleholder of Tuimaleali'i'fano is that the people respect him wherever he goes and it is hard to say what honour or privileges remain to be bestowed on Sua after he has been appointed by the Land and Titles Court.¹

This was a strong assertion. Once the court had decided, it seemed the titleholder was entitled to the privileges. But entitlement was one thing, recognition and conferral was another. It was a view privately held by Samoan officials in Mulinu'u who were not immune from using their positions to exert influence and curry favours.

Suatipatipa and his party did not challenge the fono nor appeal to the court to intervene. The fono had made its point and restored some lost pride. The court bureaucracy could not do anything about the petition, not from want of trying but because it did not have the teeth to enforce its decisions. Under current regulations, enforcement of decisions and orders of the court can only be actioned through the Supreme and Magistrates courts.² Offenders are liable to be prosecuted under section 75 of the Land and Titles Act 1981 but in the Magistrates' court. This was illustrated in a separate but related incident. In the same report, Matatumua mentioned a matai who was ordered out by the same fono. The matai sought assistance from the Office of Samoan Affairs and an Office

¹ Report on title Tuimaleali'i'fano of Matanofo, Falelatai by Ata Matatumua, 23 April 1950.

² Section 74, Land and Titles Act 1981.
orderly duly escort him back with a letter addressed to the ali'i and faipule urging the fono to reinstate him. But a few days later, the same matai returned to the Office stating he would accept the fa'a Samoa, and would go away to respect the wishes of the family and district.¹

Inside Matanofo, while banished from the faiganu'u, Suatipatipa continued peace efforts with the warring factions, one led by him and the other by Leavais'e'ta Fa'aui and including Aufono and her husband Toleafoa Sa and 'Asi Alipia Tusitala. When this failed, Suatipatipa enlisted assistance from the Office of Samoan Affairs. At a meeting called by the Office, 'Asi Alipia Tusitala stated that he would 'try his best to arrange with Tuimaleali'iifano a meeting of the family at Matanofo and will spare no effort in affecting a reconciliation'.² This calmed things down. But four months later, another flare-up occurred when a rival candidate, Tuita'alili Mate who had been living in Falevai, turned up at the maota in Matanofo without Suatipatipa's consent.³ When Suatipatipa told him to leave, Tuita'alili resisted, on the basis that he did not recognise Suatipatipa's court appointment.⁴ Tuiav'i Sualauvi II and Maua (later Afamasaga) sought Police assistance in the removal of Tuita'alili, but they were referred to Grattan in Mulinu'u. Matatumua received them and when he relayed their concerns to Grattan, the issue was ignored on account of Grattan's ill health.⁵

Rejected by the village fono and without much success in reconciling differences within Matanofo, Suatipatipa and his first wife Ta'a'aitulagi moved inland in 1951 to the togavao - forest land, into a make shift faleo'o - thatched roof house where from scratch, they eked out a new start. Their main cooking utensil consisted of a six-pound apa pisupo - Hellaby corned beef tin - which doubled for

¹ Ḣid. Matatumua does not name the matai but it is most likely to be Taito Tologata, the leader of the petitioning party in 1949.

² File note by K. Ainoa, 19 September 1950.

³ LC1052, Writ. state. by Taito Tologata et al. 12 April 1948. Fagugata was another brother of Sualauvi. Tuita'alili's candidacy had the tacit sponsorship of some members of Sa Fasavalu.

⁴ File note by Matatumua Ata, 8 January 1951.

⁵ Ḣid.
cooking staple food and tea. In 1954, he re-married Ta'alefili and returned to the 'a'ai - settlement - of Matanofo. In another thatched roof shelter, they lived on one side with their pigs on the other.

There was no higher authority to appeal to as the highest titleholder was cast out. The only alternative local mediator was the church's representative. The key player in this reconciliation was the faife'au Faoliu and his wife Emeline 'Ainu'u.1 Under his guidance and tact, the fono finally relented and reinstated the descendants to their homes in Matanofo after six years.2 Anae asserted that 'Had [it] not [been for] the plead[ings] of [the] servants of God (Pastors), 'Aiga [Taua'ana] would not have changed [its] mind.'3 In accordance, the Sa Fasavalu family mediated and formal installation ceremonies were held and the honours of tama'aiga were restored.4

8.2.2. In 1977

The village council's response in 1977 was similar to 1949, but the difference was that Matanofo was assailed more vigorously. Its thinking was guided by its Chairman 'Anae Taeoali'I who was in his early seventies. He asserted that had one of Suatipatipa II's children been appointed, they would have embraced the court's decision. They had never seen Eti before. He was not welcomed in the village and he was declared persona non grata. The local press, particularly that operated by Le Tagaloa Leota Pita Ala'ilima, publicised the village's attitude.

1 Of Leona, Tutuila, American Samoa, faife'au in Matautu, Falelatai from 1948-1963.

2 LC5605. Writ. state. by 'Aiga Taua'ana, n. d. p.3. It is not clear when the banishment begins from 1948 or 1949.


4 'Aiga Taulagi and 'Aiga Satunumafono seemed not to have been invited by 'Aiga Taua'ana.
Ua te'ena e Falelatai ma galu e fa, fa'apea le 'Aiga Tau 'A'ana feso'otaiaga ma Matanofo po'o le suafa Tuimaleali'ifano. Ma e le o toe aloa'ia e le Tau 'A'ana lea suafa o se tama'aiga e feagai ma 'aiga.¹

Falelatai has severed relations with Matanofo and the title Tuimaleali'ifano. The Taua'ana lineage has also declared that it no longer recognises this title as a tama'aiga title and as their covenant.

Furthermore, the fono expressed its mind on the positions adopted by the two ali'i matua of Matanofo, 'Asi Lavilavi I and 'Asi Pauani, during the hearings. The fono declared them opportunists who had neglected their responsibilities as family heads for individual interest. In the previous year they were banished, for reasons which remain uncertain but most likely related to their boycott of my saofa'i in mid-1975 under the auspices of the Falefita. With the assistance of the court Registrar they were reinstated early in 1977.² Yet before the year's end, they were out again. Despite the fono's decision against his appointment, Eti appeared in Matanofo immediately after the court's decision and attempted to prepare for his saofa'i. Matanofo ignored him saying that the two ali'i matua were not there to instruct them.³ In the beginning of 1978, emissaries for the two elders succeeded in appeasing the Falefita and they were reinstated. They easily affected a family reconciliation on Saturday 18 June 1978 without Eti who remained persona non grata for another seven years. While Matanofo was reconciled, they remained banished from faiganu'u - village governance. As long as the Falefita held out against Eti, Matanofo could not be reinstated.

The stand-off between the fono and the court lasted for seven years. But within that period, the fono's unity was slowly showing signs of splitting. Of the two centres, (see chapter 2), the Si'ufaga-based Faletolu (house of three) and Matautu-based Falefa (house of four), the locus of Falefita power was in Matautu. In tandem with Sa Fasavalu, the Falefa had genealogical depth and strength in

¹ Samoa Weekly, 19 August 1977.

² Registrar Tuilefuta Papali'i Enele Hunkin to Sila Fa'amalaga and Tagomoa Sio, pulemi'u of Matautu and Si'ufaga respectively. 9 January 1977.

village history and politics, particularly in matters concerning the tama'aiga and papa titles. Any dispute over tama'aiga within the Falefitu gerontocracy was thus Falefa business, that of Sa Anae, Sa Misa, Sa Nanai and Sa Sila.

The authoritarian structure of the village gerontocracy was outlined in chapter two: staunch conservatives, self-righteous and obstinate in their interpretation of customs and traditions. The Falefa had a particularly close working relationship with Suatipatipa II from the mid 1960s to the early 1970s. For them, the fono took precedence over the court and the government. Mataiship was a life long vocation and change would only come about only by death or infirmity. There were no two ways about this group of Sa'o¹. In the exercise of their authority, their most daunting punishment came by way of an afo'iga tutasi, a decision which stood unappealed and irreversible. In its local expression,

_E mafaia e le tagata ona alo le pulufana ae na le mafaia ona alo le afo'iga tutasi._

One can dodge a bullet but not the [fono's] decision.²

Even if subsequently proven wrong, it was pressed relentlessly. Even with benefit of hindsight, to re-consider was to show weakness.

The role of navigating a way through this impasse between fono and court fell on the next generation of Sa'o. Among them was Misa Nanai Faitala, the most able from the mid-1980s, an urbane and accomplished matai who had attained mataiship at an early age under the Misa title in the late 1940s,³ followed by the conferral of the Nanai title. In the early 1970s, his contribution and knowledge was recognised with his appointment as a _fa'amasino_ or judge for the Land and Titles Court, and it was to him that the court turned to uphold its dignity and

¹ The term Sa'o is used interchangeably with ali'i matua in the local context. Hence sa'o or ali'i matua of Sa Nanai etc.

² One example of this single minded traditionalism is the well know case of Tariu Tuiviat. Despite legal advise and advise of Nanai Faitala as a LTC judge against continual banning of Tuivait, the Falefa preferred debt rather than compromising their authority.

³ He was a signatory in the petition of 17 April 1950. In 1984, he surrendered his Misa title to Retzlaff for his services as a lawyer rendered during the Falefa's Court case against Tariu Tuivait.
decisions inside Falelatai. The 1975 saofa'I was an all ali'i affair and all 'aumaga affair, Misa Nanai was Toleafoa, the manaia - chief's son who is the leader fo the aumaga. In church matters, Nanai's record of service was outstanding. The Matautu Congregation had two large church choirs, one for the taulele'a and the other for the matai. In his dual role as organist and choirmaster for the matai's choir, he was a centre-player in church politics. In the early 1990s, he was elected to the prestigious lay position of ti'akono toea (senior deacon) for the Samatau/Falelatai district. The only blemish against him was reported in the early 1960s, while working for the church's agricultural project. He was charged and convicted with mismanagement of funds and ordered to repay the sum.¹

In the early 1980s, the first rumbling of dissension in the Falefa ranks emerged. Time was taking its toll on its key players. The old hard-liners were succumbing to old age, and the long process of accommodating the court's decision was about to begin. The role of Sa'o for Sa Nanai came sooner to Nanai Faitala than he had expected. The fiercely proud Nanai Sopo died before the case was called in 1977 and the leadership of Sa Nanai passed on to Nanai Faitala who was fast approaching sixty.² His brother, Misa Li'a, had recently succeeded to the ali'i matua position of Sa Misa with the demise of another member of the gerontocracy, Misa Sautia. As a pragmatist, Nanai Faitala could see that so long as they had no tama'aiga in place, their status as a major player in both custom and government would be undermined by other tama'aiga and their maximal lineages. The longer the stalemate continued the longer the road to political equilibrium if not prominence.

¹ Meeting Papers for the Fonotele in Malua, 1960s.

² Nanai assumed the Sa'o position of Sa Nanai but did not surrender the Misa title until July 1984 to Herman T. Retzlaff. Retzlaff was related to Nanai Faitala not in Falelatai but in Malaele of the Aleipata district on the other side of Upolu. Nanai's argument was that Retzlaff warranted the title in view of his services as legal counsellor to the Falefa in their case against Taritu Tuivaiti. But other factions of Sa Misa argued that it did not make sense for Nanai Faitala and Retzlaff to be related at Aleipata and be given a title from Falelatai. LC2707. Writ. state. by Onosa'i Misa, Tumusolia Misa and others, Maiava Selu and others.
In view of the protracted historical struggles over the tama'aiga titles, the architects\(^1\) of the Constitution provided for a three-member Council of Deputies, reserved nominally (but not exclusively) for tama'aiga titleholders as a way of appeasing the historical struggle among the titleholders. In the event of a vacancy in the position of Head of State, the Constitution provided for Parliament to elect a successor for a five year term, normally but again not exclusively, from members of the council. In the early 1980s, only one of the three seats was occupied, by Tupua Tamasese Lealofi IV. A new Mata'afa titleholder was appointed by the court in September 1977, but his appointment to one of these seats, like the court appointee for the Tuimaleali'iifano title, was blocked by divisions within the ranks of 'Aiga Salevalasi.

Under Anae Taeoali'i, the Falefutu felt no compulsion to compromise their position in order to fill a vacant seat in the Council of Deputies. Anae and his elderly peers gave little away once their mind was made up. It was different with the next generation of elders like Nanai Faitala. There was urgency in Nanai's mind not so much over the assumption of one of the vacant seats but to enhance the 'Aiga Taua'ana's position in the event of a vacancy at the level of Head of State. To this new breed of Sa'o, retaining political pre-eminence was the key purpose. The incumbent of a tama'aiga title was a means to obtaining a seat on the Council of Deputies and thus national recognition of its maximal lineages. But there was also another equally compelling reason. It was incumbent on him as a senior judge of the Land and Titles Court to press for the implementation of the court's decisions as they affected his area of influence. The unexpected death of Tupua Tamasese Lealofi IV in July 1983 transformed his thoughts to deeds. Once he took over the chairmanship of the Falefutu, he instituted moves with the view to accommodate the court's decision and appointee. As the Sa'o of Sa Nanai, he had little difficulty in securing their consensus. His brother Misa Li'a was the Sa'o of Sa Misa, and this assured him of a firm ally. Both were in their sixties, but despite their mature years they were juniors in relation to the other two Sa'o. The fono's

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\(^1\) See Davidson 1967:372-3 for a discussion on its creation in Article 25. It was almost deleted on a motion moved by Ulualofaiga Talamaivao (p. 397)
spirited Chairman, Anae Taeoali'i, was in his late 70s. Through survival and long years of services to the Fale'itu and lotu, Anae had achieved the unimaginable. The kingmaker was a *faiava*, a demeaning term applied to a male marrying a local woman.¹ In his eighties, Sila Fa'amalaga's presence permeated the village. In spite of his age, his frame towered above all, a reminder of legendary deeds of by-gone years. He had served in Parliament in the mid 1980s and also as a *pulenu'u* (mayor) of Matautu for many years.

In one of their regular monthly meetings in the early 1980s, Nanai Faitala carefully and tentatively articulated his view. But before he could finish, Sila cut in. Groping for his walking stick, and before the assembled fono of Matautu, he was virulent at Nanai;

`E ke ka'aka'a ma e fa'akavine ia Akoa, ona e sau lea fia fa'aaliali lou pule. Koietiki o'u ka 'oe i le ko'oko'o.`

You wander around as a servant to Atoa² and then you come here and display your pule! I'll soon beat you up with this walking stick.

Anae was equally venomous. As long as he was Chairman, Eti's appointment was unacceptable.³ Wounded, Nanai retreated and shelved his idea. But three years later, in 1983, the young Turks made another valiant attempt. This time, it was Anae who reacted:

[We will] not recognise Va'aleto'a as Tui. The government can stick their Tui. But as far as [we are] concerned, [Suatipatipa's son] is [our] Tui.⁴

Further, the two seniors, Anae and Sila threatened their junior partners, Nanai and Misa with banishment from the faiganu'u, in effect splitting the Falefa in two. This was at least half of the village population and church congregation. Choking

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¹ His wife was Matau'aina of the Sa Anae clan. The opposing and equally demeaning term for a foreign woman marrying a local man was *nefo lane*.

² An Apian-based local entrepreneur whose sister was Nanai Faitala's first wife.

³ Anae, Sila and the deceased Suatipatipa II were of a similar age and generation.

with uncertainty, villagers waited with bated breath to see if the two gerontocrats would make good their threat. In retaliation, Sa Nanai and Sa Misa formed their own faiganu'u. If the Falefa came to blows, numbers slightly favoured Sa Nanai and Sa Misa. While most young people found some humour in the rhetoric of their gerontocrats, their parents were not so enamoured. Eventually village governance split in two, with Sa Nanai and Sa Misa holding their own fono, while Sa Anae and Sa Sila contemplated ways of obliterating them from the village. This stand-off continued for two years. Would the stand-off led to blows? The principles of kinship criss-crossed so many boundaries with many holding more than one title within the Falefa that the likelihood of the village coming to physical confrontation seemed remote.1 The church also blurred family distinctions. Any rupture within the fono was bad for any village governance and disastrous for the church and faife'au. The heat generated inside the fono to some extent was dissipated in the ambience of the regular Sunday lotu. For it provided an alternative centre for social interactions where families continued to engage in neighbourly competition through the annual Me collection and monthly tithes for the upkeep of their faife'au. In choir practices and at Sunday services, the chiefs and their wives continued to occupy the pews according to the parts in which they sang in harmony under their choirmaster, Nanai Faitala. Whenever there were any important announcements, Anae Taeoali'i continued to make them. As dignified Christian chiefs and orators in church matters, the ruptures of the fono were unknown.

8.3. Appeals from Matanofo in 1977

With respect to litigants in Matanofo, what principle criteria and supporting evidence did they cite in their appeals? In 1949, apart from the petition by the Falefitu and rival Matanofo factions, no formal appeal was lodged. Out of the nine eligible contesting parties in 1977, there were five appeals. In addition, a witness

1 E.g. Likisone was a co-holder of the Nanai and Anae titles.
for one lodged a formal petition to the President against the court appointee, on grounds of perjury. These are summarised in Table 8.2 below.

The petition by Lotoa Fa'ai'ua Si'utava'e was against the decision on the ground of perjury committed by Felotea'i and Va'aleto'a Eti. Eti's gafa proclaimed that Si'utava'e's marriage to Fa'avevela Faiumu of Nifoali'i produced the two sisters Felotea'i and So'onalote in which the So'onalote was claimed 'deceased'. Si'utava'e had petitioned against this gafa, saying that So'onalote, his mother, was very much alive and was a witness for one of the parties. Lotoa's petition, dated 25 July 1977, was received by the court bureaucracy on the same day but without acknowledgment.

The following table (Table 8.2) summarises the principal objections cited by the appellants against Eti's appointment. The first column lists the appellants followed by the grounds of their appeals under the four criteria of descent, service, residence and personal suitability. Under descent, the first common objection was based on the departure from the principal of direct patrilineal descent. The second common objection was levelled at his paternal Tongan side. According to one appellant, it should constitute the itu malosi or the strong side. Implicit in most of the claims was the stereotypical attitude that foreign elements diluted Samoan nobility, but perhaps more important was the lack of any family background knowledge of Eti's father, apart from having been a boxer and a stevedore in Samoa. The last column lists the decision by the appeal's judge, who was also Nicholson, who rejected all appeals without explanation as he was not compelled to do so under law existing at the time.
Table 8.2 Summary of criteria cited by individual appellants in 1977

<table>
<thead>
<tr>
<th>Appellants</th>
<th>Descent</th>
<th>Tautua</th>
<th>Residence</th>
<th>General suitability of Eti as interpreted by individual appellants</th>
<th>Nicholson</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lotoa</td>
<td>Fa'aiua</td>
<td>Si'utava'e</td>
<td>25 Jul. 1977 to Nicholson.</td>
<td>Si'utava'e petitioned the court on the ground of perjury committed by Felotea'i and Va'aleto'a Eti. Their gafa and written statement claimed that So'onalote, (sister of Felotea'i and aunt of Eti) was deceased. In fact So'onalote and her son were witnesses for 'Asi Lavilavi I.</td>
<td>Un-acknowledged and ignored.</td>
</tr>
<tr>
<td>2. 'Asi</td>
<td>Lavilavi I,</td>
<td></td>
<td>14 Oct. 1977.</td>
<td>'Asi Lavilavi I petitioned that the court placed too much importance on matters extraneous to customs and traditions. These included personality, modern administrative ability (as per reference by Commissioner of Police). The respect of the village and leadership qualities was ignored. The village vented their anger against the court's appointment by banishing him and 'Asi Pauani, as ali'i matutua of Matanofo. When Eti turned up in Matanofo to arrange his installation, the family refused to meet him as he and 'Asi Pauani were banished. On knowledge of custom and tradition, 'Asi claim that Eti does not know the relationships between the title and other parts of the family, village and district.</td>
<td>Rejected</td>
</tr>
<tr>
<td>3. 'Asi</td>
<td>Pauani, Totoro'a,</td>
<td></td>
<td>2 Dec. 1977.</td>
<td>'Asi Pauani petitioned that if Eti had a good personality and was popular, he would be well supported. Instead he is supported only by his mother. The court has equated his police rank with good education and administrative ability. (His secondary school card is attached). As he is unfamiliar with most members of the family, how could a new person unite us? So far, he has done nothing toward this effect.</td>
<td>Rejected</td>
</tr>
<tr>
<td>4. Seagai</td>
<td>Saimana</td>
<td></td>
<td>3 Aug. 1977.</td>
<td>Faumuina petitioned the court that this was the first time the court had outlined its criteria for succession and it warrants a full rehearing. As a member of a junior generation, Eti's ability to unite the family is questionable as members of a senior generation are still alive.</td>
<td>Rejected</td>
</tr>
<tr>
<td>Appellants</td>
<td>Descent rank in Nofoali'i</td>
<td>Tautua titleholder</td>
<td>Residence</td>
<td>General suitability of Eti as interpreted by individual appellants</td>
<td>Nicholson</td>
</tr>
<tr>
<td>------------</td>
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<td>-------------------</td>
<td>-----------</td>
<td>---------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>5. Anesi Tuimaleali'i'ifano</td>
<td>Eti's father was Tongan. His maternal grandfather was not titled. A departure from the principle of direct succession.</td>
<td>He has never served the late titleholder.</td>
<td>He has never been seen in Matanofo nor lived there at any time. Didn't even attend the funeral.</td>
<td>Anesi petitioned the court that 'Aiga Taua'ana refuses to recognise Eti as he is not a son of the late titleholder. The 'Aiga Taua'ana is of the opinion that if the appointment was one of the sons of the late titleholder, they would acknowledge and honour him.</td>
<td>Rejected</td>
</tr>
<tr>
<td>6. Eli Sua Tuimaleali'i'ifano</td>
<td>Eti is same generation as my children. His Tongan father's side (the strong side) is unknown.</td>
<td>No service. If it is claimed through mother, she served 'Asi Lavilavi I, not the titleholder.</td>
<td>He was born in Nofoali'i, and has not lived in Matanofo.</td>
<td>Eli petitioned the court that Eti has little if any understanding of family customs and traditions. He is young and is not a matai. For example, he does not understand the custom of lafo (gifts) to tulafale after the court has delivered its decision. His educational qualifications are questionable. He did not complete Samoa College nor Malua Theological College. If the court was considering candidates for the title on the basis of references from their employers, then the court should have asked other candidates for similar references as they were unaware they were being considered as if applying for a job interview. Eti's appointment was rejected by 'Aiga Taua'ana, declaring him a persona non-grata. Ali'i matutua of Matanofo were banished because of the village's displeasure in Eti's appointment.</td>
<td>Rejected</td>
</tr>
</tbody>
</table>
Appellants also asserted that Eti's Samoan side through his mother was of mediocre rank. Her father, Si'utava'e, was a taule'ale'a - untitled - and his marriage was to a matai family of low rank in Nifoali'i. Two appellants objected on the ground of Eti's junior generational line. In an eleven page submission, Eli\(^1\) detailed how he had mentored Eti, and facilitated his first marriage to a daughter of a former faife'au while he attending a police course in New Zealand from 1971-1975. 'Eti', stated Eli 'is the same generation as my children'. Under tautua, the appellants pointed to the fact that Eti was riding on the tautua of his mother and brother, both of whom were non-residents of Matanofo. Eti's own tautua was the nominal monetary contribution to his mother which ended up in 'Asi Lavilavi's but not the titleholder's hands. He himself had not rendered any tautua directly to the titleholder or to the family in Matanofo. The appellants recounted Eti's answers on the criteria of residence at the proceedings of the previous court case. When asked by Judges Tagaloa and Taulapapa if he had lived in Matanofo, Eti replied in the negative.\(^2\) Under suitability, 'Asi Lavilavi I asserted that the court strayed from customary criteria of direct descent, residence and service, and knowledge of family traditions. The court, he continued, placed undue emphasis on modern criteria such as personality and administrative ability. The court ignored the Falefita's opinion and the likelihood of their accepting the appointee. This insensitivity to the Falefita's opinion, continued 'Asi, had led to their banishment from Falelatai and the Falefita declaring Eti persona non grata. Another appellant, Seagai Faumuina, appealed on the ground that for the first time the court had outlined its criteria at the end of the hearing. Since an employer's reference for Eti was considered, the court should have sought similar references from other candidates as they were unaware of this apparent condition. On the ground of personality, 'Asi Pauani pointed out that Eti's support was his mother. His junior descent coupled with his unfamiliarity and questionable acceptability by senior family members, cast doubt on his ability to unite the family.

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\(^1\) Although he holds the titles of Va'afusuaga from Sa'asa'ai and Puleiata from Magiagi, I refer to his Christian name Eli for convenience.

Nicholson, who decided on Eti alone at the initial hearings, also considered the appeals alone. He rejected all of the appeals except that by Si’utava’e on the charge of perjury. Nicholson either did not see or ignored it.

Much was made of the likelihood of reuniting a divided family as a criterion. When the two elders were reinstated in 1978, Matanofo was reconciled, internally and with Eti. But it took another eight years before the Falefitu could be reconciled. Despite Eti’s assurances that he would effect unity, the Falefitu's stance was solid and soon afterwards he left with his family for further studies overseas. Eti’s absence plus the impasse within the Falefa led to other family members filing new petitions to annul Eti’s appointment in 1983, (see below). The impasse within the Falefa was resolved eventually by two events: the mediating role performed by the faifo’au, Tagoa’i and, as a consequence of the first, the eventual acquiescence of the senior gerontocrats.

After eight years in the wings and with the Chairman finally acceding, Matanofo's reinstatement was assured and with it Nanai Faitala's plan for the Falefitu. Eti was called from his studies and with his installation in Matautu on 29 June 1985¹, Matanofo returned to the faiganu'u. After the reinstatement in the same year, the bastions of conservatism succumbed to death and senility. Anae died in 1985 and Sila lapsed into infirmity until his death in 1994. Their successors were Anae Tonu and Sila Talana'iga respectively; though of mature years both had been over-shadowed by their long lived and powerful predecessors. It took Nanai another eight years to realise his plan.

¹ Samoa Times, 5 July 1985.
8.4. Exploiting the ambiguity between court and fono: 1983-1990

Given the position of tama'aiga titles in Samoa's political structure, one house rule observed in Matanofo was that it was demeaning for its holder to be engaged in paid employment. Knowledge of it was confirmed by the court when Tagaloa Kerslake stated that the title was 'most significant in relation to [the] other three paramount titles and position of Council of Deputies or even Head of State'.¹ The long-standing stand-off within the Falefa and Eti's absence from 1980 led two of the more determined faction members living outside of Matanofo² to lodge fresh petitions in the court. The first petitioner, Eli, asked the court to reconsider its decision on the ground that Eti had failed to resign from his civil service post³ despite an understanding that he would. Second was that he had neglected his duties as a titleholder because of his absence overseas. Third, was his continued rejection by the Va'a-nofoa-tolu.⁴ The second petitioner, Toleafao Tipa'u, took a radically different stand. He challenged the standing and status of the title as a tama'aiga title and rejected it having any connections to the Va'a-nofoa-tolu. He, Toleafao asserted, was the Tui A'ana and rightful tama'aiga titleholder, e ona or one who owns the Va'a-nofoa-tolu. He petitioned the court to order the Tuimaleali'ifano titleholder and Matanofo family to desist from using the rights and privileges which rightfully belonged to him as Tui A'ana Toleafao.⁵ The two petitions were lodged in March and June 1983 respectively, but were not

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² Puleia Eti and Toleafao Tipa'u were living in Magagi and Fagali'i respectively. It would have been inconceivable for them to mount a challenge while domiciled in Matanofo.

³ Eti had worked as a policeman for 3 more years after his appointment followed by undergraduate studies for 6 years and on his return in 1986 continued as a civil servant for another 7 years until mid 1993.

⁴ LC5379 Part 1, 23 March 1983. Paragraphs 2 and 3 on continued civil service employment, 4 on failure to unite Matanofo and Va'a-nofoa-tolu, 5 on absence overseas, 7 on rejection by the Va'a-nofoa-tolu.

⁵ LC5379 Part 2, 22 June 1983. His claims rested on the fa'alupega which refers to Toleafao as the Tui A'ana a'ae au malaga - lit. on formal visits, the Tui A'ana remains at home but it is Toleafao who deputises, and the Toleafao title is recognised as the fa'aualiluga of 'Aiga Satunumafono or head of the 'Aiga Satunumafono.
heard until seven years later in July 1990. The purpose of examining these petitions is to illustrate how the court's procedures are manipulated by litigants under 'custom and usage' and instruments of law.

A preliminary hearing of Eli's first petition was called on 7 July 1983. Eti was in Samoa at the time, but did not attend the hearing, while 'Asi Pauani appeared on Matanofo's behalf. Eli asserted that his petition was against Eti, not Matanofo and that he wished to deal directly with Eti. In view of Eti's absence and Toleafoa's unpublished petition, the case was deferred. Evidently feeling the pressure while in Samoa, Eti spread the rumour during his Sunday visits to attend church in Matautu that he was returning at the end of that year, implying that he was returning to stay.¹ This eased the pressure against him. Instead, he remained in Australia for two more years.

After Toleafoa's petition was published, it joined Eli's on the dusty shelves for four years before a hearing on 8 September 1987. But at the hearing, it was further delayed by the 'Aiga Taua'ana's request for more time to lodge a petition because its leader, Nanai Faitala, who was heavily involved as Presiding judge over the Tui Atua title dispute.² Three years later, a third attempt was made on 11 May 1990. This time, unlike 1983 when the first hearing was called, Eti was present, tooled up with modern credentials as a qualified lawyer and knowledge of relevant laws and Acts of Parliament to deal with dissident family members. On an Australian government scholarship, he studied law in 1980 at the Australian National University, and graduated in May 1986.³ He was admitted to the Australian Federal High Court Bar and Australian Capital Territory Bar in October 1986 followed by admission in the following year to the Western Samoa Bar. On his return at the end of 1986, he resumed his Civil Service career in the Attorney-General's Office as both a Police Chief Inspector and State Solicitor until he was appointed a Senior Public Defender from 1989-1990.

¹ Pers. comm. Ta'alefili Nanai Tanielu, 17 July 1983. He was banished from the fa'amale'u but church attendance was not included in the terms of banishment.

² Fata Meafou to Petitioners and Nanai Faitala, 4 September 1987.

³ Savali, December 1986.
Eli's first point in his petition referred to Eli's continued employment as a public servant despite his holding a tama'aiga title and the understanding that he would resign if appointed. When the judges asked him about employment, the court was testing his knowledge of this house rule. The record of the 1977 proceedings is as follow,

Tagaloa Kerslake: Afai o le a fa'amauina lou mana'o ona e fa'amauae loa lea o lou tofi leoleo ae o le a e alu e tausi le aiga? If you are chosen, will you resign from your police work and go and look after the family?

Va'aleto'a Eti: Afai o le finagalo lea o le Fa'amasioga mamalu o le a fa'apea lava ona ou faia. If it is the wish of the court, then I should do it.¹

Eli's reply did not betray ignorance, but when Eli petitioned the court against his continued employment as a civil servant in terms of the house rule, Eti dismissed its import by interpreting the court's decision literally. In his response, he stated,

I did not say that if I am appointed I would resign on my own accord. The court decision ... did not impose any condition on my holding the title.²

Eli recollected correctly. The court did not impose any condition. The family house rules were clear on these matters irrespective of the titleholder. Eti was the first Tuimaleali'iifano titleholder and only tama'aiga titleholder to hold a civil service position from 1977 until 1980³ and from 1986 to 1993, a total of ten years until his appointment in July 1993 as a member of the Council of Deputies.⁴ In contrast, the only positions ever held by previous titleholders were that as a member of the

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³ Excluding six years as an undergraduate student in Australia.
⁴ Despite the requirement that Council appointees refrain from further employment, Eti continues to practice. Pers. comm. Su'a and Seiuli Pepe, 20 November 1996.
Council of Deputies and fautua. In relation to the allegation of neglect, he responded that he had the family's blessing. This contradicted 'Asi Lavilavi's sentiment expressed during the proceedings that a degree was not needed for such a position. On his failure to unite the family, Eti stated that before he left for Australia, he had achieved unification of the Matanofo extended family. But again this was contradicted by 'Asi Lavilavi I in his appeal of October 1977. He asserted that when Eti turned up in Matanofo, he was ignored by the family because at the time both he and 'Asi Pauani were banished by Falelatai due to their anger over Eti's appointment. It was only when the two were reinstated that family reconciliation was affected. But Eti chose to ignore in his response the Falefatu's rejection of his appointment till 1983, the time of Eli's petition.

In a lengthy response addressed to the President of the court and copied to the Registrar, Eti requested the court to do two things: one, to charge the petitioners with contempt of court, or in the alternative, issue an order for a stay of proceedings of the petitions wholly; and, two, to strike out or disqualify each petition by applying the relevant sections of the Land and Titles Act 1981. In advancing his arguments, he cited sections 37, 42(1), 70 of the Land and Titles Act 1981 and Article 13 of the Constitution.

Section 42(1) allows any interested Samoan to bring to the Court any matter considered in dispute. It states that

All proceedings may be instituted in the Court by oral or written notice of the matter in dispute given by any interested Samoan to the Registrar.

He argued that the petitions should be struck out because they did not arise out of any matter in dispute. While this might apply to Toleafoa's petition, it did not apply to Eli's. The matters raised by Toleafoa, as Eti correctly pointed out, had already been dealt with in earlier court cases. On the other hand, Eli's petition

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1 Suatipatipia II was the first Member of the Council in 1962 and Fa'alofo'i was a fautua during the New Zealand regime.

2 LC1052, LC1611 and LC5379. Toleafoa's title was conferred by Suatipatipia II in 1953. His case would be stronger if it was bestowed by 'Aiga Satunumafono in Safata, the origin of the Matanofo Toleafoa title.
raised issues which were current in 1983, the time of the initial petition. These disputes related to Eti's insensitivity to the title's reputation by continuing to be a public servant, failing to affect the family's reinstatement into the faiganu'u, the Falefitu's persistent rejection of his appointment, and his absence overseas. In ignoring these as matters of dispute in 1983, Eti reiterated the court decisions of 1949 and 1977, claiming that Eli was in contempt of court in terms of Section 70 of the Land and Titles Act 1981. The Section states,

Subject to an appeal under Part IX every decision of the Court on a petition shall be deemed to be a judgement in rem\(^1\) and shall bind all Samoans who are affected by it, whether parties to the proceedings or not.

The consistent application of this section exposed two major weaknesses in the justice system. One was the court's inability to enforce its decisions, and two, the effect that it exposed Eti and Matanofo's inability to challenge their banishment and rejection by the Falefitu and by implication the other two 'Aiga of the Va'anofoa-tolu in terms of Section 70 of the Act. Eti also claims that the petitions are contrary to Section 37 of the Act which states

In all matters before it the Court shall apply (a) custom and usage; (b) the law relating to custom and usage; (c) this Act and any other enactment expressed to apply to the Court.

Eti claims the petitioners showed no respect to his status as a tama'aiga titleholder and violated Section 37 which, as he put it, 'emphasises the importance of applying custom and usage in matters that are dealt with by the court'. As discussed in an earlier chapter, such arguments which cite a body of law to justify their arguments is spurious because such a body of law or legal opinions relating to customary land and chiefly titles does not exist. The Registrar herself admitted to it:

In respect of customs and usages the orators (the custodians of cultures and traditions) are the first people to admit to variations of customs and traditions (\(tu \ ma \ agaifanua\)) from one village to another, from one district to another, and from one island to another. In

\(^1\) An act, proceeding or right available against the world at large, as opposed to in personam. A right of property is a right in rem.
general, the Court does not make allowance for peculiar practices by individual families.¹

Eti's interpretation of acceptance according to custom and usage assumed acceptance in accordance to the custom and usage of the village to which the title belonged. He assumed that acceptance by the court equates with acceptance by the village. The reality was that in terms of the village, the court's decision was not accepted as in accordance with village custom and usage as demonstrated by their rejection of Eti from the time of the petition in 1983 until 1985. The only institution that recognised Eti's appointment at the time was the court, in which case, the custom and usage referred to in Section 37 could only be interpreted as the custom and usage relating to the decision-makers of the court, but not the village(s) of the title. In citing Section 37, Eti conveniently ignored the historical sequence of events raised in the petition of 1983 and overlaying them with the events of 1990.

In addition to the Land and Titles Act 1981, Eti summoned Article 13 of the Constitution. It states:

All citizens of Western Samoa shall have the right to freedom of speech and expression; ....

He asserted that the right to freedom of speech and expression was 'being abused by the petitioners to make allegations against me'. In a tone clearly resenting Article 13, 'these allegations', he continued,

are improper, contrary and offensive to Samoan custom and usage that are appropriate to the status of a tama'aiga, his family and genealogy.²

The amorphous area of custom and usage provides opportunities for those with some understanding of uncodified custom and versed in Western legal procedures to exploit. No rule in custom, written or otherwise, incriminates justifiable

criticism of a matai of whatever rank. Eti implied that tama'aiga titleholders were above the law. Two petitioners, Eti claimed were using Article 13 to criticise tama'aiga titleholders. Criticism of tama'aiga titleholders, Eti contended, constituted abusing the 'customary privileges' of tama'aiga titleholders. Therefore, he implied, because Article 13 condoned such criticism, the Article is objectionable. But the 'customary privileges' of tama'aiga titleholders he refers to exist only in the mind but not in law. In his logic, when citizens in the exercise of their Constitutional right to freedom of speech, abuse tama'aiga titleholders, then either Article 13 must be modified or another created outlawing criticism of tama'aiga titleholders. The claim of putting tama'aiga titleholders above the law contradicts Article 15 which states that 'All persons are equal under the law and entitled to equal protection under the law.'

Eti is thus either confusing or exploiting his dual status as a matai and a citizen. In so doing, he plays on the dual status of Samoans, one as subjects to matai authority where questioning is not tolerated in the village, and the other as citizens of a nation state where fundamental freedoms are guaranteed under the Constitution. He further threatened the petitioner's right to institute proceedings.

I have not taken any retaliatory action against [the petitioner]. [His] use of the Court to air his grievances against me is not being appreciated by the extended family and Va'a-Nofoa-Tolu families and is being interpreted as very imprudent, conceited, vicious and unbecoming ....1

Finally, Eti returned to the Land and Titles Act 1981 and cites Section 72 - Orders as to costs. The section, in full, states,

(1) In any proceedings the Court may make such order as it thinks just as to the payment of the cost of the proceedings, or of any matter incidental or preliminary to the proceedings, by or to any person who is a party to the proceedings.
(2) If the Court is of the opinion-
(a) that any proceedings is frivolous or vexatious; or
(b) that any petition, claim, action application of objection in respect of the proceedings is frivolous or vexatious.

1 Ibid, p. 3-4.
it may if it thinks fit, irrespective of the result of the proceedings allow any party the whole or any part of his costs in defending or disputing the frivolous and vexatious proceedings.
(3) In any proceedings, other than a preliminary hearing, and at any stage of the hearing, the Court may require any party to deposit any sum of money as security for costs, and in default of making the deposit the Court may stay the proceedings either wholly or in respect of the party in default.

Under this Section, Eti declared the petitions 'frivolous and vexatious' and asked the President, that if the petitions were granted a hearing, then the petitioners pay him $4,000 per day for 'defending my title and status'.

The proceedings, scheduled for 2 July 1990, were postponed for the third time for three reasons. One, despite an interval of three years, the Falefitu had not submitted its petition and the other two maximal lineages had also asked to take part. Two, the initial petitioner, Eli, undoubtedly feeling the heat, sought postponement on the grounds that his dated petition needed to be re-submitted, and furthermore, the short notice precluded his overseas witnesses from attending. The third related to adjudication, a common issue with high titles. Distrustful of Samoan judges, Toleafoa had long waged a private war with the Registrar over the issue of a Presiding judge, arguing vigorously for an expatriate to preside. In 1987, President Justice Smith responded by appointing Senior Deputy President Judge Fuiono and Toleafoa seemed resigned to it. But not for long. When the Case was finally called in July 1990, Toleafoa discovered that there was a turnover in the Presidency, and so re-newed his request. The senior Deputy President Judge 'Auelua Enari agreed on a postponement and asked the Registrar to confer with the incoming President about Toleafoa's request. Whether or not the Registrar pursued the matter is unclear. The last recorded folio in the file is a letter from the Registrar to the petitioners ten days after 'Auelua's

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1 *Ibid.* Eli to pay $1,500 and Toleafoa to pay $2,500.

2 This is another popular device for sabotaging court proceedings. His petition was issued under his name only and there is no evidence of consulting his alleged witnesses.

3 There is no correspondence nor record of an oral exchange between the Registrar and President.
instructions to her. In this letter, she reiterated the court’s decisions of 1949 and 1977 and stated that the President would only allow proceedings on the basis of new evidence and warned them of the consequences under Section 75 of the Land and Titles Act 1981. In sum, the petitions were dismissed.

Inside the village, the court had finally established its pule over the Fono through its chiefly and judiciary connections in the fono. A significant factor in this decision was a letter dated 30 June 1990 from Matautu, Falelatai, to the Registrar, signed by three senior matai purporting to represent the Va'a-nofoa-tolu. They confirmed their support of Eti as the titleholder, and requested the Registrar to stay the proceedings on the petitions. It was signed by Misa Li'a of 'Aiga Taua'ana, 'Anapu Aialii'i of 'Aiga Satunumafono, and Afamasaga Maua II of 'Aiga Taulagi. The most likely instigator of this letter was Nanai Faitala, the senior Deputy President at the time. The significance of the relationship between the court and village fono lies in the fact that the three senior matai had been closely associated with the court and judges: Misa Li'a as Judge Nanai Faitala's brother, and both 'Anapu Aialii'i and Afamasaga Maua II were senior court judges. As leading chiefs in their village fonos, and as senior judges of the court, the chiefs cum judges had, after thirteen years, confirmed their jurisdiction over village custom by enforcing their decision over the fono's will.

But this begs the question. While record exists of the 'Aiga Taua'ana having conferred the tama'aiga title on previous titleholders including Eti, there is no record of the Va'a-nofoa-tolu having met as a group to confer both tama'aiga and papa titles on any of the previous three titleholders including Eti. In the absence of such an installation by the Va'a-nofoa-tolu, to what extent do the three signatories purport to represent the Va'a-nofoa-tolu? Were other members of the Falefitu, such as the erstwhile rival falelua in Matautu and the S'iufaga-based Faletolu made aware of the letter signed by Misa Li'a on their behalf? Were 'Aiga Satunumafono in Safata and 'Aiga Taulagi in Fasito'otai aware of the signatures of 'Anapu Aialii'i

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1 Registrar to petitioners, 17 July 1990.
and Afamasaga Maua II respectively on their behalf? Questions on the authenticity of this document are likely to spawn further controversy in the future.

With Eti's appointment confirmed in the village and the court, Nanai's plan for the Council of Deputies and the elevation of the Falefatu came closer to realisation. However, this eluded him yet again as he fell foul of the Tofilau government and his contract was not renewed. The full reasons remain obscure but one significant factor was Nanai's involvement in the dispute over the Tui Atua papa title which was conferred on the Leader of the Opposition. This issue is developed in the next chapter. But as the Presiding judge, it was Nanai Faitala who handed down the court's decision in favour of the Tupua Tamasese family. When Nanai's contract came up for renewal three years later, it was terminated on the ground of his age.¹ His aim for the Falefatu unrealised, he retreated to Matautu and threw himself into outstanding church and fono matters. In the meantime, his protege Eti continued to defy family house rules by furthering his civil service career and living in Apia. In August 1991, Eti was rewarded with a promotion to the next rung in the Public Service ladder, as Public Trustee. At the national level, party politics and national elections were about to affect the title and titleholder.

In an attempt to weaken the Opposition, Prime Minister Tofilau Eti, had, on several occasions, invited its leader Tupua Tamasese Efi to take up one of the two vacant seats on the Council of Deputies which was nominally preserved for tama'aiga titleholders. Its only effective function was to stand in for the Head of State while absent overseas or incapacitated. The pay was WS$35,064.66 annually plus entitlements.² Eventually, Tofilau, astutely playing on tama'aiga pride, mooted the name of Tupua Tamasese Efi's deputy in the Opposition, Va'ai Kolone. Va'ai, holder of an aloali'i title and a veteran politician, was a former Prime Minister with long years of service at the highest level in government, education, business and politics. Since 1985, at the prompting of family representatives of the

¹ But in Nanai's words, 'politics to do with the Tui Atua title case'.
² From 1994 Budget figures. Entitlements included a car and housing.
Tupua Tamasese title, who were also members of parliament, Tofilau had sought to appoint Efi to the council.\(^1\) Tupua Tamasese Efi refused to budge from his position as Leader of the Opposition. Va'ai Kolone had represented the breakaway faction of a partnership forged between himself and Tofilau in 1981, and his presence in the Opposition was bad for Tofilau's erratic heart, and Va'ai's acceptance provided some light tonic for it. It effectively neutralised Va'ai Kolone and ensnared Tupua Tamasese Efi between the conflicting goals of party politics and behaviour perceived as unbecoming of a tama'aiga and papa titleholder. Within this political context, Nanai's aim was resuscitated by another protege, Herman T. Retzlaff, otherwise known in Falelatai as Misa Telefoni.

Sila Fa'amalaga was succeeded by Retzlaff as the Member of Parliament in 1988. The thirty-five year old Auckland University law graduate had inherited his family's Apia-based General Merchant business, Retzlaff and Company, and was conferred the Misa title in 1984 by Nanai Faitala through a kin connection not in Falelatai but Malaeia in the Aleipata district on the other side of Upolu.\(^2\) Under Va'ai Kolone's brief period in government, Misa Foni was appointed Attorney-General, in 1982. When he stood for Parliament from Falelatai/Samatau, he was a Member of the Samoan National Development Party (SNDP) led by his first cousin Tui Atua Tupua Tamasese Efi and Va'ai Kolone. He was returned in 1990, and then split ranks in August 1991 by joining Tofilau's Human Rights Protection (HRPP) Party. In the following year, Tofilau appointed him Minister for Agriculture, Forestry and Shipping until 1995. He was returned in the 1996 elections and became Minister for Health in the Tofilau government.

When Va'ai Kolone's nomination surfaced in Parliament in early 1993 for one of the two vacant seats in the Council of Deputies, it was incumbent on Misa Foni to remind the House that Tuimalali'ifano Va'aleto'a Eti, as a tama'aiga titleholder, was also available but as he was not being mentioned, Misa Foni

\(^1\) Va'ai 1995:195. The most prolific speaker on this issue was Fuimaono Lotomau, one of two members of parliament from Falealili and spokesman for the 'Aiga Sa Fenunuiva.

\(^2\) In recognition of his servicing the Falefa's case against the local Bus proprietor Tariu Tuivaiti in the early 1980s. In Malaeia, he hold the Lea Matauana'u'u and also the Tugaga title of Safune in Sava'i.
moved his name formally.\footnote{Pers. comm. Misa Foni, 28 March 1995.} Misa was supported by Matatumua Maimoana Vermuellen,\footnote{She was a daughter of former Court Registrar Matatumua Ata and successor to his title.} another Member of Parliament from A'ana. On 27 July 1993, Nanai Faitala's aim for the Falefitu was finally realised when Tuimaleali'i'ifano V. Eti, along with Va'ai Kolone, joined Mata'afa Patu Fa'asamaleau Pu'ela in the Council of Deputies.\footnote{It was the first time that all three seats of the council were occupied.} But one year later, this long cherished aim began to lose its appeal with the release of the Report of the government's Controller and Chief Auditor (CCA).

Whether by ignorance, choice or both, Eti continued to live in Apia and worked part-time in the Public Trust Office. By the middle of 1994, exactly one year after his appointment to the Council of Deputies the family's fears were realised with the release of the CCA's Report to Parliament.\footnote{Report for the period 1 January 1993 to 30 June 1994 by Su'a Rimoni Ah Chong.} The Report exposed rampant corruption and financial mismanagement at the highest level of government. There was collusion between government Ministers, heads of departments and senior public servants. The Report was widely publicised in the local\footnote{The local \textit{Observer} printed the full Report, some sections twice.} and overseas media. In his findings relating to Office of Public Trust in which Tuimaleali'i'ifano Eti was employed from 1991 to 1993, the CCA reported that

Significant Trust Funds were advanced by the Public Trustee to Public Trust Office staff on unsecured bases and on rates of returns below what could be earned on other investment alternatives. Total advances of this nature made was $169,333 (by December 1992 these escalated to $302,643. At December 1993 this was $368,871).\footnote{Report of CCA, 1992-1993, Section 10.7 p. 82-84.}

He continued,
This violated requirements of the Public Trust Office Act 1975 and breached trust duties and responsibilities of the Public Trustee to beneficiaries of affected trust funds.

Those that benefited most from this improper and unlawful act were the Public Trustee himself and his senior-most staff.

Some mortgage loans and advances from the common fund in arrears were forgiven by the Public Trustee or with, in some cases, the Minister for the Office.

Total amounts known to us that have been written off total $WS 309,270.

The Public Trust Office, in addition, did not take all necessary recovery action including those available under the law, before such an unlawful action was taken.

All these actions are unlawful and improper causing loss of beneficiaries and Government, it was necessary to advise the current Public Trustee and the Public Trust Office Investment Board to seek legal advise with a view to recovering the affected funds either from the defaulting borrowers or those that made the unlawful decision.

These decisions are completely unsatisfactory not only from the viewpoint of the law and professional viewpoints, but also from the following perspective:

(1) The private and selective contacting of a few people to which the offer was made and the significant variation between such people in the write off rate given, are inequitable and discriminatory practices favouring some while disadvantaging others.

(2) The forgiving of loans for borrowers who have not honoured their financial commitments and obligations without serious efforts taken by the Office to collect, provides a dangerous message to the public that poor loan performers and those who do no honour their financial commitments and obligations will be rewarded.

The CCA detailed the amount mis-appropriated by the Public Trustee and his senior financial officer and specified the criteria required for future appointments.

Excessive, unjustified and unlawful allowances were paid to Finance Manager (Mulitalo) Penaia Penaia in addition to his normal remunerations. These payments amounted to $WS 34,000.
The Public Trustee violated section 13(4) of the Public Trust Act 1975 by operating bank accounts other than "only by cheque". A (sum of) $50,000 was directly transferred to the Public Trustee's personal savings account and was explained to be an advance (again unlawful and unauthorised).

This section in the (1975) Act was to ensure that proper accounting controls are placed over Trust Funds of the public, administered in the Public Trust Office.

Since the position of the Public Trustee is one of considerable "public trust", the selection of Office holders in future should be based on an evaluation of experience in the field, a proper background in financial management and most importantly, integrity.

The charges have never been denied by Tuimaleali'ifano Eti as Public Trustee, since August 1991. Before the Report was submitted to Parliament, he approached the CCA to delete any personal references to himself in the Report. Government's reaction was designed to play down the findings and using its numbers in Parliament, appointed its own Commission of Inquiry chaired by the Ombudsman, Maiava Toma. When it presented its findings, instead of denying or verifying the charges in the CCA's Report, the Maiava Report recommended reviewing the functions of the CCA and other offices of government departments and Statutory Bodies. When Cabinet considered both Reports, it decided inter-alia that the 1975 Public Trust Act be amended, and duties of Minister, Public Trustee and Accountant be clarified. More importantly, the Commissioner of Police was asked to take action on those indicted by the Report and Inquiry and the Public Trustee was to repay back monies owing to the Public Trust Office. When asked about these charges, Eti responded that he was not the subject of a police

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2 Maiava Iulai Toma was also Va'ai Kolone's step-son.

investigation. *O lea lava e ia te a'u tofi o le malo* - I still am a member on the Council of Deputies.¹

These contests over rival interpretation and application of *agaifanua*, *aganu'u* and pule alongside the sources of Statutory law and the Constitution in other spheres, rages on unabated. The contest between the Fasavalu title and its attendant titles is a case in point.

8.4.1. Honours for Salu and 'Auva'aipeau

After Suatipatipa II and Eti were confirmed in 1954 and 1985 respectively, both were inevitably drawn into other title disputes, one of which was the ancient Fasavalu title, the *matua* of the tama'aiga title. In Suatipatipa II's case, it involved the conferment of new honours on Salu and Auva'aipeau, two attendant titles of the Fasavalu title, and in Eti's case, it involved the pule over the Fasavalu title itself. In 1940, the Falefa moved to incorporate the two attendant titles into its fold as equal members and thus increased the numbers of the Falefa. Accordingly, an inaugural ceremony was held on 11 July 1940 in which the Falefa created a new *fa'alupega* for Salu and 'Auva'aipeau.² This move was countered by the Sa Fasavalu family and supported by the Si'ufaga-based Faletolu. The matter appeared before the court and in February 1949, it decided that based on traditions of history submitted by Sa Fasavalu, the two titles were not eligible to be part of the *Falefa*.³ The Falefa's reception of the court's decision is not recorded but any threats from them would have been insignificant because of Sa Fasavalu's Independence in Falevai and the weight of support from the Faletolu. For nine

¹ Stated by Eti at a meeting with him and Matanofo chiefs in Moto'otua, 8 February 1995. In spite of the condition that the appointee was not permitted to engage in other paid employment as Member of the Council of Deputies, Eti continued to undertake consultancies for his successor in the Public Trust Office, Romero Toailoa.

² The fa'alupega was *O le a faelima a'i le Falefa* - the fifth for the house of four. The maota was Toalofa and cup title, Nofoamatu. LC1006, writ state. by the Falefa, 18 February 1949. In such ceremonies, a considerable amount of money and goods change hands involving a large amount of time and labour.

³ LC1006, 23 February 1949.
years, the decision stood unappealed during which time the tama'aiga title was vacant. It will be recalled that in the 1949 case over the tama'aiga title, Sa Fasavalu had supported a different candidate, 'Asi Alapia Tusitala. There was no love lost between the two rival cousins and the rift between Sa Fasavalu as matua and Suatipatipa II persisted. So when Suatipatipa II came to choose which party to support, not surprisingly, he chose the Falefa. Under the joint auspices of tama'aiga and Falefa, another ceremony was held, and Salu and Auva'aipeau were returned to the fold in December 1956.¹ But the following year, Sa Fasavalu again stood its ground and rejected the move.² They were supported by the Registrar who wrote reiterating the 1949 decision which in effect rejected the pule of tama'aiga and Falefa.³ One might have thought that after almost eighty years of fighting, matters might rest there. But not so. The decisions of the court and traditions of history are matters of on-going negotiations. In this long-standing saga, the struggle continues as descendants of both sides re-equip themselves for another showdown with 'Anapu Aialii appealing on behalf of the Falefa,⁴ and Fasavalu Taetulili and Misa Pati Nanai on behalf of Sa Fasavalu⁵.

8.4.2. Pule of Fasavalu title

Appointments of new family titleholders are usually scheduled during public holidays such as Easter, Christmas and New Year, to allow overseas relatives to attend celebration ceremonies for new churches or family fale tele - guest houses - as well as erecting headstones. The first batch of new matai

¹ The costly ceremony of exchange performed in 1949 was repeated in 1957.

² On the ground that conferral of honours implied placing the two attendant titles on equal rank with them. Report by Sa Fasavalu to the Registrar, 6 January 1957.

³ This is despite the fact that the Falefa had one of its members, Nanai Vatau, sitting as a court judge.

⁴ 'Anapu Aialii to Registrar on 30 November 1987. He is a court judge and related to the Falefa through Sa Aane.

⁵ Fasavalu and Misa to Registrar on 20 July 1994.
appointed under Eti and Matanofo's sponsorship was held in Matanofo in April 1987, followed by another later that year in Auckland. The conferral of matai titles outside the maota to which the title is appurtenant is illegal.\footnote{Section 20 (b) of the Land and Titles Act 1981 states, a rightful holder means a person who has had the traditional ceremony of appointment in the village to which that name or title belongs.} Despite this prohibition, the practice is widespread. For the sponsors, the conferral of titles in metropolitan centres is a quick source of funds and goods. The number of people who have had titles bestowed on them (and been promised registration) can only be guessed. Without an honest account and return from the sponsor himself, it is impossible to obtain precise information about the number of titleholders created overseas (let alone an accounting of gifted money and goods). Two mutually satisfying purposes are served: to amass funds and goods for the sponsor and to satisfy the felt needs of family members for titles.

One title that was conferred in Auckland was the Fasavalu title. Since 1910, the pule of this title has been a source of acrimonious tensions between the Fasavalu and Tuimaleali'ifano families with each side claiming it. The prevailing but uneasy compromise is that both sides hold consultative rights for its conferral. The Auckland recipients were Eti's older brother Ioane\footnote{He had lived in Matanofo and rendered tautua to Suatipatipa II in the mid 1960s. Ioane's service was claimed by Eti and his mother in 1977 in advancing their cause.} and Ioane's wife's brother, Nokise 'Auva'a'ipeau. The latter was a member of the 'Auva'a'ipeau family, one of two attendant titles to the Fasavalu title. (As demonstrated above, these two families have struggled to sever a historically dependent relationship to the Sa Fasavalu titleholders). The conferral overseas of the title was unlikely to cause much friction as long as the holders remain overseas and do not try to register their titles. But the recipients, particularly 'Auva'a'ipeau, wanted their titles registered and further sums of money were given to Tuimaleali'ifano Eti as the sponsor for this purpose.

When Nokise 'Auva'a'ipeau visited Samoa in September 1990, he went to pay his respects at the maota of the Fasavalu title which had been conferred on him in Auckland. He was rejected by the Fasavalu family as a non-titleholder. He
then went to the Mulinu'u office to check the registration of his title and found that neither of their titles had been registered. When he attempted to register 'his' title himself, Sa Fasavalu objected on the grounds that his title was not conferred in the maota of the title nor were they, as the 'aiga potopoto, consulted. The court called all parties to a preliminary hearing on 22 September 1990, and it was found that a Pepa Saofa', registration folio - which had been completed by the Pulenu'u of Falevai, identified the sponsor as Tui A'ana Tuimaleali'ifano Eti. The registration folio correctly stated the date of conferral as 14 May 1987 but instead of Auckland, Falevai was written down as the venue. When the pulenu'u was asked, by the Registrar, why it had taken three years to register the title, he replied that he had been fa'a suka - 'sweet-talked', into completing the registration folio by 'Auva'aipeau's elder brother, Misa Iuta although no saofa'i had ever taken place in Falevai. Tuimaleali'ifano Eti was asked to explain his role in the matter but instead he wrote back requesting that the matter be referred to the village for further negotiation. Since they had been ignored in the first place, the Sa Fasavalu family instituted proceedings so that the court could decide the pule over the title. During the next five years of negotiations, Sa Fasavalu withdrew their petition and Tuimaleali'ifano Eti and Matanofo were spared a public loss of face. Under a settlement reached between the two sides, it was agreed that each itupaepae - different branches - of Sa Fasavalu could appoint twelve holders. But as the histories of continuing tensions between the two sides shows, this decision is likely to have adverse repercussions on family branches scattered throughout Samoa and overseas.

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1 Pepa Saofa'i, N0. 26016.

2 The office of pulenu'u for Falevai was held by Sila Vaise.

3 The number of itupaepae was not specified at the time of writing. Pers. comm. 30 September 1995.
9. Tama'aiga titles, Court and Governance

So far, I have discussed the tension and conflict resolution process between 'aiga potopoto (extended family), fono (village council) and the court over succession and the right to confer in relation to one tama'aiga title. In this chapter, I apply the unofficial court criteria, as outlined in Chapters 7 and 8, to the remaining three tama'aiga titles, but specifically to the rights to confer tama'aiga and papa titles. The higher the rank of the title, the greater the potential number of village lineages and individual competitors involved. The negotiating process between the court and villages in relation to other tama'aiga families constitutes a separate study, ideally by one of the key participants with legitimate access to the records and local knowledge of the players, the different stages, contexts and levels of the play. The guiding questions in this summary chapter are: how consistently were these principles applied and what was the role of the court in determining the rights to confer?

In the wake of family factionalism over the Tupua Tamasese title in the mid-1960s, the two papa titles of Tui Atua and Tui A'ana were invoked. The rival candidates for the titles were important figures in national politics and their family struggles over these titles gradually became issues of party politics and governance. Mary Boyd claimed almost thirty years ago that 'The revival of these [papa] titles is more indicative of cultural self-assertion in a new nation state than resurgent rivalry and faction'.\(^1\) A review of the contest from the inside suggests an alternative interpretation. I suggest that the revival of the papa titles emerged not necessarily from cultural self-assertion but from the primordial instinct of maximising power. I shall argue that the aims of the pursuers of papa titles in modern times have changed little from earlier times. What has changed has been

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\(^1\) Boyd 1968:155.
the mechanisms in which power is negotiated, namely the Land and Titles Court, political parties, parliament and government. What was the role of the court and how was national politics influenced by the court's decisions? As these issues unfold in the following discussion, it will become clear that I deal mainly with only two of three tama'aiga titles, that of Mata'aafa and Tupua Tamasese. This is partly because there have been more deaths in the Mata'aafa and Tupua Tamasese families precipitating more litigation before the Land and Titles Court and thus making available more written material than the Malietoa title.

9.1. The Mata'aafa title

The German-proclaimed ali'i sili, Mata'aafa Iosefo died in 1912, and was succeeded by Salanoa Muliufi in 1915. He was appointed a fautua in 1927 by the New Zealand administration when Tuimaleali'iifano Fa'aoloi'i was dismissed. Mata'aafa Muliufi held this post until his death in 1936 and Tuimaleali'iifano resumed the position until his own death in 1937. From the first Mata'aafa to Muliufi, succession to the Mata'aafa title was confined to one line, that of Fa'asuaumale'aui. When the 'aiga potopoto met to choose a successor to Muliufi, another line, that of Fa'asuaumale'aui's half-brother, Silupevailei, emerged to contest the succession issue. The descendants of the two half-brothers, Fa'asuaumale'aui and Silupevailei, sons of Tuimavave and matua or parent of the Mata'aafa title is given below in Figure 9.1.¹

¹ MTA = Mata'aafa.
Figure 9.1 Genealogy of Mata'afa title

Salana'aloa (1) = Tuimavave = (2) Letelesa

Fa'asua'amale'auli MTA

Silupevailei = Letulaga, d.o.
Paitomaleifi

Filisounu'u MTA
(d. 1829)

Sulu'o (f) = Pua'aulu

... MTA

(d. 1863)

Pa'upusi (f) = Salanoa

Saimu'a (f) = Sualauvi

Sulu'o (f) = Mulitalo

Safata

Seutatia (f) = Tiovaitafe

Salanoa Muliufi
MTA (d. 1936)

Faumuina Palagimativa

F. F. Mulinu'u I MTA
(d. 1948)

F. F. Mulinu'u II MTA
(d. 1975)

Fiame Naomi (f)

Patu

Fa'asua'amale'auli

Pu'ela MTA
(Appointed 1977)
Having been passed over for five successive generations, Silupevailei's descendants constructed an arresting case in 1939. Fa'asamale'aui’s descendants, with the support of other family factions, had installed their candidate, Fonoti Ioane, holder of a senior family title. Silupevailei's descendants reacted by declaring an equally senior titleholder, Fia Me Faumuina Mulini'u I as their candidate. As the holder of two senior ranking titles, Fia Me from Lotofaga and Faumuina from Lepea, Mulini'u I had gained national prominence in the anti-New Zealand colonial movement, was later appointed superintendent of police, and enjoyed wide support from the maximal lineages of Sa Levalasi and Sa Tago and at least two senior ranking titles in Le Anapapa, the seat of the Mata'afa title in Amaile. Given this weight of support, unsurprisingly, the court ruled in favour of Fia Me Faumuina Mulini'u I. Sa Levalasi was awarded the sole right to choose from the descendants and the right to confer the title. But these rights were appealed against by other lineages led by Fonoti Ioane. They claimed that other lineages, such as Sa Tago and other senior ranking titles in Amaile, shared that right. Their arguments were rejected by the court, but the issue did not die. When Mata'afa Fia Me Faumuina Mulini'u I died ten years later, the issue was resurrected.

Since Silupevailei's line had only just held the title compared to over a century by Fa'asamale'aui and his descendants, the court in 1949 continued with Silupevailei's line by appointing Mulini'u II, the son of the deceased titleholder. However, it specified that the descendants from both faletama were eligible and furthermore, it ruled that since the past two successors were chosen consecutively from Silupevailei's line, the next appointment would be chosen from Fa'asamale'aui's line.

The 1939 ruling on the right of Sa Levalasi to confer was again contested by senior matai of Amaile and representatives of another lineage - that of Sa Fenunuivao in Fa'alea and Salani of Atua district. Again they were rejected. When Mata'afa Mulini'u II died in 1975, the same issues returned to haunt the court as the title (including the other two senior titles) re-appeared before the court in 1977.
Despite the 1949 decision to appoint from Fa'asuamale'ai's descendants, Silupevailei's descendants fielded the deceased chief's daughter Naomi, as a candidate. Thirty-eight years in Silupevailei's line was hardly more than a generation compared to over a century of continued tenure by five successive titleholders in the Fa'asuamale'ai line. However, in accordance with its earlier decision, the court returned the title to Fa'asuamale'ai's line.

In 1977, the old division between the two faletama was replaced by factionalism within Fa'asuamale'ai's line. Out of twenty-one parties in 1977, three candidates emerged, Tupuola Neo of Amaile, Tuimavave Vilima'a of American Samoa, and Fa'asuamale'ai Pu'ela of Vaiala in Apia, each of whom held separate saofa'i - installation ceremonies in Amaile, vying with varying degrees of success for Sa Levalasi's nomination. But Sa Levalasi lacked leadership and any possibility of unanimity was prevented by the lobbying of rival candidates for its support. To complicate matters, Sa Levalasi's leading title, Fiamé, held by the late Mata'a'afa titleholder, was also vacant and the deceased titleholder's daughter was contesting both the Fiamé and Mata'a'afa titles. As it turned out, Sa Levalasi was hopelessly divided in its choice of rival candidates. Some supported Tuimavave Vilima'a, others Tupuola Neo while another section supported Fa'asuamale'ai Pu'ela, a policeman for fifteen years.

During the deliberations, further divisions appeared among the Bench of five judges and assessors. The Bench was split three ways. The two most senior judges, deputy president Meleisea Folita'ai and Afamasaga Maua II, favoured Tupuola Geo on the grounds of his continuous residence and service to the family and Amaile. Meleisea and Afamasaga also accepted his sponsor's reasoning that Tupuola's residence and service outweighed his lack of formal education and material wealth. Two other judges favoured Fa'asuamale'ai on the basis of mature years, mild personality, regular visits to the village, and some service. The

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1 He had been a school teacher before becoming a judge in 1957 and the court's first deputy president.

2 He was a descendant of Sa Petaia with long experience in teaching, a court and government interpreter and leading spokesman for the 'Aiga Taulagi in Fasito'otai.
fifth judge favoured Tuimavave Vilima'a on the basis of his Western education and material wealth. Given a divided Bench,¹ the decision was left to the president, Bryan Nicholson. On request, he adjourned the case, allowing further opportunity for Sa Levalasi to negotiate a consensus. After three weeks of unsuccessful negotiations, the matter returned to the court for a decision. From their choice of candidate, the two most senior judges clearly adhered to the court criteria of custom, continuous residence and service in Amaile and relevant knowledge of family traditions. Nicholson chose Western criteria and appointed Fa'asua'amale'ai.²

But unlike the 1949 ruling, the 1977 decision did not specify the next line to succeed at the next vacancy. The reason for departing from its precedent set in 1939 was not explained. Two lessons could be learnt from the experience. One, even if the court had specified the next line, lineage and court unanimity was perhaps too much to expect given the 1977 divisions within lineage and the court. The second was that despite specifying the next line to succeed, this requirement did not discourage descendants from rival lines fielding candidates. Whatever the reasons, opening eligibility to descendants of the two half-brothers cannot be reassuring for descendants, lineage(s) or the court. Basing appointments on ancestors who date back to the late seventeenth century cannot but widen the scope and range of eligible candidates and with it the possibility of rivalry. The continuing mixing of old and new criteria ensures the succession issue continues to be a constant source of tension for the Mata'afa family.

On the right to confer, Nicholson reaffirmed Sa Levalasi but expressed the court's displeasure over their inept leadership. He added an important rider:

... the court wishes to advise the parties that in the event of a future court being satisfied that it is impossible for the 'aiga [Sa Levalasi] to

¹ The other three judges/assessors were Fuiono A. Fa'aiuaso, Mata'elega and Toelupe Vaito'a.

² Nicholson had earlier adopted the same criteria with the Tuimaleali'iifano title, LC5379 of 22 July 1977, in spite of a majority vote by the Bench following Marsack's list of criteria.
reach agreement on appointments, it will be open to the court to deprive the 'aiga [Sa Lealasai] of the pule.¹

By its own admission, the court had conceded to exercising a de facto right, namely, by appropriating to itself the right to dispose of and withdraw Sa Lealasai's right at will. But other important questions remain. How does the court justify denying the claims of other lineages whose rights were rejected? Should they not be reconsidered as alternative right-holders as claimed? On the other hand, can they be guaranteed to provide impartial leadership among rival candidates related to and competing for their support?

On the criteria of residence, the last two holders from Silupevailei had lived almost permanently in Lepea, the resident maota appurtenant to the Faumuina title. Furthermore, when the late Mata'afa Fiame Faumuina Mulinesiu II entered politics, it was not as Mata'afa, the tama'aiga title, but as Fiame, a title which he held from Lofaga village. The current practice of living outside Le Anapapa is evident from the choice by titleholders appointed in 1939, 1949 and 1977. It has a colonial root. During the German and New Zealand administrations, Mata'afa Iosefo and his successor Mata'afa Mulififi were required to live in Mulinesiu by virtue of their government appointments. The current incumbent, Mata'afa Fa'amale'au Pu'ela, lives on land appurtenant to the Patu title of Vaiala village near Apia. His participation in the Vaiala fono and activities was recently legitimised by his tenure of the Patu title.² By virtue of his appointment as a member of the Council of Deputies, he is salaried and entitled to government quarters in Apia, yet another reason to live away from Le Anapapa.

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¹ Meleisea 1987b:191.

² Pers. comm. Te'o S. Le'auppe, 5 March 1995.
9.2. The Tupua Tamasese title

The Tupua Tamasese title has evolved from Nofoasaefa's great-grandson, Titimaea, also known as Tama-ga-sesea-mea-lelei (he who serves well). Due to Titimaea's prominence, his given name of Tamasese became a conjugal to the Tupua title. The Tupua Tamasese title has been the least controversial of the four tama'aiga titles as the succession issues have been amicably handled by the 'aiga potopoto without court battles. However, amiable relations between descendants of the title were ruptured when the most eligible heirs, two first cousins, waged a stormy court battle in 1965. (See Figure 9.2) 

\[1 \text{TT = Tupua Tamasese}\]
Figure 9.2 Genealogy of Tupua Tamasese title

Tupua Fuiavailili = Toelupetu (f)

1 Galuegapapa (f) = Galumalemana = 2 Sauimalae (f), d.o. Tuita'alili

Nofoasaefa Tai'isi I'amafana
Maeaeafa Lamana (f) (tafa'ifa)

Moegagogo Tuitofa (f) = Malietoa Fitisemanu

Titimaea TT Sualauvi (tafa'ifa)

Lealofioa'ana I TT Fa'aoloi'i Si ua'ana I

Lealofi II Lealofi III TT Mea'ole Si'ua'ana II Si'utava'e Suatipatipa II
TT TT

Lealofi IV Efi 'Afono (f) Felotea'i (f) Morgan
TT TT

So'afa Va'aleto'a Eti
The current three faletama spring from the three sons of Lealofio'ana I, namely Lealofio'ana II, Lealofio'ana III and Petelo-Mea'ole. When Tupua Tamasese Mea'ole died on 5 April 1963, intense rivalry broke out between Lealofi IV and Efi, the sons of Lealofi III and Mea'ole respectively. After two years of unsuccessful negotiations between the two sides, the succession issue was left to the court in 1965.

Born in 1922, Lealofi IV attended the Central Medical School in Suva, where he qualified to practice medicine and surgery in 1944. At the time of the dispute, he had taken up a senior medical post at the Apia Hospital. The younger of the two, Efi was studying law in New Zealand's Victoria University. At separate ceremonies, Lealofii IV was installed by 'Aiga Sa Fenunuivao of Salani and Falefa, and Efi by 'Aiga o Mavaega of Faleasi'u and Asau in Savai'i and a faction of 'Aiga Sa Tuala of Fasito'outa.

The principle of descent was a non-issue as both were direct descendants of the baseline ancestor Nofoasaefa. But in terms of first born and age, Lealofi IV had the clear edge and the court therefore decided in his favour and also ruled that '[t]he pule of the Tupua title is vested in the family of Sa Fenunuivao of Falefa and Salani.' Efi's dissatisfied supporters advanced two more lines of argument. First, they suggested that the title should be conferred by its suli or descendants. The representatives of Sa Fenunuivao agreed but insisted that, since the descendants were divided, they must reserve the right to choose between rival candidates, a view sustained by the court. Second, Efi's party asserted that the Tamasese title constituted a title in its own right and urged the court that the conjugate titles be split and shared between the two rival candidates, Tupua for Lealofi and Tamasese for Efi. But the court ruled against this on the ground that the two were inseparable; Tamasese without Tupua was not a title and Tupua without Tamasese would disqualify it from the rank of a tama'aiga. Indeed, the Tupua title is listed in the fa'alupega of many other villages but only when it is enjoined by

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1 LC8384 P1-P4, 6 August 1987.
2 LC2440, 29 March 1965.
the Tamasese name is it recognised as a tama'aiga title. The court's decision stood unappealed during Lealofi IV's lifetime but the bitterness of that confrontation spilled over into other social spheres, particularly in general elections and parliamentary politics. General elections provided an alternative venue for continuing the fight.

Under the low ranking orator title of Tupuola, Efi was elected as a candidate for Parliament from Leulumoega in 1972. Four years later, he stood for the Prime Ministership against Tupua Tamasese Lealofi IV and defeated him in a parliamentary vote in 1976. Efi's attainment of the highest political office in the land vindicated his defeat ten years earlier at the hands of his cousin Tupua Tamasese Lealofi IV.

When Lealofi IV died on 9 July 1983, 'Aiga Sa Fenunuivao, without opposition, installed Efi as Tupua Tamasese on November 1986 in Vaimoso. But the bitter memories of twenty years earlier remained with the losers of 1965, 'Aiga o Mavaega and the Fasito'outa faction of 'Aiga Sa Tuala. When Efi was approached by 'Aiga Sa Fenunuivao, he replied that his acceptance was conditional on a reconciliation with the losing lineages. This took two years and in 1986 all three lineages participated in the installation ceremony and the title was registered under the joint names of the family lineages. The installation and public announcement precipitated petitions from four other parties challenging Efi's appointment. When the court met on 6 August 1987, it confirmed Efi's appointment and specified 'Aiga Sa Fenunuivao (and excluded 'Aiga o Mavaega and 'Aiga Sa Tuala) as having the sole pule to appoint and confer the Tupua Tamasese title.

Apart from disputes among rival lineages over the right to appoint and confer the title, another controversy surrounds the issue of eligible descendants.

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1 In the maota appurtenant to the Mata'a title.

2 1. Tanuvasa Samuelu, Setu Solomona, Sekuini Solomona; 2. Luatua Moana et al; 3. Fepulea'i Semi et al; 4. 'Ai'ono Fanaafi and Sa 'Ai'ono.

3 LC8384 P1-P4, para. 2 and 3, 6 August 1987.
When the court fails to specify clear guidelines for determining succession, the scope and range of eligible candidates widens, guaranteeing further tensions over future vacancies. As stated earlier, the court identified Nofoasaefa as the baseline ancestor for appointees to the Tupua Tamasese title. But Nofoasaefa had lived six generations or approximately one hundred and seventy years ago from Efi and Lealofi IV's generation. This swells the number of eligible descendants as collateral lines join the contest. As the two current lines do not have descendants from their legal spouses, eligibility for the Tupua Tamasese title may need to include their children from extra-marital liaisons or from adoption.

An anomaly exists under the customary principle of continuous residence in the village of the title. Unlike other tama'aiga titles, the fa'alupega does not specify a maota, taupou or manaia titles for the Tupua Tamasese title. Despite the right of 'Aiga Sa Fenunuivao in Salani and Fafea to confer the title, the actual maota of the title is something of a mystery. The famed Tupua Tamasese Lealofi III of the Mau had lived in Vaimoso. His successor and brother, Tupua Tamasese Mea'ole lived for some eighteen years with his in-laws in the Nelson home at Tua'efu before moving to government quarters in Moto'otua during Independence.¹ Later, he and his wife Noue moved to a freehold property at Leififi until he died in 1963. His successor, Lealofi IV had also lived in government quarters during his term as Prime Minister and later as a minister in the 1975 Mata'aafa-government followed by his appointment as the sole member of the Council of Deputies. When not in government quarters, he lived on his freehold property in the Apia suburb of Vaivase. The current incumbent, Efi, lives on freehold property inherited through his maternal grandfather, Taisi O. F. Nelson in Tua'efu.

The yardstick by which service is gauged differs among titleholders. In the case of the Tupua Tamasese titleholders, it is assessed according to 'modern criteria', knowledge of family traditions, Western education, character and leadership qualities, but not residence nor physical presence in the village. Judging from their prominence in national affairs since the nineteenth century,

¹ Savali, 3 August 1992.
the Tupua Tamasese titleholders have been universally acclaimed in the area of national leadership. But can they maintain unity on eligibility over succession and can Sa Fenunuivao safeguard its unity in the event of future divisions? Will the court step in and pronounce another pule? Much depends on the way they manage the succession issue.

9.3. The Malietoa title

This discussion on applying the unofficial court criteria expounded in the previous two chapters to the Malietoa title is brief because when a Malietoa titleholder was appointed under Western legal procedures for the first time on 31 December 1898, the Land and Titles Commission did not exist. In accordance with the terms of the Berlin Treaty of 1889, the Samoans were required to elect a king according to Samoan 'law and custom' and in the event of a dispute, the matter was to be referred to the Chief Justice for settlement. But following the death of Malietoa Laupepa on 22 August 1898, the provisions fell short of its purpose as neither the conference nor the Malietoa Laupepa government provided for any satisfactory procedure under custom and usage to conduct such an election. Customary election to high titles was slow, protracted often coupled with force. In these circumstances, rivalry flared up between supporters for Mata'afa Iosefo and others for Malietoa Laupepa's teenage son Tanumafili I, leading to the dispute being referred to Chief Justice Chambers.\(^1\) Against a ground-swell of popular support for Mata'afa Iosefo, Chambers appointed Tanumafili I on 31 December 1898. In effect the right was exercised \emph{de facto} by the court. The result was civil war with Mata'afa scoring some major victories before he was subdued, followed by the abolition of the kingship and the partition of the Islands in March 1900.

When the Malietoa succession issue eventually surfaced before the court in 1939, the court had been functioning for over a generation, since 1903. In its

\(^1\) Davidson 1967:66.
consideration of a successor, the court instead adopted a different set of procedures. The question of pule or right to confer the title was suppressed and written statements and supportive genealogies were not read out and party leaders were examined separately and privately. At its ruling on 14 December 1939, the court decided that the right to appoint remained with the descendants of not just one faletama but three, namely, the descendants of Malietoa Vaiinupo, Malietoa Taimalelagi Gatuitasina and Malietoa Talavou. The three descent lines are listed below in Figure 9.3.

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2 LC853, 14 December 1939. Kalolo Bartley, Fa'atonu T H Carruthers, W MacKay, Fa'atonu T Robson. The term used was pule filifilia, or right to select.

3 MLT = Malietoa.
Figure 9.3 Genealogy of Malietoa title

Palo, d.o. 1 = Fitisemanu MLT = 2 Fuata'iotui, d.o. Gaugau, Sapapa'i. Descendants of Talavou claim d.o. Tuita'alili.

Siuli = Vaiinupo MLT = Fuata'iotui (f) Taimalelagi Gatuitasina MLT

d.o. Gatoloai

Moli MLT Talavou MLT

Laupena MLT Fa'alata MLT? Ali'itas (f) Pouvi Tupapa'u Taiulavao

Tanumafili I MLT Laufasa (f) Pouesi Papali'i P Tualaulelei M. et al

Tanumafili II MLT Fitisemanu
Given the increasing number of eligible descendants emanating from the three existing faletama, the next contest promises to be even more acrimonious. For the descendants, claims based on continued and direct succession by the descendants of the incumbent titleholder and claims based on being passed over by other descendants seem destined for bitter collision. Appointment based on continuous succession and direct descent might be an advantage for the descendants of the incumbent titleholder but a disadvantage to descendants of earlier titleholders whose claims were by-passed in favour of the present line.

Further strife seems imminent for the hitherto excluded set of descendants of Malietoa Talavou and Malietoa Taimalelagi Gatuitasina. Malietoa Taimalelagi Gatuitasina's father was Malietoa Fitisemanu and thus half-brother of Vaiinupo. Talavou's father was Vaiinupo and thus a nephew of Gatuitasina. Vaiinupo and Gatuitasina's common father was Malietoa Fitisemanu but Gatuitasina and his nephew Talavou have Fuata'iotui as a common mother and spouse of Malietoa Fitisemanu and step-mother to Vaiinupo. After Malietoa Fitisemanu died, Vaiinupo cohabited with his step-mother Fuata'iotui resulting in Talavou. Customary tapu and mission morality were violated. In future disputes over the Malietoa title succession, Talavou and his descendants were conceived of as tama o le po or descendants of the night and thus 'illicit'.

A further complication arises over the paternal ancestry of Fuata'iotui, the last wife of Malietoa Vaiinupo. The two lines of Gatuitasina and Talavou, which emanate from her, relate contradictory traditions regarding Fuata'iotui's father. According to the Ala'ilima segment of Talavou's descendants, Fuata'iotui's father was Tuita'alili, the progenitor of the Tuimaleali'iifano family. However, the Mealeaga segment of the Tuimaleali'iifano family reject this association. With Kramer's concurrence, they assert that her father was Gaugau, an orator family of

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1 Custom and Old Testament scripture are shown to 'agree' on the violation of a common principle in a passage from Ezekiel 18.2: *ua 'aina e tama vine moto, a e magagia ai ni fo o le fanau? 'The fathers have eaten sour grapes and the children's teeth are set on edge*.

Sapapali'i.\(^1\) The descendants of Malietoa Taimalelagi Gatuitasina have never participated in any past disputes in Falelatai, and thus eliminating any connection with Falelatai through Fuata'iotui. This view is confirmed by comparing the sequence of generations of the two lines. The sequence of generations from Tuita'alili to Talavou, as related by Le Tagaloa L. P. Ala'ilima, does not match the sequence of generations from Tuita'alili to Sualauvi as related by the Mealeaga segment in Matanofo. If the line of descent is traced from Tuita'alili to Malietoa Taimalelagi Gatuitasina, the number of generations is three: Tuita'alili\(\rightarrow\) Fuata'iotui\(\rightarrow\) Gatuitasina. If the line of descent is traced from Tuita'alili to Malietoa Talavou, the number of generations is also three; Tuita'alili\(\rightarrow\) Fuata'iotui\(\rightarrow\) Talavou. But when this is compared with the descent line from Tuita'alili to Talavou's contemporaries as related by Matanofo tradition, the number is five; Tuita'alili\(\rightarrow\) Leavaise'eta\(\rightarrow\) Lilomaiva Pogi\(\rightarrow\) Suatipatipa I\(\rightarrow\) Sualauvi. The discrepancy is startling. The lines of descent between the two traditions do not match and are thus open to further investigation.\(^2\)

Whatever the court decides at the next dispute over the Malietoa title, the ambivalence left by the 1939 decision granting equal rights to the descendants of three titleholders is unsettling for the families, villages and districts affected by it.\(^3\) The village lineages affiliated to the Malietoa title number eight, but none have been cited as having the right to confer or choose in the event of a dispute among the three lines and their candidates.

In terms of the criteria of residence and service at the maota appurtenant to the title, the last and current titleholders have resided continuously in freehold estates at Fa'ato'ia in Apia when not in Government House. In addition to being a non-resident titleholder, Malietoa Tanumafili II has been conferring matai titles at

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\(^1\) LC5379 January 1977. Writ. state. by descendants of Leavaise'eta Mealeaga.

\(^2\) The most effective test would be to compare the traditions of Gaugau in Sapapali'i as maintained by Papali'i Poutou on behalf of Gatuitasina's descendants and the Tuita'alili tradition as claimed by the Ala'ilima family on behalf of Malietoa Talavou's line.

\(^3\) The descendants of the current titleholder Malietoa Tanumafili II include children from his legal spouse plus an undisclosed number from extra-marital unions.
his Fa'ato'ia estate rather than at the villages to which the titles belong.\textsuperscript{1} The Registrar told me that when appointees submits \textit{Pepa Saofa'i} or registration folio for registration, Fa'ato'ia was given as the conferring village with Malietoa as the sponsoring matai. When she queries whether Fa'ato'ia was a \textit{nu'u mavae} or established village to bestow such titles, senior members of the Malietoa family invariably responded \textit{o le agaifanua a Malietoa} - it is in accordance with the usage of the Sa Malietoa family. In recent years, the current Tuimaleali'ifano titleholder has tended to follow this practice of conferring matai titles at his government quarters cum estate in Moto'otua citing the Sa Malietoa family practice as precedent.\textsuperscript{2}

9.4. Tama'aiga vs. papa titles: multiple-holders of right to confer

As stated in the introductory chapter, the last recorded conferral of a papa title was when the \textit{faleiva} of Leulumoega installed Mata'afa Iosefo at Mulinu'u on 22 November 1898 as Tui A'ana.\textsuperscript{3} But less than a year later it was rescinded by German government policy. Solf directed that the four titles be extinguished and the potential contenders, Mata'afa Iosefo, Malietoa Tanumafili I and Tupua Tamasese Titimaea were made to sign away their rights and restrict their authority to their districts.\textsuperscript{4} In its place, Solf created the position of Ali'i Sili for the popular Mata'afa Iosefo, clearly subservient to the \textit{tupu sili} or paramount king, the German Kaiser, in whose office the tafa'ifa was incorporated and on whose

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\textsuperscript{1} Pers. comm. Tele'a of Fale'ula and Registrar G. N. N. Schmidt.

\textsuperscript{2} One recent conferral ceremony was held early 1995 in Moto'otua for descendants of Taito Tologata. Pers. comm. Sualauvi Tuimaleali'ifano and Tologata Fa'aoloi'i.

\textsuperscript{3} Verhaaren/Kramer 1994:219-220. The ceremony was not held in Leulumoega because Mata'afa was confined to Mulinu'u by the three consuls controlling the interim-government following his return from exile in Jaluit.

authority Solf acted. The nineteen year old Malietoa Tanumafili I was sent to Fiji for further schooling.¹

The abolition remained effective throughout the colonial period and when New Zealand took over in 1914, they saw little need to change. The post of fautua was retained and its holders were rotated among the four *tama'aiga* titleholders. When Mata'aafa Iosefo died, the German Governor Schultz appointed Tupua Tamasese Lealofi I and Malietoa Tanumafili I as fautua - or Joint-advisers in June 1913². Tupua Tamasese Lealofi I died on 13 October 1915 and was replaced by Tuimaleali'iifano Fa'aoloi'i Si'ua'ana. The rotation principle continued up to Independence in 1962 when Malietoa Tanumafili II and Tupua Tamasese Mea'ole were appointed as Joint-Heads of State for life, Tuimaleali'iifano Suatipatipa II as the sole member of the Council of Deputies, and Fiame Mata'aafa Faumuina Mulinu'u II as Prime Minister. While the papa titles were often invoked during ceremonial occasions, none of the tama'aiga titleholders from the colonial period actively sought to revive them. The kingmakers of old, Tumua and Pule who were excluded from any specific role in the Constitution, were concerned that too much was being done for the tama'aiga and nothing for them.³ And if the papa titles were to be revived, the main beneficiaries would be the tama'aiga titleholders who were already guaranteed a role in the Constitution.

Three years after Independence in 1962, the issue of papa titles re-surfaced. Why and how? Was it as Boyd asserted, cultural self-assertion or a resurgence of factional rivalry? Of the four papa titles, Tui A'ana, Tui Atua, Gatoa'itele and Tamosoali'i, only the first two are discussed as the latter two have yet to appear before the court. In the light of the court records and recent publications, I consider how the intra-tama'aiga rivalry brought the papa titles to national attention with the consequent spill-over into party politics and general elections. I discuss these

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¹ A conflict of dates over Tanumafili's visit to Fiji. I'iga P. quotes 7 November 1899, Ms. p. 42. Another unidentified source, probably Te'o Tuvalue states the more likely date of 1 March 1900. He returned to Samoa in 1903.


disputes separately beginning with the events relating to the right to confer the Tui Atua title. Was the right confined to one group or several?

9.4.1. Tui Atua title

The modern cause of factionalism and the revival of the papa titles can be traced back to 1965 as a consequence of the dispute over the Tupua Tamasese title. When the court confirmed Lealofì IV's appointment to the Tupua Tamasese title in 1965, his sponsors, the 'aiga potopoto, Lufilufi and 'Aiga Sa Fenunuivao, decided to proceed with conferring the Tui Atua papa title on him. For practical reasons, the sponsors also decided that immediately following the conferral ceremony a *lagi* or funeral ceremony was to be held for Lealofì's predecessor, Tupua Tamasese Mea'ole. The latter ceremony entailed a public exchange of *'ie toga* or fine kilts to reciprocate the support rendered by other lineage groups to the late chief and his affiliated lineage groups. Since it drew on genealogical ties with other tama'aiga and their lineage groups, the ceremonies promised to be a national event with significant political undertones. The combined ceremonies provided a platform for the sponsors to proclaim their tama'aiga and also to gauge the measure of support their candidate could draw upon in the likely event of a future claim for pre-eminent status vis-a-vis other papa titles and possibly votes in general elections.

Both ceremonies were scheduled for 25 November 1965 at the *maota* and *laoa* or residential site for chiefs and orators at Mulinu'u ma Sepolataemo situated in the district capital of Lufilufi. But two days before the ceremonies, on 22 November 1965, an objection to the staging of the ceremonies was lodged with the Land and Titles Court by Mata'aafa Fiame Faumuina Mulinu'u II, the then Prime Minister, on behalf of himself and 'Aiga Sa Levalasi. The specific objection was not to the ceremony itself but to the venue of Mulinu'u ma Sepolataemo. The venue was the maota or residence of the Tui Atua title and it was the issue of venue that Mata'aafa used to block the ceremonies because of his claim to usage of the Tui
Atua title. In response to Mata'afa's objection, an urgent meeting was called by the Registrar on 23 November where representatives of Sa Fenunuivao\(^1\) met with Mata'afa at the court office. The outcome of the meeting was critical to future relations between the two sides. According to the English translation of the transcript of that meeting, 'Sa Fenunuivao pleaded\(^2\) with Fiame (Mata'afa) and Sa Levalasi to allow the lagi of Tupua Tamasese Mea'ole to proceed at Mulinu'u [ma Sepolataemo]'. In response, Mata'afa pointed out that prior consultation should have been held between Sa Fenunuivao and Sa Levalasi. It seems this assertion elicited a non-committal response from Sa Fenunuivao. The meeting ended with a response from Mata'afa to the effect that:

1. Because of the traditional courtesy accorded by one Aiga to another and between Sa Levalasi and Sa Fenunuivao he [Mata'afa] will agree for the lagi to go ahead on the 25 November.

2. The objection lodged by Fiame [Mata'afa] and Sa Levalasi will not be withdrawn but will remain with the Office. There will be a day when this matter will be deliberated on fully.\(^3\)

On the other issue of conferring the papa title on Lealofi IV at Mulinu'u ma Sepolataemo, the transcript is silent, presumably the issue did not arise. There are at least two possible explanations. Either Sa Fenunuivao and Lufilufi may have concealed\(^4\) the conferral ceremony scheduled for the same day, fearing further reprisal from Mata'afa and Sa Levalasi, or Mata'afa had forgotten it. The more likely explanation is that Mata'afa was not aware of the move to confer the Tui Atua in the maota and that the sponsors, in the light of the 23 November 1966 meeting, at the last minute re-scheduled the ceremonies to be held on the same

\(^{1}\) Leutele Simaile, Moeono Kolio and Juli Veni.

\(^{2}\) The common Samoan word used in such contexts is *talosaga* meaning petitioning or requesting. The clear intention in the talosaga was to obtain Mata'afa's concurrence to proceed at the appointed venue subject to further negotiations.

\(^{3}\) Meeting notes of Registrar, 'Auelua F. Enari, 23 November 1965.

\(^{4}\) An impossible task given the scale on which it was being organised.
date. There was an advantage to be gained by a swift conferral, securing a political edge over a powerful adversary.

While there was no recorded objection from Mata'aafa and Sa Levalasi to Lealofi's appointment to the Tui Atua title even after his conferral, there was a formal objection from Fuataga Penita on 5 January 1966. Acting on behalf of himself and Tafua of Saleaumua, these two tulafale-ali'i also held strong claims to be consulted and to confer.\(^1\) But there was no case on Fuataga's petition on record and it seems that it was withdrawn for unknown reason. But almost a year later, on 14 December 1966, an unidentified group claiming to represent 'Aiga Sa Levalasi requested the court office to convene a meeting with Lufilufi 'with reference to [Sa Levalasi's] objection on the conferment of the [Tui Atua papa title] on Tupua Tamasese Lealofi IV'.\(^2\) On behalf of the court, Le'aupepe Vase advised Sa Levalasi to consult directly with the original objector, Mata'aafa Fiame Faumuina Mulunuu II, who was still Prime Minister. It is not clear which objection Sa Levalasi was referring to: the one lodged on 22 November 1965 by Mata'aafa or a fresh one. If the former, which referred to the venue for the funeral ceremony of Tupua Tamasese Mea'ole, then it was not clear whether an objection was ever lodged concerning the conferral of the Tui Atua papa title. Following Le'aupepe's written advice to 'Aiga Sa Levalasi, advice which they apparently accepted, the record is silent for the next twenty two years. Throughout the eighteen years of Lealofi's tenure of the Tupua Tamasese title, the conferral of the Tui Atua title on him by Lufilufi stood unchallenged.

The silence over the title was eventually broken in 1987. Occasioned by the death of Tupua Tamasese Lealofi IV in July 1983, the dispute as to the right to confer the Tui Atua title resumed. This time, the dispute had advanced before the court with an opportunity for the issue to be finally decided.

\(^{1}\) Their fa'atupega, o le Tui Atua fa'anofonofo, or the Tui Atua who remains seated in his/her throne, is testament to such historical rights.

\(^{2}\) Taisi Tupuola Efi to the President, Land and Titles Court, 11 May 1987.
As stated above, the Tupua Tamasese title was conferred on Efi on 5 November 1986 in Vaimoso under the auspices of three lineages.\(^1\) It was immediately challenged by four other parties with court petitions. But nine months later, the petitions were dismissed and Efi's appointment was confirmed on 6 August 1987. However, between the time of the petitions and the court's decision, Lufilufi had proclaimed the Tui Atua papa title on Efi on 11 December 1986, eight months before his confirmation by the court. Since another tama'aiga titleholder also held strong claims to the Tui Atua title, a petition was immediately filed by Fiame Naomi and the affiliated 'Aiga Sa Levalasi on behalf of Mata'afa, challenging Lufilufi's right to confer the title.\(^2\) One basis of their argument which the court did not consider of sufficient merit was the legality of conferring the Tui Atua title on Efi when four petitions were pending over his appointment as the Tupua Tamasese titleholder. The court ruled on 28 September 1987 and determined that Lufilufi not only had the right to confer the papa Tui Atua but also the right to choose and refuse bestowal.

The point clearly illustrated by these cases was the existence of multiple traditions of different kinds of rights: the right to be consulted, the right to choose, the right to confer and the right to refuse.

The right to choose and confer have been claimed by at least three principal parties. First, the tulafale-oriented polity in Lufilufi; second, the 'Aiga-oriented polities, Sa Levalasi in Lotofaga with its extant branches elsewhere; Sa Fenunuivao in Salani and Fa'afina, Tupolesava, Sa Leota and Sa Leutogipo'e in Solosolo\(^3\); third, the tulafale-ali'i-oriented polities of Fuataga and Tafua in Aleipata. Through a combination of force and political manoeuvring sustained over a period of time, a sufficiently organised polity could easily secure for itself the right to confer a papa on their favoured candidate. The economic costs were often enormous.

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\(^1\) From a Chronology by Tupua Tamasese Efi, n.d. p. 10.

\(^2\) They also challenged the venue of Mulinu'u and Sepolataemo, which is not discussed in this study.

\(^3\) Invariably known as Sa Leota and Sa Leutogipo'e. Lelaiauloto and Fuataga 1985:198-200.
The historical record is consistent on the rise and fall of different polities in the proclamation of the papa titles for the tafa'ifa. For example, after the death of his father Galumalemana and eldest brother Nofoasaefa, I'amafana rose to pre-eminent status through the efforts of Tusa and Moeno of Lu'ulufi, and Fuataga and Tafua of Aleipata. Other Tui Atua titleholders have included Mata'afa Filisounu'u, also known as Tuilua'ai, who was killed in a battle with Malietoa Vaiinupo in 1829.\(^1\) By virtue of their tenure of the papa title, the right of Sa Levalasi was confirmed on behalf of the Mata'afa family and another established for Sa Malietoa on behalf of the Malietoa family. When Vaiinupo died, the Tui Atua papa was ostensibly held by his son Malietoa Moli until his death in 1860. Given the rivalry between Moli's son Laupepa and his uncle Talavou, the Tui Atua title was recouped by Mata'afa Tafagamanu, son of Filisounu'u, in the mid-1860s. But it was not long before he was challenged by another contender, Sualauvi of Falelatai and Sapapali'i. Having secured the Tui A'ana, Gatoa'itele and Tamasoali'i, he was poised for the Tui Atua and ultimately for tafa'ifa honours. Drawing on I'amafana's tafa'ifa inheritance and a myriad of remembered marital connections into Atua through the Mata'afa line (see chapter 5), Fuataga and Tafua proclaimed him Tui Atua in 1869.\(^2\) Sualauvi did not live long to savour the honours. When he died in 1870, the Aleipata king-makers re-confirmed their right by conferring it on Tupua Tamasese Titimae. In both conferrals, there was no objection from nor involvement of Lu'ulufi. According to Tuiai, the only objector during the conferral on Titimae was Solosolo 'who went away angrily because they had already *alaga* or proclaimed it on Mata'afa Iosefo.\(^3\) The stalemate between Tupua Tamasese Titimaea and Mata'afa Iosefo led to the anomalous situation of two Tui Atua titleholders: the Solosolo sponsored Tui Atua Mata'afa

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\(^1\) Verhaaren/Kramer 194:390.

\(^2\) Statements by Tuiai, 22 December 1898 in Gurr papers, section on Papa and those who *alaga* - proclaimed.

\(^3\) *Ibid.* In traditions related by Fata, *le failauga sili o Tuisamau*-the senior orator of Tuisamau, Tui Atua Aumuatagafa appointed the principal descent groups of Sa Leota and Sa Leutogipo'e in Solosolo to confer the Tui Atua title. GP 26, p. 161.
and the Aleipata sponsored Tui Atua Tupua Tamasese.¹ The anomaly drew Tagaloa, a leading Atuan chief to comment:

In most of Samoa, it is easy to get a consultation, but in Atua it is difficult. Atua can't make up its mind, and Atua people don't get along very well.²

In spite of his Atuan affiliation, the endless bickering between Mata'afa and Tupua Tamasese led Tagaloa openly to declare his interest for Malietoa Tanumafili I to be king. In any event, in a series of wars which ended in early 1889, Mata'afa scored a series of popular defeats against Tupua Tamasese³, thus confirming his appointment as Tui Atua and leadership of Sa Tupua by his appointment as Ali'i Sili until his death in 1912.⁴

By its decision of 28 September 1987, the court determined Lufilufi's right to confer the papa Tui Atua. In doing so, it also invoked an extraordinary right, the award to Lufilufi of the right to reject a candidate for papa honours. According to Fiame Naomi and Sa Levalasi, once the appointment of Mata'afa Fa'asuamale'aui was confirmed, they approached Lufilufi for the conferral of Tui Atua honours on him but were refused. The court also ruled that the right to refuse indicated complete authority over the Tui Atua title. While it may be assumed that succession would be chosen from the descent line of Tupua, its non-specification leaves this open to candidates from other descent lines. In terms of right to confer, the decision ignored the historical and established rights of other descent groups to be consulted and to confer the papa title. Six parties appealed the decision. While unsuccessful, their appearance ensures that the historical wars are alive and will continue well into the twenty-first century.⁵

¹ See papers relating to the Tamasese-Brandeis government based in Leulumoega, Gilson Papers folder 77.

² In Gurr papers, GP 25.

³ Brandeis left Samoa on 2 February 1889 with Tupua Tamasese Titimaea defeated by Mata'afa Iosefo.


⁵ Muagututia Maea'eafe, Fepulea'i Mika, 'Ai'ono Fanaafi, Tafua Kalolo, Fiame Naomi and 'Aiga Sa Levalasi and Fuata'i Fa'aulu.
9.4.2. Tui A'ana title

In the oral literature on the Tui A'ana title, the right to confer the title is a historically contestable fact. There was not one but several claimants. In accordance with the logic of custom, claimants marshalled resources available to them by both right and might. The death of Tupua Tamasese Mea'ole in 1963 provided the catalyst for the revival of the papa titles. In the face of their court defeat, Efi's supporters purportedly conferred the Tui A'ana title on him in 1965. His supporters were joined by Salevaogogo, another luminary of the faleiva in Leulumoega. It was the first time that a papa title had been purportedly conferred on a non-tama'aiga titleholder. The dispute quickly spread to include Tuimaleali'iifano Suatipatipa II and the recently installed Tupua Tamasese Lealofi IV. Leulumoega as the maota and residence of the Tui A'ana title was indisputable. But apart from Leulumoega, who else had the right to confer? Other contenders in history included 'Aiga Taulagi, 'Aiga Taua'ana, Sa Tuala, 'Aiga o Mavaega and 'Aiga Sa Tunumafono of Safata.

In response to the purported election to the Tui A'ana title, the Va'a-nofoa-tolu representing Taulagi¹, Satunumafono,² and Taua'ana³ and Samatau⁴ petitioned the court against the purported conferral of the Tui A'ana title on Efi. The question of eligibility was not raised. Within the Tupua Tamasese line, on the ground of his senior descent and bearer of the tama'aiga title, the recently installed Tupua Tamasese Lealofi IV had a higher claim to the Tui A'ana title then Efi. The Va'a-nofoa-tolu did not contest genealogical connections, of which there were many, but instead targeted their objections at the party representing Leulumoega's alleged right to confer the title.

¹ Afamasaga Maua II for the Taulagi.
² Taoa Fa'aoloviti for Aiga Satunumafono.
³ Fa'alava'au Faleaupu for Aiga Taua'ana.
⁴ They were also known as Leulumoega, an honorific derived from Tui A'ana Tamalelagi.
Traditions relate how the leading orators, Tutuila and Apenamoemanatunatu of Fasito'otai and Fasito'outa respectively had stolen Tamalelagi as a boy from Safata to become their ali'i and progenitor of the modern constellation of high titles. The right of Leulumoega to confer the Tui A'ana title was thus subject to consultation with these polities. In addition to the representation by the Va'a-nofoa-tolu, there were dense invisible kin connections on the ground between the Tuimaleali'iifano family and Leulumoega's hierarchy. As outlined in Chapter seven, the first Tuimaleali'iifano's sister, Tutogi, had twice contracted marital unions with the Alipia titleholders, resulting in a son who succeeded to the Alipia title. Furthermore, another of her nephews and successor to the Tuimaleali'iifano title, Suatipatipa II, had married the daughter of So'oa'emalelagi Emerisone, the most senior ali'i of Leulumoega. On her maternal side, she was descended from the Sa Va'a orator clan, another luminary of the faleiva, whose leading spokesman at the time was the sinewed orator Tualetonu Malae'ulu Sulu whose memory and language extended to the German period. In contrast, Efi's immediate Leulumoega connection was dated two generations back through his grandfather Tupua Tamasese Lealofi I who had married a daughter of Tupuola of the orator clan, Sa Levaogogo. The Sa Levaogogo clan was led at the time by its tu'ua - elder spokesman Ugapo Tauaneai¹ whose memory also took in the German period. While steeped in tumua traditions, Ugapo lacked the political stature of Alipia within the faleiva. The titleholder, Alipia Siaosi was absent during negotiations, leaving the faleiva rudderless but in no doubt as to his diffident position on Efi's claim to the Tui A'ana title. Despite the growing odds against him and his candidate, the aged Ugapo pressed on regardless. Afamasaga Maua II for the Va'a-nofoa-tolu recorded Ugapo's talosaga or plea to them at one of their meetings. Ugapo stated:

... ia ou'tou finagalo malilie, o le a ave le Tui A'ana se'i tau lava ina fealua'i ai Tufuga Efi i le atunu'u i se tulaga aloa'ia, e le o se tupu po'o se tama'aga.

¹ The Tupuola title, assumed by Efi in the mid-1970s, came to the family through Lealofi I's first marriage to a daughter of Tupuola of the Sa Levaogogo orator clan. Lealaiauloto and Fuataga 1985:263.
... may you [be] satisfy (sic) that the Tui A'ana be given merely to
honour Tufuga Efi in an informal way when he goes about in the
country, but he shall be neither king or a tama-a-iga.1

In reply, Afamasaga challenged Ugapo on his right to confer the title and
asserted as they did in their written submission that there was only one Tui A'ana
titleholder.2 The stalemate had to be decided by the court. When it convened on 10
October 1966, Ugapo, Efi and his supporters must have reflected on the weight of
lineage opinion mounting against them. In the recent court dispute over the Tupua
Tamasese title, the Va'a-nofoa-tolu publicly expressed their support for Lealofi.
Even from the depths of Atua, both Efi and his supporters were challenged. 'Aiga
Sa Fenunuivao claimed that 'Aiga Sa Tuala and 'Aiga o Mavaega had no right to
participate in the Tupua Tamasese title dispute as the only right they had was
over Muagututi'a, the adopted father of Tupua.3 With much publicity, Efi and his
supporters took the honourable way out. 'Never in the history of Samoa,' stated
president Molineaux, 'had anyone renounced such a high title and the
relinquishing by Tufuga Efi of the title [Tui A'ana] was historical and he should be
commended for taking such an unselfish stand.'4 The important opportunity to
define and specify such rights receded to ambiguity as the court dismissed the case
in its admittedly brief announcement.

As mentioned above, before they were abolished, the Tui A'ana was last
conferred on Mata'a'afa Iosefo by Leulumoea in 1898. Mata'a'afa Iosefo was preceded

1 LC2675. Writ. state. by Afamasaga Maua II, Taa Fa'aoloviti, Tofa P, Te'o L and Tagoma for the Va'a-
nofoa-tolu, 6 December 1965. The last meeting of the Va'a-nofoa-tolu was held in September 1966 before
the scheduled Court case in October. As a member of the 'Aiga Satunumafoono delegation, Logona-i-Taga
J. D. Freeman attended (Freeman 1983:330, n. 23). The meeting's purpose was to form an alliance against

2 Ibid. p. 2. They asserted Tuimalealiifano. But Tupua Tamasese Mea'ole had also been acknowledged
as Tui A'ana during his lifetime.


Tupua Tamasese Efi 1989:19. Powles (1979:228) claims that Tupuola Efi was conferred with the Tui A'ana
on the death of Tuimalealiifano.
in the 1880s by Tupua Tamasese Titimaea who in turn was preceded by Sualauvi
in 1848, Malietoa Vaiinupo in the 1830s, and Tamafaiga in 1810s. The main
contest, over the right to bestow the honours, have been between the two leading
orator groups of A'ana: the faleiva of Leulumoeaga and the orator groups based in
Fasito'otai and Fasito'outa villages known as Tutuila and Apenamoemanatunatu
respectively in the honorifics.1 The nature of the competition between the two can
be savoured from the following account by Pa'o, an orator of Fasito'outa, who
related an incident between the two orator groups. Tupuola, an orator of
Leulumoeaga, attempted to confer the Tui A'ana title on Malietoa Laupepa. When
Tupuola's action became known to Tutuila and Apenamoemanatunatu, Lealamisa
and others of Fasito'outa 'ran and jumped [on] Tupuola, beat him and dragged him
to the house of the Tupu [King]'. When Malietoa Laupepa heard what had
happened, he immediately returned the Tui A'ana title to Ape and Tutuila, for as
Malietoa declared, 'the pule [right] of the papa was theirs'. In a final confrontation
between Leulumoeaga, Fasito'otai and Fasito'outa over Leulumoeaga's claim to
confer the Tui A'ana title, Alipia apologised to Fasito'otai and Fasito'outa. But Pa'o
pressed Alipia further. He asked, 'Alipia, who owns the papa?' The reply from the
highest ranking orator of A'ana left no one in any doubt; 'ou te fue a'ao i lo ouluia
ali'i - I am a mere fly whisk to your chief.'

9.5. Court and Governance

Given the engagement of a large number of lineages and villages, and the
successful candidate's prominence in national politics as Leader of the Opposition,
the Tui Atua papa title dispute generated considerable interest. There was one
important aspect of the court's decision. It awarded Lufilufi the right to confer the
title, but it also specified that Lufilufi may in turn award it to any one of the two

1 Gurr Papers 26, statements regarding papa and those who alaga. p. 160.
**tama'aiga**, the **tama** of 'Aiga Sa Fenunuivao, Tupua Tamasese, or the **tama** of Sa Levalasi, Mata'afa. Efi had launched his political career in 1966, becoming Prime Minister from 1976 to 1981. He was replaced first by Va'ai Kolone in 1982 and then by Tofilau Eti Alesana after a general election in 1983. When Efi was conferred the Tui Atua title, he had been Leader of the Parliamentary Opposition for five years.

The Tofilau government has close ties to the Mata'afa title, particularly through the Silupevailei descent line of which Fiame Mata'afa Faumuina Mulinu'u II, the former Prime Minister was a descendant. Tofilau was the sole survivor of Fiame Mata'afa's government in the 1960s where he held Cabinet rank. The deceased Mata'afa's influential widow, Masiofo La'ulu Fetauimalemau, had occupied senior positions in Tofilau's foreign affairs department as high commissioner and consul to New Zealand. Their daughter, Fiame Naomi, has been in Tofilau's Cabinet since the early 1990s. In addition, Tofilau and La'ulu Fetauimalemau are related through the ubiquitous Sa Petaia chiefly-clerical dynasty of the former London Missionary Society and now Congregational Christian Church of Samoa.¹

Given this background and dense kin connections, Tofilau's Human Rights Protection Party (HRPP) government chose to confer the honorifics of the Tui Atua papa title on Mata'afa. This was in contrast to Lufulufi's right granted by the court. The 1985 Congregational Christian Church's published fa'alupega of Amaile refers to Mata'afa as Tui Atua. Ever since the 1987 court decision, Tofilau's official speeches refer not to one Tui Atua but two Tui Atua, a government recognised Tui Atua, being the member of Council of Deputies, Mata'afa Fa'asuamale'aui, and the court appointed and Opposition Leader, Tui Atua Tupua Tamasese Efi.² But despite the fact that Mata'afa Fa'asuamale'aui was never formally installed, he was Tui Atua nevertheless to government for political reasons. There is thus a replication of the late nineteenth century stand-off between a Solosolo sponsored

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¹ See J. W. Davidson 1967:69-71

Mata'afa Iosefo and an Aleipata sponsored Tupua Tamasese Titimaea and almost a century later, political parties appear like maximal lineages at the forefront of struggles for political supremacy. There is the Human Rights Protection Party (HRPP) and government - sponsored Tui Atua Mata'afa and there is the court and Samoan National Development Party (SNDP) - Opposition sponsored Tui Atua Tupua Tamasese. In such a scenario, there was a legally appointed Tui Atua as represented by the Opposition and the extra-legal Tui Atua as promoted and represented by the government - with both sides firmly asserting the validity of their claims grounded in their no less valid interpretation and representation of 'custom and usage' in accordance with the relevant custom and usage of the Samoan people at any particular time.

Tofilau's government added more fire to the controversy by its selective handling of contracts of judges involved in the court's decision. The presiding judge and president, Judge Smith, returned to New Zealand after his term expired. As one of the senior deputy presidents of the court, Nanai Faitala was another presiding judge. When his contract came up for renewal, it was strongly supported by Judge Smith and the Department of Land and Titles. Instead, the Judicial Service Commission terminated it on the ground that Nanai had reached the age for compulsory retirement.¹ Smith's replacement was Judge Trevor Maxwell who took over the appeals against the Tui Atua title decision of September 1987. After rejecting all six appeals, he soon left the country before completing his term in office.²

This scenario of judicious application of custom and usage against law is played out in other arenas. One example was the anti-VGST tax demonstration march organised by leaders of *Tumua ma Pule* on 2 March 1994 in Apia. Initially formed as an independent body, the organisation aligned itself to the Opposition party with Tui Atua Tupua Tamasese Efi chosen as spokesman and proclaimed

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¹ He presided over the Tupua Tamasese title case which awarded the title to Tupuola Efi. LC8384 P1-P4, 6 August 1987.

² He was also involved in a law suit brought by Vermuellen against the Government in which the court decided in favour of Vermuellen.
themselves as the 'traditional' representatives of Samoa. In response, Tofilau, with some justification, rejected Tui Atua's claim on the ground that his government also represented Tumua ma Pule as the people's Constitutionally elected representatives in Parliament. He implied that his HRPP government not only represented the indigenous forces of custom and tradition but also, in law, the country as a whole. The only legitimate means of changing the government, he claimed, was through constitutionally held elections and not, by implication, Tumua ma Pule.

Both political factions invoked customs and usages and with neither side willing to re-negotiate their respective representation of custom but imploring it had force of law and popular public opinion. On the one hand there was a government sponsored Tui Atua, Tumua ma Pule and on the other was the Opposition sponsored Tui Atua, Tumua ma Pule. The contagious flow of bile is ensured for future generations of Samoans. The selective manipulation of custom and usage had not changed, only the mechanisms by which power is exercised.

Boyd's portrayal of the emergence of the papa titles as cultural reassertion now appears superficial against the evidence and behaviour of the players in Samoa's political hierarchy. If nineteenth century representation of civil unrest in Samoan politics can be interpreted as Samoan political culture, then the political rivalry over the papa titles in the 1990s can also be argued as cultural reassertion. The root causes of twentieth century rivalry replicate nineteenth century politics in character if not in form. The appeal of papa titles and the office of tafa'ifa was such that it gave its bearer and his/her sponsors considerable influence to extort power and resources. Its political appeal was summoned in the mid 1960s for personal and political interests in intra-tama'aiga rivalry. It was re-activated in the 1990s for twentieth and twenty-first century needs, as a draw-card for uncustomary general elections and votes. Although too early to call, the revival of papa titles is changing the politics of tama'aiga relations particularly within Sa Tupua but a change essentially according to and within the modern framework of
party politics, government and the judiciary. Time and mechanisms have changed but the essential issues in the struggle for power have not.¹

9.6. Transformation of criteria and governance

Narrowing the scope of the contest over the right to confer and limiting the number of eligible candidates to succession should be the joint-goal of the Land and Titles Court and the village fono, but the situation will deteriorate further before any improvement can be expected. The appointment of titleholders in open defiance of the Land and Titles Act, 1981, and the abuse of the court system is public knowledge, publicised by annual departmental reports to Parliament.² Among the tama'aiga and other high titles, future contests promise to be more virulent and acrimonious among contestants and lineages and demanding on resources. Because of their pull on family history and traditions any end to family fractures seems unlikely. In the 1939 Mata'aafa title dispute, eligibility was specified between two faletama, Fa'asuanmale'aui and Silupevailei. Despite this, both lines have contested with three candidates from the eligible line. With the blurring of the lines, the next contest promises to be even more acrimonious. For the other three tama'aiga families, while baseline ancestors have been identified to determine eligibility, their segmentation over several generations has inflated the pool of eligible descendants to unmanageable proportions. The baseline ancestor for the Tupua Tamasese is Nifoasaefa, seven generations from the present. There are three baseline ancestors for the Malietoa title, Gatuitasina and Vaiinupo's sons Moli and Talavou; five generations from the present for Gatuitasina and four

¹ Cf. Boyd 1968:155. The interesting thing is that in comparison with neighbouring countries, in some e.g. Tonga, these traditional processes are as important as ever, whereas in Fiji to a smaller extent, and in the Cook Islands and Tahiti to a large extent, they have eroded. Pers. comm. Ron Crocombe. 5 December 1996.

² See especially the 1988-1989 Report. In Tuasivi alone, the Registrar reported that based on an average of decision-making over two years, it would take twenty five and a quarter years to deal with the then number of cases it had pending. Most of these involved titles rather than land. Reported in the Savali, 31 July 1989.
generations from the present for Moli and Talavou. The baseline ancestor for the Tuimaleali'iifano title is Sualauvi, five generations from the present.

The dominant role of the court as the arbiter and administrator of Samoan custom and usage is amply demonstrated by the Mata'a'afa case over the question of pule. By its decision in 1939, the court decreed that the pule was vested with Sa Levalasi. Despite the strong objections against the 1939 and 1949 rulings, the court was unrelenting in conferring pule over the title on Sa Levalasi. By the next vacancy in 1975, all traces of past opposition to the court-imposed pule had disappeared. But new problems had emerged. The inadequate performance of Sa Levalasi in 1977 in choosing a successor exposes the inherent weaknesses of lineages threatened by the politics of candidates and their sponsors. Not that other lineages could have performed any better. There is a growing degree of sophistication in organisation and politics of candidates in the judicious use of customs and usages. In the case of the Tuimaleali'iifano title, despite the court's 1949 decision awarding the pule to the descendants to choose a successor, the 'Aiga Taua'ana lineage continues to reject the court's decision, claiming the right to choose should descendants disagree.¹

But how serious were the other criteria of succession considered by the judges in choosing an appointment? According to the published guide to assessing the relative merits of candidates, blood descent, residence, service, knowledge, character and leadership qualities, were the qualities to be considered, in that order of priority. While the principal criteria was not yet lost on the judges, apart from descent, a conflict emerged over the relative weight accorded to each criteria. Increasingly, decisions were made based on the candidate's erudition of family traditions, Western knowledge and professional skills, followed by some show of service and residence. These orientations, as in the 1977 cases over the Tuimaleali'iifano and Mata'a'afa disputes, were promoted by an expatriate president

¹ These tendencies have been influenced by court decisions in which the right to appoint and confer tama'aiga titles such as Tupua Tamasese and Mata'a'afa have been awarded to village lineages. In such decisions, representatives of 'Aiga Taua'ana took part, Nanai Vatau in 29 March 1965 and Nanai Faitala in 6 August 1987.
and commissioner of police. Va'aleto'a Eti and Fa'asumale'aui Pu'ela, both policemen, the former for almost ten years and the latter for fifteen years, were chosen ahead of 'Asi Lavilavi I and Tupuola Neo, both of whom satisfied customary criteria, permanent residence in the respective villages of the titles and continuous service to past titleholders.

Should tama'aiga titleholders continue to dominate the apex of the political spectrum? The indications over the last twenty years suggests that the understandings formerly attributed to tama'aiga titles because of their historical significance are changing. From the 1950s to Independence, the office of Prime Minister was the preserve of tama'aiga titleholders. That was exploded when, as a non-tama'aiga titleholder, Tupuola Efi, won the position in 1976. The myth was not completely destroyed because he was a son of and an aspirant to a tama'aiga title. But this cautious reaction collapsed when Tupuola lost and was replaced by Va'ai Kolone in 1982 and the current incumbent, Tofilau Eti Alesana, both non-tama'aiga titleholders. Just as Tupuola had dispelled myths as a non-tama'aiga titleholder by edging a tama'aiga titleholder out of power such as his cousin Tupua Tamasese Lealofi IV, Efi continued to dispel other myths, but this time as a tama'aiga titleholder himself. Like his deceased tama'aiga cousin before him, the now titled Tui Atua Tupua Tamasese Efi became the second tama'aiga and first papa titleholder to fall from power when his party lost the vote for Prime Ministership as he lost his parliamentary seat.¹ Unlike his cousin before him, he spurned Tofilau's nomination to the sinecured membership on the Council of Deputies and continued in politics by winning his seat back at a by-election and his former position as Leader of the Opposition.

Another myth was recently exploded when former Prime Minister and non-tama'aiga titleholder Va'ai Kolone was appointed in July 1993 to the Council of Deputies. The role and significance of the council was questioned from its inception during the Constitutional Convention in the 1950s and 1960s.

¹ The little known titleholder who un-seated Tui Atua Tupua Tamasese Efi was Moananu Salale, a former post office mailroom supervisor.
Considerable support was given to Ulualofaiga Talaiva's motion to delete Article 25, which provided for constitution of the Council of Deputies. Talaiva argued that the country's economy could ill afford the financial burden of such a council. It was cumbersome, expensive and unnecessary and received support from progressively minded members. Although the motion was lost, it was defeated by a significantly small margin of 17, 88 to 71.\(^1\) The basis of these doubts are likely to re-surface in the light of its continuing cost relative to its passive role. The council acts as "deputy" Head of State during vacancy or absence of the Head of State from the country and, on the declaration of the Chief Justice that certain requirements are met, the council may perform the functions of Head of State if the incumbent is incapable on health grounds or unavailable to perform.\(^2\) Given the country's weak economic base the cost to the taxpayer of paying three ceremonial heads waiting for the demise of the Head of State is over $100,000 per year excluding office facilities and housing.\(^3\) One of the unspoken understandings for membership of the Council of Deputies is that appointees should desist from any gainful employment. Despite this, Mata'afa Fa'asumale'au was, until 1995 an employee of the Congregational Christian Church as commissioner of land and estate\(^4\) and Tuimaleali'i'ifano Eti continues to make regular court appearances as a solicitor in addition to being a local travel agent and other business ventures.

The issue of whether the office of Head of State should be reserved for tama'aiga titleholders no longer remains a contentious one. The constitutional provision was drafted with the understanding that the logical candidates were tama'aiga titleholders. Constitutional procedures for election of a single Head of State will come into operation when the current incumbent dies\(^5\) and who is

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1 Davidson 1967:397-398.

2 Powles 1993:401.

3 The 1994 budget estimate of Western Samoa.

4 Pers. comm. Featuna'i Liua'ana, 3 December 1996.

5 Constitution, Articles 17 and 18, first schedule.
unlikely to relinquish the position except by infirmity or death. To qualify to be a Head of State, candidates must be eligible to stand for Parliament who shall be elected by Parliament for a term of five years. What constitutes ‘custom’ in the appointment is determined by the Legislative Assembly and party politics. The dominance by tama'auga titleholders of the office of Prime Minister and Council of Deputies came to an end in 1976 and 1993 respectively. If current trends continue, and indications are that they will, the next Head of State may well be a non-tama'auga titleholder.
10. **A matter of choice**

Custom and usages, like modern development strategies, are human creations rooted in the cultural values of their creators. This inquiry is concerned with human ingenuity as both the artifact and artificer. Identifying whose imaginings carry what weight with whom is critical to understanding the processes of customs and traditions. An historical fact is not so much what happened as that small part of what happened that historians, anthropologists and the masters of tradition use and talk about for present purposes. It is a stratagem. 'History,' Denning recalls, 'is not the past: it is a consciousness of the past used for present purposes.'\(^1\) By selective interposing of past consciousness's with present purposes, custom is re-negotiated and re-created. The result in rudimentary form is a conceptual framework called 'custom and tradition' re-packaged in the image of their creators and current selective adaptors. If we accept that as the natural order of the relationship, then custom is rendered pliable like clay. It would be too much to say that all is possible, but within wide parameters, a good deal of adaptation does take place. Whether as an identifiable and coherent set of laws or as a vague and incoherent body of traditions, custom and usage are contestable.

For Samoans and other Pacific Islanders, the idea of nationalism was a global cultural artefact derived from the technology of the industrial revolution and introduced to us via North-Western European forms. These global patterns, interacting with ancient principal elements of localised custom, are responsible for such modern amalgams as *Maoritanga*, *wantok* system, *vaka Viti*, *faka Tonga*, and *fa'a Samoa*. Ideological correlates of the global social units which evolved as a result of European contact were incorporated into the conceptual framework of non-Western people all over the world, much of it unconsciously as they responded,

\(^1\) Denning 1992:170.
adapted and shaped the process and character of their world. Understanding this transformation in Samoa constitutes the prime concern of this study.

The formal charter of modern nationhood is embodied in a written constitution, commitments to human rights and development plans, treaties and other documents. Its underpinning ideology is the protection of the individual equated with the protection of society. Throughout the Pacific Islands, mission authorities pioneered this ideology mixed with often incompatible Old Testament precepts and church practices of unequally divided power and privilege, commerce and inheritance of unequal wealth, and with colonial governments and their hierarchies. Many inconsistencies of principle and practice were incorporated in the living culture. In Samoa, authority revolved around social hierarchies underpinned by the reverse of equality, the right of might. Primacy was accorded to collective entities, of which there were several, each presuming a separate and autonomous authority. The individual was tethered to the collective from which protection could be expected, subject to conformity and subordination. This study has been concerned with both the rhetoric and reality of the transformation to a new amalgam which includes elements of both the 'individual' and 'collective' ideological premises, and which involves considerable 'double-think' in speech and action to insure that the range of conflicting and competing principles are covered in the struggle for power and privilege.

The first and obvious conflict concern the incongruent approaches of aganu'u fa'a Samoa or indigenous authoritarianism and aganu'u fa'apapalagi or exogenous egalitarianism (at least in its idealised form). A second and less obvious conflict is characterised by the notion of 'ethnic' or 'folk' ideas nestled within aganu'u fa'a Samoa and represented by the terms of aganu'u ma agaifanua or custom and usage.

The first indigenous-exogenous conflict provides the political and cultural landscape against which the internal conflict of custom and usage is played out with aganu'u represented as universal and agaifanua as localised or parochial, ethnic or folk. Within indigeneity, the duality of aganu'u and agaifanua was identified as a key component to understanding the transformation as well as to
rationalising divergent claims and aberrant principles. Relevant aspects of the powerful forces of aganu'u fa'a papalagi such as mission and colonial authorities, constitutional, political and economic developments, the commitments consequent to joining the United Nations and many other international bodies as well as bilateral treaties were brought to bear on the dynamics of this transformation process via the village fono, church, Land and Titles Court, government, media and particularly by the extensive international travels of Samoans who had previously seldom voyaged beyond the Samoan cultural zone, and the wider range of foreigners who live in Samoa and often occupy influential roles. The consequences of these new influences were of fundamental importance in understanding and negotiating change.

Samoans, some have alleged, lack interest in the outside world, productive investment and development, and are content with the status quo. On the contrary, this study argues that Samoans are not contented with the status quo, but that their discontent lacks effective articulation due to two major disabilities - first, the general inability or unwillingness to address the contradictions between indigenous authoritarianism and exogenous egalitarianism; and second, the apparent inability to codify and define more precisely the historical and cultural encounter between the universal aganu'u (the principles and practices brought home by media and foreign contacts) and parochial agaifanua at village and national levels.

The co-existence of at least two parallel dichotomies at two levels, parochial-national at the village level and national-global at the national level, operating within a tradition of orality, constitute a cesspool of cultural contradictions breeding abuse and corruption.

Constitutional Independence in 1962 brought Samoans and their system of double standards to the international stage. Perhaps many could not foresee the consequences of maintaining both value systems as enshrined in the constitution and hoped it would somehow merge by osmosis or divine intervention. Consequently, double standards and inconsistencies are reflected in almost every aspect of Samoan life. Perhaps the most conspicuous examples are the unaudited
national accounts, falsification of national statistics and government corruption in the name of Christian principles, custom and usages. National accounts have remained unaudited for fourteen years, and it is standard practice in government treasury to rig economic figures such as the Gross National Product (GNP) and Per Capita Income (PCI). The rigging serves two separate purposes. One set of calculations purports to serve the interest of national development goals. Yet another set of calculations is concocted to retain Samoa's humiliating entity as a Least Developed Country (LDC) in the United Nations and thus attracting added advantage over more deserving nations for favourable terms of loans from the International Monetary Fund, and other international funding agencies and non-governmental organisations.¹ Non-performance and unethical practices such as the falsification of national economic figures is 'justified' under Christian principles, custom and usages. Similar arguments are used by government departments when charged with nepotism, corruption and inefficiency. When the Government's Controller and Chief Auditor (CCA) point to highly irregular use of public resources, departmental heads invariably respond that the CCA's attitude violates Christian principles, custom and usages.²

At the parochial village level, Samoans as parishioners compete for the honour of being the most industrious in building the largest and most elaborate church structure, retaining the best dressed, fed, housed and transported pastor and/or priest, and raising the highest collection for the church. While intense communal rivalry is conducted at village levels for being the most industrious and developed at the international level, Samoa contradicts itself by special pleading to being poor and the least developed. Despite huge sums of annual monetary donations from local and overseas sources toward village and church annual projects, the standard of education in mainly Protestant mission schools (and government) has stagnated if not retarded over the last thirty years. One only has to compare the past results of the School Certificate and Pacific School Secondary

¹ Others refer to a third set of figures.

Examinations to confirm the consistent dismal performance of the Congregational Christian Church school system. In sport, the English football game of rugby has done more to expose Samoa to the world than any other form of government promotion, yet almost all of its players including its captain and technical staff are New Zealand residents and citizens. A similar pattern appears in other team sports.

Those who advocate fa'a Samoa are amongst the first to leave Samoa and once they do, continue to mouth fa'a Samoa while subsisting and subsidised by another value system, at least among the first generation. While many openly vocalise the wish to, and often do, return 'home', very few stay. Since well before Independence, all tama'aiga titleholders have chosen to live virtually on either leased or freehold land, i.e. outside villages to which their titles belong. The only exception was Tuimaleali'iifano Suatipatipa II who returned to live in Matanofo when appointed in 1949. The power bases of the Malietoa title are the villages of Sapapali'i and Malie. But ever since the current titleholder took up office in 1939 as a fautua and joint-Head of State with Tupua Tamasese Mea'ole in 1962, he has chosen to live permanently on freehold land in a suburb of Apia. Tupua Tamasese Mea'ole also lived permanently in Apia up to the time of his death in 1963, as have his successors, Tupua Tamasese Lealofi IV in Vaivase and his son the present incumbent Tui Atua Tupua Tamasese Taisi Tufuga Tupuola Efi¹, in Tua'efu. The trend continues with current members of the Council of Deputies - Mata'afa Patu Fa'asumale'aui in Vaiala and Tuimaleali'iifano Eti in government quarters.³ The

¹ SO, 14 May 1997.

² Efi is the Samoanised form of Olaf (the name of his maternal grandfather, Olaf Frederick Nelson). He was registered as Olaf Tamasese from 1955-1963 as a student in New Zealand.

³ The status over Tuimaleali'iifano Eti's occupancy of government quarters at Moto'otua to which he and Matanofo villagers have built a Samoan style fale is unclear. At the time of writing, it seemed the quarters formed part of his current masiofo's (wife) entitlement as director of land, survey and environment from 1990-1995. The current Tofilau-government was returned to power in the March 1996 elections and Tuimaleali'iifano's masiofo's contract was terminated. They continue to occupy the quarters. Whether government has donated, sold or rented it to him is not clear but it conforms to the pattern of manipulating ambiguity and duality.
pattern is prevalent among rich faife'au, politicians, business persons, senior civil servants, and the professions.

There is a perverse side to this double-standards. For a small country of just 170,000 people, the incidence of suicide (through a rope, a machete, gun or paraquat) is alarming particularly as those most prone to commit suicide fall within the 14-24 age cohort. When young people deem it unworthy to live in their own society, the future prospects for that social system seem bleak. This is clearly demonstrated in the residential preference of the highest titleholders including tama'aiga titleholders. All have moved out of villages to which their titles belong yet continue to enjoy the privileges from a village social system which the young are unable to sustain under the demands of an oppressive authoritarian gerontocracy. These demands are extended to and internalised by the young upon assumption of a family title. The customary ideology of obtaining authority is rendered in the proverb, o le ala I le pule o le tautua - the path to authority is service, meaning prior service to one's elders. Often the demands of this service produces an overwhelming sense of oppression and frustration. The unquestioning acceptance of matai (and faife'au) authority 'translates into large debts, both financial and otherwise, devolving onto younger people, [who in turn] transfer the [demands] of gerontocracy onto [other] people when they become older'.

Drawing on the work of French sociologist Emile Durkheim, who discovered connections between patterns of social structure and rates of suicide, Cluny and La'avasa Macpherson in 1987 showed that the increases in the rate of suicide in Samoa takes place against a background of change which provide limited opportunities for young people. Before the 1980s, the annual number fluctuated between the 30s and 40s. By 1981, on a per capita basis, Samoa supplanted Japan to lead the world with 79 suicides. The number dipped to the 30s in 1983 largely through the efforts of non-governmental support groups. But less than ten years later, the numbers

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1 Liu 1991:257.

had climbed to 39 for 1992 and 37 for 1993.\textsuperscript{1} While a systematic study on the precise cause(s) of suicide has yet to show a conclusive link between Samoa's dual system of authority and the voluntary taking of one's life, the common factor in almost all cases reported to the police is disputes within the family. The Macpherson's conclude that if the 'structural context is significant in producing a general pessimism among Western Samoan adolescents, one would predict an increase in the rate as growing numbers of adolescents encounter blockages in the opportunity structure for which no solutions appear imminent'.\textsuperscript{2}

The duality of standards pervades every aspect of Samoan life: two time systems (localised or 'Island time' and Western or 'palagi' time), multiple systems of motivation (physical, monetary, legal and moral coercion based on custom, Christianity and other criteria), at least two systems of authority (socially inherited authoritarianism and constitutional common rights), two systems of economy (subsistence and market), two land tenure systems (80% customary and 20% freehold/leasehold with much the highest productivity and prosperity in the latter system), two judicial systems (collective-rights and individual-rights), and two languages (English and Samoan, and within the latter is the dual usage of the profane and polite as represented by the 'k' and 't' respectively). Compromise was inevitable, for whereas a synthesis had evolved in some areas of life (e.g. Christian religion, incorporation of elements of indigenous values within a Western curriculum system of education, use of much technology and acceptance of a simple over-arching national government), it was not so far advanced in others, and so separate provisions were considered appropriate at that stage. But what happens in areas where compromise was not possible and where the appeal to customary authority resulted in ambiguity and inertia?

\textsuperscript{1} SO, 15 April 1994.

\textsuperscript{2} Op. cit, 326.
10.1. A possibility

The answer to much of the social impoverishment created under the web of custom is deceptively simple. Customary authority, as it exists today, is by no means fixed, regular and of time immemorial but was and is an on-going process. A major transformation occurred in response to the advent of the industrial revolution, a money economy, elements of North-Western European culture, higher levels of education and technology, and a modern constitution. For with the advent of the state based on equal recognition in terms of legal rights and human dignity come recorded genealogies, written histories and law suits. Out of recorded law suits comes customary law. Writing and precedent do not fix legal development but make it possible to contest and re-negotiate. Thus it is adaptable.¹ Also possible is the fact that the moral first principles forming the basis of recorded law suits and subsequent customary laws are contestable. It is not that the moral first principles of the colonisers are superior to the colonised but that the mission and colonial framework and increasingly broad global influences inevitably modify earlier principles and practices of custom.

In accepting this order of the process, reconciliation is possible. Certain indigenous values may be reasserted in the process, but there is no automatic validity about any of them. If the evolution of the inherited state precedes rather than follows custom, there is scope for the state apparatus to identify the principles and practices of custom and usage for what they are in the light of the precepts of human rights and fundamental freedoms, and legislate accordingly. Generations of past, present and future Samoans were and are caught between these discriminatory and contradictory house rules known as customs and traditions.

These house rules are embedded in the bosom of Samoa's most revered institution, the gafa from which stem understandings and decisions concerning inheritance to family matai titles, customary land and honorifics. They were often

¹ Chanock 1985:237.
closely guarded information, but when invoked, their power was such that they inflicted paralysis on personal self-confidence and self-esteem. The stigma of these house rules maimed generations of families. The house rules often do not see the light of a court room, and if invoked, they were almost instantly recognised and accepted by the Bench on the basis of their own backgrounds and experiences. These unwritten rules also shape the transformation. Unless they are addressed in the light of modernity, many development efforts at personal and institutional levels must fail. They are so critical that they warrant re-identification.

10.2. Agaifanua: the cultural brakes from the past

The role and importance of agaifanua or localised clan understandings over various processes including the succession to the high titles as exemplified in this study cannot be underestimated. Exogamous marriages were favoured over endogamous unions partly because endogamous unions insinuated incest, they risked upsetting the consensual ranking system and they lacked the external leverages which ‘good’ exogamous marriages engendered. When the rule against endogamous unions was violated, custom prescribed the disposal of any offspring. If they survived, custom prescribed that they be disposed under a new identity. If knowledge of the connection to the child’s chiefly father or mother persisted during the child’s lifetime, a mnemonic device was instigated to record the violation and to minimise repetition. One such device was the creation and bestowal of a specifically designed, usually pejorative name, on the innocent child. As long as people remembered, the unsuspecting child and his or her descendants were effectively paralysed by the memory. Such names were coined in the Tuimaleali’ifano family. Over several generations, hundreds (even thousands) of descendants from the lines of Pomare, Mealeaga and Gafata’itua, irrespective of their personal qualities, could not aspire to the Tuimaleali’ifano title without their self-esteem brutalised by the memory bank of rival family factions. The selective recall of such names were mechanisms by which rival factions minimised the field
of contention. Unsuspecting descendants and future generations were and will be stigmatised and kept out of contention despite their capacity to lead families under modern conditions.

It is a powerful weapon found and internalised in almost every major family and adopted unmercifully at the hands of the unscrupulous in times of family struggles for power and privilege. Similarly powerful devices of custom were unleashed on those descended from ancestors born of purportedly incestuous relationships such as the descendants of Malietoa Talavou. In recent times, children of tama'aiga titleholders from de-facto relations or non-church unions were likewise affected. The offspring may not be unduly affected if ignorant or unconcerned with their right to succession to the title. But should one press a claim on the basis of personal qualities and suitability, their aspirations can be savaged by rival factions with a quick recall of the appropriate words. The deft application of the technique and its deadly effect is not a one way affair but is learnt and perpetuated. The victim internalises the technique and is inflicted on others when one's own interests are threatened. Often it depends on the particular circumstances, the quality of competing candidates and the manipulation of the rules.

These discriminatory rules revealed themselves in disputes over the Tuimaleali'iifano title in 1949 and 1977. In terms of the right to be appointed, the court in 1949 ruled in favour of the four faletama or descent branches of Sualauvi. The descendants of his three older brothers, Mealeaga, Fagugata and So'afa were excluded. There were no surviving descendants of Fagugata and So'afa living in Matanofo except Mealeaga, who succeeded to a lower title. When Mealeaga's descendants made a claim for the Tuimaleali'iifano title in 1977, they were disinherited on the ground that Mealeaga was born of an endogenous union. In addition, Sualauvi's descendants reminded the court of the meaning suggested by the name Mealeaga. With the appropriately intoned utterance of a single name, a family branch of at least five generations dating from the baseline ancestor in the late eighteenth century, and numbering at least five hundred people was disabled.
With the elimination of one line of descendants, the 1977 contest was reduced to the four faletama of Sualauvi; namely, (i) Pomare, (ii) Gafata’itua and his sister Ane, (iii) Lauititi and his sister Pa’upusi and, (iv) Tutogi and her brother Fa’alolo’i. The first and third faletama did not openly declare a candidate and remained in the background, and the contest was fought between the second and fourth faletama. The kinds of arguments advanced by each party illustrate the manipulation of these house rules. Amongst the arsenal of the fourth faletama was the endogenous argument that both sides had effectively exploited in the elimination of Mealeaga’s descendants. The fourth faletama argued that Gafata’itua and Ane, the ancestors of the second faletama, were born of an endogenous union between Sualauvi and a local woman of the Faleitu of ‘Aiga Taua’ana, thus rendering them ineligible. They continued by explaining the origin of Gafata’itua’s name and pointed out that it was a reminder of his violation of the rules. In that unmistakable tone, the name of Gafa-ta-i-tua meaning genealogy turned backward, reverberated across the court room. With a single utterance, another family branch, of four or five generations, was psychologically maimed. Such rules are unrelated to the considerations of the person’s qualities to lead the ‘aiga in the present day. As in hundreds perhaps thousands of title disputes, the grounds of these rulings have little if any basis in the logic of universal values of human rights, personal suitability, or indeed long-term benefit to the clan or the nation.

Manipulation of a different kind appeared in relation to the principle and practice of the criterion of suli fai or adopted children. According to Marsack\(^1\), the principle was a legitimate criterion for succession. Written submissions before the court in 1949 testified to So’afa as being survived by adopted descendants.\(^2\) When Toleafoa So’afa, one of the adopted descendants in 1992, disputed the building of a house by another family member on the ground that it was on land which belonged to him as a descendant of So’afa, he was told that So’afa had no

\(^1\) Marsack 1961.

\(^2\) In other ga’afa (Chapter 6), he had at least one son.
descendants. Toalefoa So'afa and his family were banished for life by the village council.

The criteria of gender and race or ethnicity were re-confirmed in the modern arsenal of warfare over succession disputes. As a predominantly patrilineal society, the tamatane line is favoured above the tamafafine line. In the 1949 dispute over the Tuimaleali'ifano title, the contest was essentially between the tamafafine and tamatane as represented by the son of the sister, Tutogi, and son of the brother, Fa'aoloi'i. As outlined in chapter seven, Tutogi outranked her brother because she was the ali'i o 'aiga or the first born. She was also their father's preferred choice in his mavaega or dying wish. Yet, with the exception of one, the Bench dismissed the candidacy of Tutogi's son on the ground that he was descended from a tamafafine line. The sole dissenting judge noted however that precedent existed in other families where titleholders succeeded along the tamafafine line.

In the 1977 dispute, the court appointee, Eti, is connected to the title through his mother who was married to a Tongan. In the course of a subsequent challenge against Eti's appointment, he submitted a gafa in his defence which omitted his mother and his father. Despite his mother's pivotal role in his claim to the title, her omission was presumably because of her gender. His father's omission was because of his Tongan ethnicity. The criterion of ethnicity was also used against my own candidacy on account of my marriage to a foreigner from Fiji. It was also politic to edit out non-supportive relatives. During the 1977 case, Eti's mother's sister had supported one of the most eligible candidates, 'Asi Lavilavi I. Eti's genealogy to the court had his aunt proclaimed dead even though she was a participant in the court hearing.

Other criteria were added to the arsenals of illegitimacy. Since mission intervention, for example, family arranged marriages were superseded by church marriages. The proscriptive role of the church in church marriages as opposed to

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1 LC5379 P1-P2. Tuimaleali'ifano Eti to President, 3 July 1990, pp. 6-7.
2 See petition by Lotoa F. Si'utava'e to President Nicholson, 25 July 1977.
non-church or de-facto unions has become a determining criterion of legitimacy and personal identity. These recent missives were launched with deadly effect by rival parties against claims by other parties purporting to originate from a Tuita'alili-Malietoa union and another representing one of my half-brothers born of a non-church union.

'Men,' asserts Thouless, 'have much larger power of believing inconsistent propositions than is commonly supposed.' Such apparently arbitrary and tyrannical understandings are the very essence of fa'a Samoa. Open articulation is discouraged partly because it is perceived as an embarrassment to the surviving descendants and partly because of the need to preserve unity within the greater family. But this kind of thinking and teaching is subversive because it threatens the communal value system of fa'a Samoa which is based on the collective authority of the family titleholder and the church pastor. Individualism undermines the very foundation of communal values, of communal fa'a Samoa, the basis of matali power. This independent frame of mind has evolved most noticeably with the movement of Samoans from rural villages into urban Apia, New Zealand, Australia, USA and elsewhere. Their conditioning is tempered by the political culture, usually a Western liberal philosophy, of their new homes. Samoan elders and titleholders are complaining that the new generations are not listening to them, they are not learning their Samoan language, nor attending their church (the major institution reinforcing fa'a Samoan values), nor sharing their earnings and becoming interested in things fa'a Samoa. In this show of concern, they are saying that the very fabric of fa'a Samoa is being undermined by independent thinking Samoans doing things in their own way and time. They no longer turn to elders for the right to think and decide. They are listening and talking to others and their decisions are based on diverse sources of readily available authorities, sources subjected to the critical method of error elimination.

More realistically, it is bad for family business. As families fragment, the matali has fewer numbers to call on for matali chosen projects. When

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1 Thouless 1973:158.
inconsistencies are hidden and institutionalised, there is little that can be done to eliminate discrepancies as variant traditions of authorities become accepted as part of a 'predisposed past'. Developmental designs based on the premises of consistency and certainty are difficult partly because of the logic of special pleading in fa'a Samoa and partly because there is little awareness and thus motivation toward bridging the incongruities. By ignoring definitions and identifying a standard code as a frame of reference, precise documentation of the notions and connotations of fa'a Samoa will remain as elusive as ever. Special pleading becomes the major determinant of fa'a Samoa condoned and protected by the constitution.

These case studies demonstrate the confused situation where conflicting and contradictory structures and rules co-exist side-by-side, stimulating perpetual conflict. They further demonstrate the contradictions in the 'premises and assumptions' of the two systems as illustrated in the banishment of the Matautu faite'au and the selective invocation of parochial agaifanua, universal aganu'u and law or tulafono by the village council to reassert localised power in chapter four. The selective interposing of 'custom and usage' in the competition over a tama'aiga title between the village council and the Land and Titles Court by appealing to different precepts of custom was demonstrated in chapters seven and eight for the Tuimateali'iifano title. These conflicting and competing principles of custom over control of a tama'aiga title were applied on a comparative basis to the other three tama'aiga titles, Tupua Tamasese, Mata'afa and Malietoa.

10.3. The court: an unwitting perpetrator of double standards

The major institution perhaps unintentionally perpetrating double standards is the Land and Titles Court. By virtue of its constitutional role in deciding matters of custom and usage, the court is the only institution charged with the specific role of guarding and interpreting and thus of codifying fa'a Samoa. Meleisea asserts that it is unrealistic to expect Samoans 'to throw away their system through which
they derive the basics of life, and adopt a new set of rules which would ... contradict so many of the norms and practices which have developed out of necessity and practical experience during the last two hundred years or so.' He claims that the 'overwhelming majority of Samoans value the continuity of key elements of their culture' such as the fa'alupega-based village council and the court system and calls for more effective sanctions to defend these institutions.¹ He recognises that the dearth of definition of what constitutes fa'a Samoa has led to a proliferation of interpretation and counter-interpretation rendering the phrase 'custom and usage' meaningless. It was clear that flexible and contradictory understandings and principles existed in many village and family traditions. Uniformity was never reached nor were the various criteria accorded any relative weighting as evident in the alarming increase in the number of disputes and re-hearings brought before the court. Without codification, the process, character and direction of change of custom and usage centred more around dominant personalities and lineages and is thus subject to abuse.

Defining the principles and the circumstances of the decisions will not necessarily solve anything immediately. But it seems a necessary condition to understanding the nature of fa'a Samoa and allow for some intelligent guesses as to where it might be leading Samoans. The claim that the 'overwhelming majority' of Samoans support the status quo as far as fa'a Samoa is concern is questionable on two grounds, assuming the 'overwhelming majority' refers to the home-base population. One, a quantitative figure is absent and two is the unrelenting exodus as the number of Pacific Rim-based Samoans has virtually exceeded the home population, and would be vastly more if access to other countries was available.

The wars of attrition that featured in the eighteenth and nineteenth centuries have not faded though they have taken a less fatal form. Under present circumstances, they continue to rage in villages, court, government and parliament. When each successive matai vacancy has to be fought, the extensive marshalling of labour, time and precious resources are tethered to the fighting.

¹ Meleisea 1987b:231.
Samoans have little need to worry about annihilation of personalities or debilitation of the economy from outside as we take care of both ourselves! The aftermath of the fighting provides the basis for the next encounter.

The mediation of tension between the village council and the court is integral to this process. When village council procedures fail, the court decides. When Parliament enacted a bill in 1980 which formalised the Land and Titles Court as a separate department, the government confirmed the court's mediation role, but could not arrest the contradictions. These were compounded by the Village Fono Act of 1990 which gave council decisions the force of law.

Chapter seven showed the operation and outcome of the Tuimaleali'iifano family disputes in 1949 and 1977 at the Land and Titles Court based on uncodified and imprecise understanding of custom and usage. In both instances, the court's decisions were rejected by the village council as the court lacked the power to enforce its decision. This common stalemate is compounded by the fact that the constitution and the Land and Titles Act of 1981 are mute on matters of custom and usage beyond the Act's limited definition of custom and usage as those 'being in force at the relevant time' and 'accepted by the people of Western Samoa in general.' There is no specification as to what those 'custom and usage' might be, how they might be ranked or weighted, how contradictions might be reconciled and whether 'custom and usage' might be taken to have changed.' Furthermore, what is meant by 'relevant time', which 'people of Samoa', the matai, Parliament, or both matai and non-matai, do they include women?, and mechanisms of determining acceptance remain unarticulated and undefined. Moreover, contrary to the conventional definition of a court, the Land and Titles Court, throughout its history, has been handicapped from the lack of documentation and analysis of what it has, and development of a cumulative body of legal precedents. Without this, any attempts at critical definition and examination of tu ma aganu'u are futile. Furthermore, as the Bench is invariably drawn from people with varied experiences and backgrounds, they bring variant viewpoints on custom to bear on their work in the absence of a universally recognised view of custom.
Should Samoans continue to invoke fa'a Samoa without defining more clearly what they are invoking and for what purpose, fa'a Samoa will continue to be *faigata* (difficult and ambiguous), and *fa'алевелаве* (a necessary burden). With the re-discovery of their meanings and character, it is possible to put a finger on the pulse of their transformation and thereby determine the course and direction of change. Further, the arbitrary mixture of old and new criteria continues as the basis of court decisions which stimulates further conflicts. There are no clear and simple answers. But in the absence of clear definitions, there is not much hope of a clear and collective statement from the panel of Judges and Assessors as to what changes might be deemed desirable since Judge Marsack first set out his understanding of how the cases should to be conducted in 1961. This document has become the standard guideline for 36 years and remains so despite the fact that it is an unofficial document.

10.4. Incoherency, inconsistency and development efforts

The inherent dilemma in the co-existence of duality has serious ramifications on many aspects of Samoa particularly on economic development endeavours. The first documented Development Plan was introduced in October 1958 and such plans have since been seen as central to government operation. Development would not be such a maligned issue if the two systems were congruent and mutually complementary. But key elements of the two systems are patterned on diametrically opposed premises and assumptions. The Western notion of truth as a justifiable pursuit of *science* is at best vague if not absent in fa'a Samoa. While its Western underpinning is not unknown (e.g. individualism, fundamental freedoms etc.) in fa'a Samoa they co-exist along side a complex set of loyalties and reciprocal obligations to kith and kin. If the Western scientific pursuit is derived from universal application and reconciling incongruities in accordance with the critical method of error elimination, these standards do not figure as a priority in the oral context of fa'a Samoa. This does not mean that
extensive manipulation is absent in Western legal systems, but the more clearly defined the law, the less the room for chicanery.

Oral sources are unwilling or unable to expose and subject their identity and views to the elimination of error. What is often more important in fa'a Samoa is not so much an urge toward the establishment of what may be or is true, but status rivalry and thus double-standards. As long as opposing sets of premises remain undefined, the dilemma of development remains, with little scope for significant growth at any level of Samoan society in the foreseeable future.

In the contest between custom versus constitution, authoritarianism versus democracy, communalism versus individualism, matai versus taule'ale'a, the thread running throughout this thesis is that the present urge for economic advancement cannot be attained without addressing the selective memory of past discriminations and their stranglehold on the social structures of the present. The nation of villagers, sooner or later, must choose between living under the ancient fa'alupega system achieved from the heroic claims of post-Tongan and pre-European ancestors and re-creating a new fa'alupega based on o le atina'eina o le tamaoaiga (the urge for and consequent development) by linking the respect for the village council and its descent lines to new and modern forms of centralised authorities such as government, statutory bodies, courts and the police.¹

If this explanation is true, development would depend not so much on creating better economic opportunities for Samoans as on changing attitudes and social institutions. The revolution begins in the mind, from blind obedience to healthy scepticism, from the logic of special pleading to one of consistency.

Another aspect of fa'a Samoa related to development has to do with its inflated and often contrived sense of dignity or mamalu. Samoa's self- ingratiating rhetoric about its customs and traditions is contrasted by its crass self-promotion on the international scene as a dysfunctional economy. When Western Samoa

¹ Stephen (1974:389) makes similar observation in her Mekeo study in Papua New Guinea. If they are to achieve their present desire for a 'better way of life', they may have to jettison [or adapt] the social values which up to the present have given dignity and purpose to life; or they may succeed in giving new strength and content beyond the capabilities of a new generation of educated chiefs better equipped to handle the modern world.
became a member of the United Nations, part of the reason for seeking the dubious status of placement in the UN category of 'Least Developed Country' was the belief it would enhance development through favourable terms for financial assistance. In Australia's 1991 categorisation of world economies, Samoa with a per capita product of US$580, belongs to the category that is unlikely to achieve self-sufficiency in the foreseeable future. In the World Bank's 1990 league tables of basic economic indicators for small countries, the Solomon Islands (1978), Western Samoa and Kiribati (1979) are the eighth, ninth and tenth poorest. The ninth poorest, Samoa, has always prided itself as the first Pacific Island people to gain constitutional Independence (often ignoring the mentoring role of New Zealand, the United Nations and the changing climate of world opinion in the process), but it fails to point out that it was also the first to plead the poorest and thus the first independent Island beggars on the international scene. Over the last ten years or so, no country or foreign bank in the world trades (i.e. buys or sells) in the Western Samoan tala because of the tala's constantly low value. In remaining in this least developed economic state for over a generation, and showing exceedingly little growth in GNP and a marked decay in some aspects of the quality of life, one wonders whether Samoa's current crop of leaders is aware of the crippling reality resulting from over a generation of double-standards and inconsistencies. The fact that no audited government accounts have been presented to parliament for 14 years, the dismissal of the government's controller and chief auditor in 1995 for exposing corruption and inefficiency. Scams such as the secret and illegal sale of Samoan passports to Asians with funds being channelled to the highest levels, are some of the indications of a government in crisis.

1 Radio Australia (ABC) 28 April 1991. Two years earlier, the Samoa Observer (22 February 1989) declared Samoa as 'one of the poorest country in the world where livelihood depends on handouts, aid grants and the sympathy of overseas financial institutions'.


3 The Solomon Islands dollar is another that cannot be used as a trade currency in the world market. Kiribati is saved from this predicament because of its use of the Australian dollar.
Ever since the encounter with Europe, the main assumption behind Samoan Development Plans and recent manifestos of political parties has been that the majority of Samoans desire and indeed aspire to the better life promised through 'political and economic development'. This perennial theme was most recently restated by Samoa's Prime Minister Tofilau Eti Alesana.

I am convinced that the people living in the rural areas are also aspiring to the comforts of the services and opportunities available to those living in our urban areas. These convictions have also grown up from my own experiences of the practical difficulties of living and trying to develop in a village environment. I believe there is only one cure to the cry of poverty and the challenges presented by the cost of living increases, and that is, we must pursue our own self efforts to develop our land.¹

Tofilau, like previous Prime Ministers, recognises the land (and sea) as the area where the greatest expenditure of human resources is needed to answer the 'cry of poverty.' And like his predecessors he is either unwilling or unable to recognise the deeper and greater problem. It does not emanate from lack of resources and infrastructure as much as from the existing competing and confusing sets of assumptions upon which village and state authorities premise development. Plans premised on individualism and security of land tenure fly in the face of fa'a Samoa under which 80% of Samoans live under chiefly-clerical authority on 83% of customary land. Political aspirants continue to preach one thing nationally or internationally and practice another locally. The current Prime Minister and other public figures exemplify this double-think duality. As Tofilau Luamanuva'e Seali'imalietoa Eti Alesana, he is a citizen and Prime Minister of Samoa, but as Edward Alexandra Hunkin, he holds an American passport as a citizen of the USA.² It is common practice in many countries, including Samoa, to hold more than one passport but not more than one citizenship. Tofilau is not alone in holding more than one passport and citizenship. To admit to this personal practice in the light of contrary public rhetoric and policy would in other countries end the

public careers and jeopardise the personal livelihood of those responsible, irrespective of office. But not in Samoa where such practices are condoned and legitimated under Christian principles, custom and usages. The main winners are the foreign companies which sell imported substitutes for local food and which provide employment at starvation wages for those who have been depressed even further by the lack of productivity under fa'a Samoa.

The problems in the area of titles and land are only one manifestations of a wider malaise due to the reluctance to identify incompatible goals, principles and practices, and then to work systematically towards their reconciliation. This will lead to a new Samoa, different from both ancient and modern models, but incorporating some of both and whatever else is likely to meet the future needs and aspirations of Samoans. The process of change is inexorably under way but can bring more positive results for all parties if the issues are identified and brought into the open, articulated and debated widely, and new directions mapped out and achieved by consensus.

Not all the problem referred to, particularly on degrees of objectivity, relate to Samoan culture. Some relate to population size, to the necessity for extended kinship networks in a situation of high vulnerability, and to multiple patterns of authority and social forms of communication. In a small compact society the task of isolating such ideally discrete elements of the social structure, such as the village councils, judiciary, the politicians, the senior administrators, auditors and the police, is constrained by multiple overlapping ties of kinship, marriage, political and religious affiliation, circular mobility and frequent personal contact. These are, however, matters of degree, and much more could have been achieved if the titular, political, religious and other leaders had demonstrated higher levels of integrity.¹

¹ Studies of corruption by Alatas (1990) and others in Asia show how very influential is the personal model of key leaders in politics (eg. the influence of Lee Kwan Yew in Singapore as against Ferdinand Marcos of Philippines) and in religion (eg. Cardinal Sin of Phillipines).
10.5. Fa'avae, agaifanua: constitutional discrepancy

Today, the constitution's human rights provision incriminates most forms of discrimination; racism and sexism, and guarantees of freedom of worship, association and movement. But under the provision of custom and usage, all the above forms of discrimination are condoned. Custom and usage promotes racism by discriminating against Samoans of mixed ancestry; promotes sexism by discriminating against tamafafine lines as opposed to tamatane lines (and the general antipathy toward women titleholders); condones xenophobia by discriminating against foreign spouses as reflected in the use of pejorative terms such as faivava for a foreign husband living in his wife's family village and nofo tane for a foreign wife living in her husband's family village. Courtship and marriage between members of the local cleric's family and local parishioners are forbidden and endanger the relation between church and village congregation in terms of the feagaiga. Custom and usage represses fundamental freedoms; for example the control of association through compulsory attendance at churches approved by the village council; freedom of worship by preventing other religions access to villages; freedom of movement through regular banishment of dissident villagers from their home villages and land, the imposition of Sunday bans on activities deemed non-religious, and evening and late night curfews on a daily basis. Can discriminating customs and traditions be legislated against?

The constitution as the supreme law of the land has the capacity to bring discriminating customs and traditions into line with human rights provisions of civilised societies. Just as certain understandings concerning the role of tama'aiga titleholders in relation to the top political positions of the country were dispelled, the same can be done to discriminating understandings relating to succession. For the same set of criteria that prevented Samoans at lower levels of the hierarchy from aspiring to the highest offices in the land are at the heart of family disputes over titles and land. These discriminate in terms of race, gender, marital unions,

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1 High born locals marrying foreigners are tolerated more than those at the lower levels.
religious affiliations and notions of legitimacy of birth and identity. Once the supremacy of the rule of law is accepted, improvement is possible. At the moment, because the constitution couches custom and usage in ambiguous and vague terms, the constitution unintentionally permits the propagation of variant interpretations and thus encourages discrepancies and bigotry.

The ground of being,' says Joseph Campbell, 'is the ground of being, and when we simply turn outward, we see all of these little problems here and there. But, if we look inward, we see that we are the source of them all.¹

As the repository of customs and traditions, family titles represent family capital. The fact that land is locked into titles makes titles a volatile issue in any contest. Despite its shortcomings, the constitution still offers the best opportunity for redressing the conflicts and contradictions. Identifying and examining the issues and principles of contention well before families and village lineages fracture and coalesce into political factions (however benign their appearances) minimises if not eliminates the emotional heat. Distinguishing the potential areas of emotional conflict and distancing them from the debate well before the next appointment enhances the opportunity for rational discussion and allows for easy and quick adjustments. Research findings and improved communication do not necessarily remove the need to make decisions about family and personal conflict of interests. They do however have the potential to sharpen the focus on the critical areas where decisions are needed. The closer the decision-making instrument is to and involving those most affected, the better the chances of acceptance and revision of behaviour according to foreseen and unforeseen areas of conflicts arising out of implementation.² At the moment, issues are not discussed until after the death or disability of family titleholders. The problem is one of taking the initiative to ensure that the relevant and principle issues for future

¹ Campbell 1988a:39.

appointments are communicated to and discussed by interested parties well before death or disability.

Eligibility to stand for 45 of the 47 seats was confined to matai titleholders and the introduction of universal suffrage in 1990 confirms the trend with voting open to universal suffrage. Tama'aiga and papa titles provide the ideological superstructure and will continue to be contested grounds for custom and usage within the historical struggle for influence and power. While retaining its significance in Samoan society, their future significance will be determined increasingly by modern institutions of authority and power.

Universal suffrage took 20 years to come although many, and the mid-wives of the constitution, believed it was only a matter of time. The conduct of the 1991 election under universal suffrage has had a crucial effect in disbursing power beyond titleholders and the village council. Prime Minister Tofilau admitted that his Human Rights Political Party (HRPP) would not have won had the election been conducted under matai suffrage. He attributed his Party's win to 'the modern trend of political thinking', and reflected, he claimed, political maturity.¹ But his claim was linked to his party's election win. Two things were implied, continuing matai suffrage and a win for the Opposition under universal suffrage constituted political immaturity. Irrespective of the election outcome in 1991, there is some merit in Tofilau's claim. To make the transformation with minimal animosity counts for some degree of maturity. The growing importance of party politics and modern forces shaping our thinking are likely to give more Samoans, young people and women in particular, personal freedom and more importantly, the freedom for independent thinking, to be or not to be a titleholder. Just as it was difficult to have foreseen the consequences of matai suffrage on the authority of the matai system, it is equally difficult to forecast the effect of universal suffrage. How this will affect the symbolic meaning of custom and usage in relation to titleholders in general and tama'aiga titleholders in particular, remains to be seen. The process will be facilitated, however, if more is done to clarify a new set of Samoan customs

¹ De Backer 1991:37.
more adapted to the needs and aspirations of the majority of Samoans today and tomorrow.
A Land and Titles Court File Index

as at 29 January 1995
(Matters initially dealt with by the bureaucracy)

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### B Land and Titles Court LC File Index

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List of cases dealt with by the bureaucracy
(11 January 1995)

1 M25/1 1958. Pulefa'amau over 300 acres. Fa'alava'a'u Galu vs. Tuimaleali'ifano Suatipatipia II.
2 M25/2 1964. Copra drier: Leavaise'eta Fa'aui vs. Ta'a Tuimaleali'ifano SII in Leoneauli or Tuigafala.
3 M25/3 now changed to LC?. Title Leavaise'eta: Tagomoa Tavete vs. Leavaise'eta Sa.
5 M25/5 1966. Insulting words. 'Asi Pa'ueli (sic) Pauani v. 'Ana Fa'avae.
8 M25/8 1968. Land at Vaimoa, Sama'i. Leavaise'eta Fa'au'i vs. Tai Nanai Aviti.
9 M25/9 1968. Removal of Pua'i. Leavaise'eta Fa'aui vs. Pua'i.
10 M25/10 1969. House site of Toleafoa Tipa'u. Toleafoa Tipa'u and Leavaise'eta Fa'aui v. Nanai Vatau. See LC1052 file for ta'utinoga a Leavaise'eta Fa'aui i le ofisa o mataupu tau Samoa i le aso 30 Me 1951. "O le maota o Toleafoa sa o'nofo ai. O le a o'u alu ese, o le a o'u toe fo'i i lo'u fale i le aso taeao 31 Me 1951 ma tapega ese uma a'u mea".
12 M25/12 1969. Pig Fence - Pa pua'a. Salu M?. vs. Fasavalu ?. Participants live outside of Matanofo, and the land in dispute also is situated outside of Matanofo.
15 M25/15 1970. Unidentified land leased by Misa Mu. (Not seen.)

(1) Store of 'Asi Pauani. Vaifale Patolo vs. 'Asi Pauani.
(2) Title Laumatiamanu for Iole Pina. Objected to by Tooleafo Tipa'u.
(3) Concrete foundation of Laumatia's house site. Aolele Su'a, Tologata Fa'a'oloi'i vs. Ta'auso.

22 M25/22 1974. L Lotoa PV 21/74. 'Asi Lavilavi I, 'Asi Tupe vs. Lotoa Si'utava'e (Fa'a'iu'a).
(1) Store of Tutogi (nee 'Asi Tupe) Ma'eli i Lotoa.
(2) Complaint by Tuita'alili against 'Asi Lavilavi re: Store of Pili Taito erected without publication, 1979. (See also M25/27).

23 M25/23. See LC 5577.


27 M25/27 1977. Store of Pili Taito ('Asi), PV 47/26. 'Aiono Vo'i (Tuita'alili) of Fasito'outa vs. 'Asi Lavilavi I of Matanofo.

28 M25/28 1977. Title Tuimaleali'ifano. Leota Pita (Tagaloa) vs. Heirs of (Tui 'A'ana) Sualauvi (See also LV5605).

(1) Store-Faleoloa. Tautalaga Taito vs. 'Asi Lavilavi I.
(2) Pa pua'a (Pig pen). Lilomaiva Alo vs. Tiumalu Tafua.


31 M25/31 Title Galumalemana, See also LC 9045.


33 M25/33 1982. Land at Alala. Pua'i Fa'alaava'a'u vs. Tonumaivao.


35 M25/35 Title 'Asi (Lavi) and Taito (Ameke) of Matanofo. 1987.
(1) Suli of Leki ('Asi) Afamasaga Ma'ua (Lagi Namulau'ulu, Pisila Asiata, Oilua Fuimaono, Pepe Sasagi, Se unu'utasi Tafuamasaga vs. Salaevalu and Lavi Mano'o.

(2) Titles Lilomaiva, Aimituana'i, Galumalemana & Taito. Tooleafo Tipa'u & 'Ae'au Penimamina vs. Tuimaleali'ifano Va'aleto'a and Ta'auso of Matanofo.

(3) Tooleafo Tipa'u and Leavaise'eta Penimamina petition against the nofo of Vineta on the title Aimituana'i, Isaia and Percy on the title 'Asi, Mitai and Saele on the title Lilomaiva, Tauti on the title Taito and Savaliorefilemu on the title Galumalemana.
36 M25/36 Land at Tu'ugafala. 1987. Matanofo Nia Leavaise'eta Fa'aiu, 'A'e'aiu Peniamina, Toleafoa Tipa'u vs. Ta'alefili & Mokeni Tuimaleali'i'ifano.
37 M25/37 Title Laumatiamanu: Toleafoa Tipa'u vs. Tuimaleali'i'ifano Va'aleto'a. 1987. LC 9046.
38 M25/38 Title Lilomiava. Toleafoa Tipa'u vs. Tuimaleali'i'ifano Va'aleto'a, 1987. LC 9047.
40 M25/40 Title Tiumalualii'i. Toleafoa Tipa'u vs. Tuimaleali'i'ifano Va'aleto'a. 1988. (No papers in file).
41 M25/41. Title Amituana'i on Vineta i Vaimauga. Toleafoa Tipa'u vs. Tuimaleali'i'ifano Va'aleto'a. 1989. No papers, see previous petition by Toleafoa Tipa'u et al.
42 M25/42. Title Sa'ai'a on Tumua M. Resitara vs. Tuimaleali'i'ifano Va'aleto'a. 1989. Rejected by Registrar.
44 M25/44. Title Mata'afa. Mata'afa Ekeroma T. Le'au, Vailoa, Palauli vs. Tuimaleali'i'ifano Va'aleto'a. 1989. Re: appointment of Fa'aetete Misa Ta'aloga, also Su'emalo Lautusi.

Note: Some files in the M25 series were transferred to LC series as the disputes were pursued through the Court.
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79. 3541. 1 acre of land at Tiapau.
80. 3571, 1972. Land at Mata. 'Asi Lavilavi I et al. vs. Ana'e Fa'avae, Sila Leva'e.
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83. 3622, 1972. Land at Matautu. Nanai Tu'ugasala et al. vs. Nanai Sopo, Nanai
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84. 3655, 1972. Land at Utumoa. Nanai Sopo, Nanai Ofisa et al. vs. To'oala
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85. 3822, 1972. Committee house built on land called Soaaloalo, Pata. Tuisau'a T. 
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88. 4686, 1973. Land at Tiapau. Sila Seali'iitu et al. vs. Leavaise'eta Fa'aui, 
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95. 4888, 1974. Pulefa'amau of land at Letoloa or Manono. Misa Faitala, Misa 
       Urika et al. vs. Lupematasila Fa'amalaga.
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109. 5282, Leavai.
112. 5365, 1975. Title Nanai. Nanai Sa'aga, Nanai Ofisa et al. vs. Leota To'oala Mulifusi, Nanai Tu'ugasala.
113. 5377, 1977. Title Tuimaleali'iifano.
114. 5378, 1977. Title Tuimaleali'iifano. Toleafoa Tipa'u et al. vs. 'Asi Lavilavi I et al; Seagai Faumuina et al; So'afo et al; Nanai Pomare et al; Va'aleto'a Eti; Eli Tuimaleali'iifano et al; Liulii II et al; Tuita'alili Mailei et al; Lealaisalanoa Aukuso et al;
116. 5380, 1977. Title Tuimaleali'iifano. 'Asi Pauani et al. vs. 'Asi Lavilavi I et al; Seagai Faumuina et al.
134. 5605 A, 1977. Title Tuimaleali'iifano. Tagaloa Leota Pita et al; Salevao Tupua et al; vs. 'Asi Pauani et al; 'Asi Lavilavi I et al; Tuita'alili Mailei et al; Toleafoa Tipa'u et al; Seagai Faumuina et al; Afamasaga Maua I et al; Taliaoa Lupe et al; P Leavaise'eta et al; Va'aletoa Eti et al; 'Anae Taealii'i et al; Fasavalu Si'u et al; 'Eli Tuimaleali'iifano.
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165. 7865, 1983. Ogeavi'i.
166. 6926, Tuamaota, Mata, Vai'aumoe.
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172. 6722, 1979. Title Fa'alava'au.
173. 6723, 1979. Title Fa'alava'au.
178. 6525, Tafa of Pata.
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188. 6926, Tuamoata, Mata, Vai'aumoe.
189. 6927, Tuamaota, Mata, Vai'aumoe.
E LC1052, 6-10 JUNE 1949

List of participants at proceedings
Petitioning party

1 Taito Tologata Paepae, Tuiavi'i Sualauvi, Lilomaiaava Mafuto'a, 'Asi Lavilavi I, 'Asi Pauani, Tanoiaena Tauati, Masiofo Pa'isami, 12 April 1949.

1.1 Supplementary submission by petitioning party, n.d.

Respondent parties

There were eight parties but only seven written submissions were found on file.

2 'Aiga Taua'ana in support of Fitisemanu, 27 April 1949.

3 Leavaise'eta Sa, 'Asi Alipia Tusitala, Leavaise'eta Fa'aui, Te'o Fa'avaivai, Toleafoa Sa, (Aita) in support of 'Asi Alipia Tusitala, n.d.

4 Ariu Sio F.S., Fasavalu Tiasiu'etele, Fasavalu T., Writer, Mualvalu- in support of 'Asi 'Alipia Tusitala, n. d.

5 Tuiletufuga Papali'i Lafo, Tufuga Pisa, no candidate, n. d.

6 Lavasi'i and Tupu, supports Fitisemanu, n. d.

7 Nanai Suavaga, S Lupetalia'ami, Tauili'ili Selaginato, Salanoa Ioane; heirs of Pomare and Pa'upusi. 7 June 1949. No candidate.

8 Te'o Fa'avaivai, Tuita'alili Fepulea'i, Ailua Tupu'ola, heirs of Fagugata alleged he was titled Tuita'alili.

No written statement on file. Only a letter dated 8 March 1948 objecting to Tologata Paepae, Tuiavi'i Sualauvi and Asi Fa'agu Lavilavi I, objecting to their intention to appoint a titleholder.
LIST OF PARTICIPANTS

The LC5605 proceedings was preceded by the proceedings of LC5606 on 19 July 1976. The Bench comprised Justice B Scully, Judges - Tulia'aupupu, Tapua'i, Tagaloa, Ofo'ia; Assessors - Vaifale, Mimita (?); Registrar - Le'aupupe Vase; Court Clerks, Tulei and Meafou.

The participating parties comprised Afamasaga Maua II of Aiga Taulagi, Te'o T of Aiga Satunumafofo, Tagaloa Pita Ala'ilima, Toalefoa Tipa'u, and 'Asi Lavilavi I.

Decision of LC5606. Court decided to postpone proceedings until the petitions from Aiga Tua'aana submitted on 12 July 1976 and Tagaloa Pita Ala'ilima (which was not submitted at the time) were published in the Savali.

When the court was re-convened as LC5605 on 10 January 1977 the following parties participated.

Petitioners:

1. Le Tagaloa Leota Pita Ala'ilima, Papali'i Misipati and 'Ai'ono Fana'afi. The petition also claimed that the court in its judgement of LC1052, 1949 was in error by interpreting 'right' as Pule instead of 'aia. n. d.


Respondents:

3. 'Asi Pauani, Lealaisalanoa Aukusitino, Manu Sione, Lilomaiva Toto'a, Toalefoa Gutu, Taulamago Isumu, n.d.

4. 'Asi Lavilavi I, Lilomaiva Alo, Lote Si'utava'e, Tuiavi'i Sefulu, Taito Tanielu n.d.

5. 'Asi Tupe, Tuita'alili Mailei, Tologata Fa'aoloi'i, Aolele Su'a, Lautusi Su'emalo, 30 December 1976.

6. Tolefoa Tipa'u, n.d.

7. Seagai and Aoto'a Faumuina, 10 January 1977.

9. Taliaoa et al. (No Written Statement).


11. Va'aleto'a Eti (No Written Statement).

12. 'Aiga Taua'ana, Ana'e Taeoali'i, Sila Fa'amalaga, Fa'alava'au Auvae, Misa Sautia, Taefu Heka, Lealaitagomoa Sio, Nana'i Faitala, n.d.


14. Eli Tuimaleali'iifano (No Written Statement).

The decision was appealed by

1 'A'eu P. L 3/3/77,
2 Eli Tuimaleali'iifano 13/7/77,
3 'Asi Lavilavi I 10/8/77,
4 So'afa Toleafoa Sa 14/9/77,
5 Toleafoa Tipa'u, n.d.
G LC5430 7-9 March 1977

1 Petitioner:

1. Tuita'alili Mailei, 'Asi Tupe, Tafaefa Fuataga & Su'emalo Lautusi, Aolele Su'a, Tologata Fa'aoloi'i, Papali'i Poumau II, n.d.

8 Respondents:

1 'Asi Lavilavi I, Taito Tanielu, Tuiavii Sefulu, Fa'alogo Pupi, So'onalote Si'utava'e-Tanuvasa, Lilomaiava 'Alo, n.d.

2 'Asi Pauani, Lilomaiava Toto'a, Toleafoa Gutu, Taulamago Isumu, 22 February 1977.

3 Seagai Faumuina, Aoto'a Faumuina-Malaesilia, Va'o'au Tuimaleali'iifano Suatipatipa II, 7 March 1977.

4 Aufono, Si'ua'ana, and Ta'avao Tuimaleali'iifano Si'ua'ana II, So'afa Toleafoa Sa, Fueloa Ifopo, 6 March 1977.

5 Nanai Pomare, Lupalia'ami Taliao, Fagalilo 'Osa, Levalasi Mafulele, n.d.

6 Felotea'i Si'utava'e Eti, Ioane, Va'o'aiiva Eti Lau Ioane, Sulika Eti, Lanuola Olevia Eti & Atonio Va'aleto'a Eti, n.d.


8 Liuliu Setefano, Kuini Lafaele, Taito Tanu, Maiava Lafaele, 6 March 1977.

Appeal

1 'Asi Lavilavi I, 16 August 1977.
H LC5379 18-21 July 1977

Petitioner:

1 'Asi Pauani, Manu Sione, Toleafoa Gutu, Lilomaiva Toto'a, Taulamago Isumu, Taito Pesi, Tiumalu So'e, n.d.

10 Respondents:

1 'Asi Lavilavi I, Lilomaiva Alo, Tuiavii Sefulu, Fa'alogo Pupi, Taito Tanielu, Lotoa Fa'ai'ua Si'utava'e, 11 July 1977.

2 Seagai Faumuina, Aoto'a Faumuina, Vao'au Tuimaleali'iifano SII, Fa'alele Faumuina, July 1977.

3 Aufono Tuimaleali'iifano, Si'ua'ana Tuimaleali'iifano, Ta'avao Tuimaleali'iifano, Feuloa Ifopo, So'afo Toleafoa, 18 July 1977.

4 Nanai Pomare, Fagalele Osa, Levalasi Mafulele, n.d.

5 Felotea'i Si'utava'e Eti, Ioane Eti, Vaoai'iva Eti Lau Ioane, Sulika Eti, Lanuola Olevia Eti, Atonio Va'aleto'a Eti, n.d.


7 Liuliu Setefano, Kuini Maiava, Maiava S., n.d.

8 Tuita'alili Mailei, Asi Tupe, Tologata Fa'aoloi'i, Aolele Su'a, Tafaefa and Lautusi Su'emalo, Tiumalu Tafua, 19 July 1977.

9 Lealaisalanoa Aukusitino, n.d.


1977 Appeals:

1 Eli Tuimaleali'iifano, no date.

2 Lotoa Fa'ai'ua Si'utava'e Tuimaleali'iifano to President on 25 July 1977. Report of perjury by Atonio Va'aleto'a Eti.

3 Seagai Faumuina et. al., 25 July 1977 and 3 August 1977.
4 Anesi Tuimalcali'ifano, 14 October 1977.

5 'Asi Lavilavi I, 14 October 1977.

6 'Asi Pauani, Lilomaiava Toto'a, Toleafoa Gutu et. al., 2 December 1977.

All appeals were rejected. However, there is no recorded response from President Bryan Nicholson to Lotoa Si'utava'e's written petition alleging Va'aleto'a and Felotea'i Eti had committed perjury in their submissions during the 1977 proceedings.

1983 Appeals:


3 Further letter by Eli Tuimaleali'ifano petitioning the Court for a postponement of hearing, 28 June 1990.

Meeting of the Bench on 2 July 1990.

Deputy President 'Auelua Enari, Judges 'Asi N. V. Apa, Tuisamo Iosa, To'omalatai Lauvai, Fouai or Toua'i Aleka; Assistant Registrar Faumata Valoia.

Decision: Deferral until end of 1990 or early 1991. Both Eli and Toleafoa Tipa'u petitioned for a deferral on the ground of late notification. A third party the Va'anofaa-tolu had also asked to be represented.

Response to LC5379 Parts 1 and 2.

1 Tuimaleali'ifano Va'aleto'a Eti, 3 July 1990.

Letter from Registrar on 17 July 1990.

Registrar Schmidt wrote to Tipa'u and Eli informing them that the Court had rejected their appeals. Although there is no record, the decision was presumably made with the approval of the President.
I Tala fa'a-le-lotu, EFKS, Matautu, Falelatai

O le tala lenei sa o'u faiatuina I le aso o le fa'apa'iaga o le fale sa, Aukuso 19, 1956. O le aso Sa lea a'o lumana'i le aso o le fa'aulufalega, Aukuso 24 1956

Tusia e Faoliu 'Aimau, FS. Faihe'au o Matautu, Falelatau, 1948-1963

Sa taunu'u Ioane Viliamu (LMS) i Sapapali i le teausaga e 1830, sa talia lelei e Malietoa Vai'inupo. Ona sau ai lea o Sualauvi ma le lotu i lona Aiga i Matamatanonofo e fa'atu ai i le teausaga e 1832. Sa na o se au lotu la'ititi lava e to'a 28 tagata, na o le 'au aiga lava o le ali'i, ae sa le fa'atasi ai uma Matanofo i le amataga. Ina ua ta'ua le lotu o le lotu a Tui A'ana Sualauvi, ona fa'amaopopo lea o le lotu e Matanofo atoa, ma ua maua ai le au lotu e to'a 81 tagata.

O le fa'afe'au na amataina le lotu, o le fa'afe'au Tahiti lava, o le fa'afe'au na o mai ma Sualauvi mai Sapapali'i. O le tasi lea fa'afe'au na o mai ma Ioane Viliamu mai Tahiti, o lona igoa o Tiare, na maliu lava i Matanofo i le aso 17 Novema 1837.

Ina ua maliu Tauli ona silafia lea e Tui A'ana e fa'ale manuia le lotu ma le tapu'aiga i le Atua i Matamatanonofo, ona maua ai lea o lana tofa e fa'apea: - 'O le a aumai lana lotu i lona Aiga Taula'ana latou te tausia ma fa'amamaluina'. Sa talisapai ele Ta'au'ana ma ua fa'atu le lotu i Matautu i le afioaga o Sa Nanai, i le teausaga 1838, i le maota talimalo o Sa Nanai, na maua ai le fa'aupuga o le Malae o le filemu.

Mulimuli ane ua toe liliu le tofa i Aiga, ia matua faia se fale sa, ina ua le ofi. Ona faia ai lea o le ulua'i falesa i Utumoa.

E amata atu le fale sa, ae taunu'u loa le misionare Mr John B. Stair mo le fa'atuina o le fale lomi-tusi muamua. Sa fa'atuina le ulua'i faile lomitusi i Peretania i gauta o Matamatanonofo i le masina o Me 1839. Sa na ia faia lotu ma fesoasoani e le faiga o le fale sa.

E na o le tasi le teausaga sa ia le fale lomitusi i Peretania, ae toe si'iitia i Nu'uanusala i le teausaga e 1843, ona ua ta'ua tele le vao aitu i lea mea. I ia lava ona po sa fai pea Mr Stair ma fa'afe'au, ae avea Sualauvi ma a'oa'o fesoasoani.

Ina ua mae'a ona faiasia le falesa i Utumoa, ona tasi ai lea o le tofa, ia siali loa se fa'afe'au mo le galuega. Ona filifili lea o aiga ma Tuimaleali'iifano i sa latou fa'afe'au, ona tasi ai lea o le tofa ualona lona lua o fa'afe'au, o Tagaloa lona suafa. E 36 teausaga i Matautu nei, 1844-1880. Ina ua maliu Tagaloa ona maua lea o le isi fa'afe'au.

O lona tolu o fa'afe'au o Alapati, e na o le 2 teausaga o lana gaulega, sa le umi le galuega ona sa tutupu ai fa'alavelave 1881-1883.

O lona 4 o fa'afe'au, o Mamo. O Mamo fo'i na toe liliu ai le tofa i Aiga ma Tuimaleali'iifano, ia toe faia se isi falesa, ona ua tupu vave le nu'u ma le ofi. Sa fa'atu lona 2 o falesa i Sagogo, le Maota o Sa Ana. E 7 masina sa fai ai lona falesa. O le tufuga o Mr John H Groves o le ali'i afakasi. O le fua o le falesa, 59 ft i le 28ft le lautele. Sa fa'apa'iaina lenei falesa ia Aukuso 29, 1885. Sa fa'amavae Mamo e alu e fai ma fa'afe'au i Afga, ae tausi le nu'u e fa'afe'au nofoaiga.
O lona 5 o faife'au o Tavita i Manono. Tausaga 1895-1896. Sa le'i umi lenei faife'au, ona sa tino vaivai, ma ua maliu o ia i lona aiga i Manono ia Iulai 12, 1896.

O lona 6 o faife'au o Setope, sa fa i ia ma faife'au i le tausaga 1900-1915. E 15 tausaga sa fa ai o ia ma faife'au i Matautu nei. Sa ia faia lona 3 o falesa. Sa fa'atuina lona 3 o falesa i Matavai, o le fua o lea falesa, e 100 ft le umi, ae 40 ft le lautele.

O lona 8 o faife'au o Filemoni, sa amata ona galue iia Me 16, 1919 - Aperila 2, 1948. O ia lenei ma Tuimaleali'iifano na filifili fa'ataesi e tatala le ele'ele ma gagau le vao. E 29 tausaga o le galuega o Filemoni, sa ia naunau i se falesa fou ona ua le ofi le au lotu. Sa na ia saununi loto o tagata i se galuega, peita'i sa ia le fa'tauantu'una.

O lona 9 o faife'au, o Fa liu Aiu' u mai Leone, Tutoila. Sa taunu'u i Matautu ia Aukus o 20, 1948. O lona 5 o tausaga o lana galuega sa fa'avaeina ai le falesa, o le malumalu tele lea o 'Peteli, o le fale o le Atua'. E 2 tausaga, 8 masina, 12 aso sa faia ai le galuega ma ua fa'aulufaleina ia Aukus o 24, 1959. O le tau o le falesa e 2,3024 (?) pauni, 18 seieni, lua pene.

Sa feagai lea 'au'auna ma galuega tetele a le nu'u. O le faiga o le ala tele e feoa'i ai ta'avele mai Apia i le 1949-1950. Sa aoga tele le ala i le fela'auiga o mea sa fa i ai le falesa ma isi galuega.

O le fale a'aga sima, Aperila 29, 1954. O Fa liu lava sa fa i ma tufuga o lea galuega, ae sa fesoasoani iai tama o le nu'u e 'au-tufuga. A o Aperila 18, 1958, sa mae'a lelei ai le fale a'aga, ma o i latou sa fa'avaeina le fale a'aga, o Fa liu F.S, matai tufuga, Tuimaleali'iifano Suatipatipaa II, Lilomaiva Toto'a, Agavale, Taualuga, Lealali'i, Ma'afi ma Laupa'u.

O le moli uila i le tausaga 1960, sa toina iai le tupe teu i le falesa e 61 pauni, ona o le afi a le 'au lotu Eka leia Fa'apotopo tega Kerisiano Samoa (LMS).

O le fale o galuega, e nofo ai le faife'au 1962-1963. O le fua o le fale 80 ft le umi i le 40 ft le lautele o le fale talimalo, ae 50 ft i le 40 ft le fale o lo'o laupapa uma e nofo ai le faife'au. O le tau o lea galuega...

E 15 tausaga o Fa liu ma Emeline i le galuega 1948-63.

O le mavaega a Tui A'ana Sualauvi i lona nu'u.

E sa lava se isi itu'aiga lotu i lona nu'u, e tasi lava le tapua'iga e lolotu ai lona aiga ma ona tagata, o le lotu LMS na ia aumaia mai Sapapali'i, ia Ioane Viliamu.

Ua o'u fa'amoemoe lava o le a fa'aopopoina pea lenei tala tu'u fa'asolo o le lotu fa'amanatu ale nu'u e faife'au o le a sui mai i le galuega.

**Tusia e Kelani Tagua'i Pele**

O lona 10 o faife'au o Pele Tagoa'i (Iva) ma Mary (nee Bentley). Na taunu'u i Matautu nei i le aso 30 Iulai, 1964.
Bibliography

'Aeau, S. E. 1988. 'Lawyers and the customary law court', G. C. Powles and M. Pulea (eds.), Pacific Courts and Legal Systems, the University of the South Pacific, Suva, in association with Monash University, Clayton.


Boyd, M. 1968. 'Independent Western Samoa', Pacific Viewpoint, 9 (2), September.


__, et al. (eds.), 1992. Culture and democracy in the South Pacific, Institute of Pacific Studies, the University of the South Pacific, Suva.

__, 1983. The South Pacific, an introduction, Longman Paul in association with the University of the South Pacific.


Hooper, A. et al. (ed.), 1987. *Class and Culture in the South Pacific*, Centre for Pacific Studies, University of Auckland and Institute of Pacific Studies, the University of the South Pacific, Fiji Times, Suva.


Lambie, K. R., see Henry, F.


Marsack, C. C. 1961. 'Notes on the practices of the court and the principles adopted in the hearings of cases affecting (1) Samoan matai titles; and (2) land held according to customs and usages of Western Samoa,' Apia, Government Printer.


__, 1987a. 'Ideology in Pacific Studies: A Personal View', A. Hooper et al., (eds.), Class and Culture in the South Pacific, Centre for Pacific Studies, University of Auckland and Institute of Pacific Studies, the University of the South Pacific, Fiji Times, Suva.

__, 1987b. The Making of Modern Samoa: Traditional Authority and Colonial Administration in the Modern History of Western Samoa, Institute of Pacific Studies, the University of the South Pacific, Suva.

__, 1987c. Lagaga: a short history of Western Samoa, Institute of Pacific Studies, Western Samoa Extension Centre of the University of the South Pacific, Fiji Times, Suva.

__, 1980. 'We want the forest, yet fear the spirits: culture and change in Western Samoa,' Pacific Perspectives, Vol. 9, No. 1. the University of the South Pacific, Suva.


Powles, C. G. 1993. 'Western Samoa', M. A. Ntumy, (ed.), *South Pacific Islands Legal Systems*, University of Hawaii Press, Honolulu.


__, 1986. 'Legal Systems and Political Cultures: Competition for Dominance in Western Samoa', P. Sack and E. Minchin (eds.), *Legal Pluralism,*
Pratt, G. 1890. 'The genealogy of the kings and princes of Samoa,' Proceedings of AAAS, section G.


Sio, G. P. S. 1984. Tapasa o Folauga i Aso Afa: Compass of Sailing in Storm, the University of the South Pacific Centre, Western Samoa, Samoa Printery and Publishing Co., Ltd., Apia, Western Samoa.


Verhaaren, T. (See Kraamer, A.)


Ward, M. 1984. 'Economic and social dualism in the Pacific', in Royal Commonwealth Society's Report of the conference held jointly with the Pacific Islands Society on 27-29 April, *The effects of development on traditional Pacific island cultures*.


Wendt, A. 1990. 'Novelists and Historians and the Art of Remembering', A. Hooper et al., (ed.), *Class and Culture in the South Pacific*, Centre for Pacific Studies, University of Auckland and Institute of Pacific Studies, the University of the South Pacific, Fiji Times, Suva.


Unpublished material

Freeman, J. D. 1948. 'The social structure of a Samoan village community'. Original MS with W. N. Gunson.


Kanaley, T. 1996. 'The role of overseas aid in encouraging development and alleviating poverty,' leaflet in AusAID's Focus, June 1996.


McKay, C. G. R. n.d. 'Chronology of Western Samoa,' copy with the author.

__ n. d. Tusi Gafa: 'A collection of Samoan gafa compiled from [cases heard before the Land and Titles Court in] the 1920-1930s.' A copy is with the author.


Routledge, D. 'High political processes in Samoa,' unpublished paper to a seminar in the department of History and Politics, School of Social and Economic Development, the University of the South Pacific, Aug. 1979.

Sapolu, F. M. n.d. 'Adjudication in Western Samoa', A paper presented at a conference on Pacific Courts and Justice co-sponsored by the University of the South Pacific in Tonga 4-11 December 1976.


Tofa I'iga, 'The Mau of Pule - 1909'. A copy of the MS in English was made available to me by Ioane Lafoa'i from the J. W. Davidson collection in Canberra. According to Davidson's note, the original narrative was in Samoan and was dictated by Tofa I'iga Pisa to his daughter, I'iga Suafole Tualaulelei, and was taken down by her in Samoan. The English translation was made by Gatoloi Peseta S. Sio and has not been corrected by Tofa I'iga Pisa or I'iga Suafole Tualaulelei.


Mission papers

Papers of Reverend Martin Dyson held at the Mitchell Library, particularly, Vol. 5, "Samoa", (CY Reel 270), A2583 and notes on Samoan village government 1 page. Vol. 6, A2584.


Papers of Reverend George Brown Papers (brief notes).


2. CY 1038. Correspondence and Papers, vol. 4.


4. 'Light and shade in Samoan mission life.'

5. A2583. 'My story of Samoan Methodism' and other papers on Samoa.


7. CY 1365. Correspondence and Papers 1870-1917.

Papers of Reverend Wilson to Secretary of Wesleyan mission. Various correspondences from 27/7/1837 onward til 18/7/1836.

Reports


__, 1994. 'Controller and Chief Auditor's Report to the Legislative Assembly period 1 January 1993 to 30 June 1994'.

__, 1993. 'Controller and Chief Auditor's Report to the Legislative Assembly period 1 January 1991 to 31 December 1992'.

__, n. d. 'Report of the Department of Land and Titles Court for 1993'.


**Land and Titles Department**

The specific files consulted *are* listed in the Appendices.

**Miscellaneous**

*Pacific Manuscript Bureau* newsletter, various issues.

Papers of James Spillius at the University of Auckland Library. The papers are entered under the name of his wife Elizabeth Bott-Spillius. Spillius was an anthropologist who worked with Raymond Firth in Tikopia in 1952-53. Spillius's doctorate thesis was a comparative political study of Tikopia, Samoa and Tonga.

'Samoan Genealogies', a collection of genealogies by C. C. Marsack, C. G. R. Mckay, W. Churchill, E. W. Gurr and G. Pratt. The genealogies were collected by Dr Niel Gunson.

*Smith's Weekly*, a newsletter of the University of New England, various issues.

*The University of the South Pacific information bulletin*, Suva, various issues.