Homicide Compensation
in
Papua New Guinea

Problems
and
Prospects

Edited by
Richard Sounier
Homicide Compensation
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Richard Scaglove
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Homicide Compensation in Papua New Guinea

Problems and Prospects
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Law Reform Commission of Papua New Guinea
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CONTENTS

Introduction ............................................ 1
Richard Scaglion, Law Reform Commission of Papua New Guinea and University of Pittsburgh

Articles

Compensation: Should There be a New Law? ............. 5
Andrew Strathern, University College London.

Tribal Fighting and Compensation in the Simbu Province ..... 25
T.C. MacIndoe, Department of Decentralization

Compensation Payments among the Toaripi of the Gulf Province 30
Morauta Hasu, Kukipi Village
Louise Morauta, Institute of Applied Social and Economic Research

Forogere’s Fathers: The Social Dynamics of a Compensation Case 37
Steven Zuckerman, University of Chicago

Compensation and Disputes in Huli 56
Lawrence R. Goldman, University College London

Some More on War: A Wola Perspective 70
Paul Sillitoe, Manchester University

The Question of Compensation in Urban Areas 82
H.B. Levine, Victoria University of Wellington

Some Notes Towards Understanding the Dynamics of Blood Money 88
Robert Gordon, University of Vermont
INTRODUCTION

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This collection of papers on homicide compensation and the more specific problem of “excessive compensation” represents reactions to a draft “anti-excessive compensation” bill prepared by the Law Reform Commission of Papua New Guinea. A reference was received by the Law Reform Commission to enquire into and report on ways that the formal legal system could support informal dispute settlement procedures and give greater recognition to compensation arrangements but at the same time control compensation payments so that they would not become “excessive”. A draft bill was prepared and circulated for comments. In particular, we invited individuals to comment on the proposal from the viewpoint of their home areas. We solicited a variety of viewpoints from diverse individuals through interviews, on-site tours, inspections, meetings, etc.

Social scientists responded in the form of this collection of papers. We have also included an essay by T.C. MacIndoe, formerly District Officer-in-Charge, Kundiawa, which provides an interesting contrast to the social science viewpoint. The authors, commenting from the perspective of their fieldsites, display a diversity of viewpoints on the matter of compensation. They cover a variety of situations both urban and rural, coastal and highland. In some areas represented, “excessive” compensation is not widespread and does not constitute a serious problem; in other cases it is quite serious. However, some of the papers suggest that “anti-excessive compensation” legislation might possibly create problems in areas where none presently exist.

The papers also display the diversity of forms which “compensation” can take. Basically, “compensation” is a form of conflict management, common in Melanesian societies, in which an aggrieved party or parties demand payment of some sort from another party or parties. The payment demanded
is generally thought to be proportionate to the severity of the act which precipitated the dispute, and is usually proportionate to the magnitude of the dispute as well. Payment of compensation generally implies acceptance of responsibility by the donors and willingness to terminate the dispute by the recipients.

Recently “excessive” compensation demands, usually as a result of homicide, have been widely publicized. In the Highlands in particular, relatively recent contact between populous cultural groups has occurred. The large number of individuals involved in problems between such groups has caused compensation demands to burgeon. Once payment has been effected, distribution often precipitates further disputes among the recipients. In some cases, claims and counterclaims seem to be beyond the scope of traditional conflict resolution mechanisms. Such problems were the basis for the reference received by the Law Reform Commission.

The first paper in the collection, by Andrew Strathern, underlines the importance of viewing compensation as a part of a broader social construct: reciprocity. Compensation payments in the Hagen area often take on the character of moka, becoming part of a reciprocal exchange system. In such cases, setting maximum limits for compensation payments could create problems. Additionally, evidence is presented that Hageners might tend to view stipulated maximum payments as standard rates resulting in more rather than less inflation in compensation rates. Strathern favours more flexible legislation in which development of local case law would play a major role.

The papers by MacIndoe and by Hasu and Morauta question whether there should be any legislation at all concerning compensation. MacIndoe, writing from the perspective of the Simbu area, states that compensation payments do not stop tribal fights once started. He questions whether legalizing compensation might not legalize tribal fighting in the minds of the people. Hasu and Morauta, who deal specifically with the Toaripi of the Gulf Province, argue that the model of excessive compensation underlying the proposed bill does not fit the Toaripi case. Compensation does not generally play a role in Toaripi disputes, and, even where paid, the amount is usually fixed by the donors rather than the recipients, as it affects their status and prestige. They further question whether the proposed legislation might create problems where none existed previously by starting people thinking about demanding compensation. Furthermore, there is evidence that the “Highlands” model upon which the draft bill is based might be inapplicable in other coastal Papuan areas.

The two papers by Zuckerman and Goldman further demonstrate the complexity of practices involving customary compensation and the dangers of legislating without regard for the cultural context in which such practices occur. Goldman argues that compensation is not the major form of conflict resolution in Huli, and that the Huli would not benefit from legislation which attempts to interfere with its workings. He argues that problems associated with compensation payments occur in the area of execution and favours legislative supervision rather than legislative re-organization. Zuckerman describes an extended case in which compensation was paid by the government to genealogical relatives of a deceased without regard for “the complexities of Kamano social structure and the dispersal of patrilineal claimants among several clans”. Thus men with equally valid cultural claims were undercut, and interdistrict rivalries were reinforced. This case also highlights problems arising as a result of migration, where important actors can be located in the village, in the provincial towns, and in the National Capital, and all should be involved in any settlement. Such cases are likely to become more frequent as mobility increases.

The papers by Sillitoe and Levine elaborate on this problem of migration and mobility. Sillitoe points out that “excessive” compensation is essentially a problem of people trying to apply small-scale interaction solutions to new large-scale interaction situations. While there is evidence that such situations might resolve themselves in time, Sillitoe suggests that limiting compensation payments to traditional valuables or setting absolute limits on the size of compensation payments might be useful as an interim measure. Levine examines the question of compensation in urban areas of Papua New Guinea. While he supports the establishment of legislative regulation and control in the area of customary compensation, he points out problems likely to confront legislators and enforcers in the towns.

The final paper by Gordon examines the whole issue of compensation payments, which he prefers to call blood money. Gordon distinguishes between traditional blood money payments, which were seen as sorri moni, and certain recent payments, which have tended to be viewed as win moni. He examines the complex of social variables amongst which blood money payments occur, and concludes with the thought-provoking question of whether the government is at all capable of regulating such payments at the present time.

Thus the papers in this volume consist of a mixture of well-seasoned arguments from which the reader can draw his own conclusions. They show that the problem of excessive compensation is not as widespread or as “excessive” as the media might lead one to believe. They demonstrate convincingly that compensation is not as simple a phenomenon as we might think. They show how a multitude of issues can be subsumed into one event; how diverse are the many types and styles of compensation, and how compensation payments are part of a wider interlocking complex of social
They caution against hasty legislation which could result in unanticipated consequences. They are meant to stimulate discussion and debate and to provide information on possible effects in a number of areas. They offer no easy solutions, nor are they meant to. Sillitoe has perhaps summarized the spirit in which these contributions are made:

It often annoys Papua New Guinean administrators that academics offer qualified advice and suggestions only, and rarely come up with concrete answers. But given the complexity of any society and the countless behavioural responses possible in any situation, we are not often in a position to give hard and fast answers. We can only advise those in authority of the situation as we understand it, and leave them to make the policy decisions for which they are elected and appointed.

Hopefully, this collection will aid in that policy-making process.

COMPENSATION: SHOULD THERE BE A NEW LAW?

Andrew Strathern
University College London

Introduction

Studies of dispute settlement in Melanesian societies have frequently shown that an important, if not the most important, way of handling disputes is to arrange for exchanges of material goods to take place between those involved. One element of these exchanges can be correctly seen as 'compensation'. Where a person identified as responsible for a wrongful act is required to pay over a certain amount to the person wronged, and this amount is said to be proportionate to the act done, then we can say that the settlement is definitely made by compensation. In fact, however, there are usually a number of elements involved, and any law which deals with compensation as its central object will need to take these into account, otherwise its aims will not be fulfilled. In this paper I look at some of the complications in ways of settling disputes by payments of wealth, and consider how the law could attempt properly to incorporate these complexities.

I base my argument on materials from Mount Hagen society\(^1\). In Hagen the problems we are considering emerge very sharply, for these reasons: (1) the society is one of the Highlands societies in which traditions of inter-group fighting and personal assertiveness remain strong; (2) wealth exchanges are a very marked feature of the society in general, and have persisted through the periods of colonial pacification and subsequent social change; and (3) because of the introduction of local government councils, national electorates, schools, hospitals, markets, cash-cropping, urban employment, and vehicle transport — in short, development — a considerable number of strains and pressures have appeared, making disputes more likely and settlement harder. I have outlined the problems emerging from these three points often before (A.J. Strathern 1973, 1974, 1975, 1977). Here I consider them again, both in the light of events during 1978 and specifically with the draft proposals of the Law Reform Commission in mind.

Discussions of this sort have to be conducted with two different languages in view; first, the language of the law, i.e. English; and second the
indigenous language or languages. We need a definition of compensation in English; and we need to be able to tell whether this applies to the local language categories or not. This problem cannot be avoided. Any attempt to avoid it will end in making a law which is ambiguous or which will not actually fit with indigenous custom. Hence the problem is also a serious one. Fortunately there is a degree of fit in the Hagen case.

Compensation as a Cultural Principle

The idea of compensation, as it is expressed in Hagen society, belongs to a wider principle which can be seen to govern Hageners' ideas about social life. This is the principle of reciprocity. Three points are further associated with this principle.

The first is that there is a strong application of the principle in terms of making returns for any act. This applies to helpful and beneficial actions as well as harmful ones. Help has to be recognised in some material way, either by a direct return in kind, sooner or later, or via a conversion into some other medium. This does not mean that Hageners have to be paid for everything they do; it does mean that in their own self-interest people have to be careful about meeting obligations, for otherwise they will not be helped again. The situation thus allows a good deal of individual freedom of choice while defining the results of choice also. Peter Lawrence, following S.F. Nadel, called this type of mechanism in society ‘self-regulation’ (Lawrence 1970: 44). It is very important in Hagen, although it is not the only mechanism of social control.

Second, if social relationships are maintained (or not maintained) by a reciprocal flow of acts (or a curtailment of flow), it follows that any given dispute will be set into a wider context of exchanges between the parties, unless they are entire strangers. Hence a study of one act of exchange, or one payment, between them will give only a partial impression of their whole relationship. Nevertheless, such an act could be taken as showing the current state of the relationship and the way it is likely to develop in the future. An act of compensation, for example, could thus be taken as a ‘sign’ of the wider matrix of ties between the parties.

Third, it is important to note that relationships can swing from positive to negative reciprocity; that is, from friendly exchanges to hostile acts, and back again. Even the closest and strongest relationships may do this, though obviously there is much greater tolerance in general between close kin than between strangers (Brown n.d.). In other words, questions of dispute and compensation can emerge in the whole range of relationships; a point which serves again to enhance the significance of proposals for a law on compensation. At least for Hagen, such a law would be relevant to domestic as well as political quarrels.

The principle of reciprocity, as I have outlined it, also implies that the major focus of emphasis is on the relationships of the parties. Settlement thus has to do with adjusting, maintaining, restoring, redefining, creating, or breaking these relationships. But that focus does not obviate the question of compensation for it is precisely the payment of wealth goods which does all these things in Hagen society. We can say, adopting an outsider’s viewpoint, that relationships are marked in this way by payments, but it is important to remember that in one sense the payments are the relationships, or at least are the indispensable medium in terms of which relationships are activated. It is therefore very important also to note that the major wealth goods stand as symbols for people themselves. That is why paying compensation for killing in warfare can be described as ‘carrying or bearing a man’ wu metemen. This phrase tells us that the wealth stands in direct replacement of the man who has been lost, and can be used to obtain a new group member, for example, by payments for a new bride who will bear children for the kin group which has received the compensation. Reciprocity between people is thus expressed by wealth goods which 'represent' people.

I have deliberately begun with what can be seen as the most important category of compensation payment, because it is within this that the basic ideas can be seen most clearly. It can be seen also, I think, why this Hagen concept of ‘bearing’ cross cuts the western notion of criminal versus civil law. The whole offence can be met, or made good, by the single act of making the payment, which both replaces the life of the victim and obviates the necessity to claim another life in revenge. Revenge by violence in Hagen is the analogue (not the equivalent but the nearest equivalent) of a state criminal prosecution and punishment. In the introduced system the criminal case will have to do with guilt and punishment of an individual criminal. In indigenous custom there is a corresponding phase in which the facts are established and responsibility imputed. Once that is done, either revenge is attempted, or in its place compensation is demanded and offered. But compensation is not just a 'civil' settlement: it deals with both the so-called criminal and with civil aspects of the matter, so that, once it is paid, in principle revenge should not be sought. Hence compensation is a very powerful instrument for settling quarrels.

These points are graphically represented by Hageners' ways of describing their feelings after a killing or death for which responsibility is imputed: they are angry (popokI), and they want to take revenge, to retaliate. Not to do so is to behave like women rather than men. Only the sight of wealth, they say, can soothe their feelings and make them amenable to peaceful settlement. It is quite clear that no amount of formal court procedures, investigations by police, elaborate trials, or even jail sentences can have the desired effect. The reason is the one I have given: that only wealth stands directly for the dead person and so can be accepted in replacement of him or her. This in itself is the one reason why compensation cannot be left out.
of the recognised procedures for settling cases where deaths are involved. In brief, the cultural principles remain the same now as in the past. Imposed legal and political structures cannot satisfy these principles, and unless the principles themselves are to be changed one will simply find that the introduced law takes its course and remains quite irrelevant to the major concerns of the people. Alternatively, one may find that the people actually challenge the law, by killing persons arrested, as has occurred more than once.

In may happen of course, that people choose revenge rather than compensation. It does not follow, however, that in such a case a criminal procedure at law could satisfactorily replace revenge. It could do so if revenge were aimed only at identifying a killer and despatching him. This is in fact the case in other societies (e.g. Wogeo, Hogbin 1978). In Hagen, however, revenge is likely to be chosen only between major political enemies who also have other scores to pay off. That is, a group dimension is involved, and groups have a history of disputes which may include a number of loose ends waiting to be sorted out. The imprisonment of one criminal would not meet the same aims as an all-out attack by one group against another. This situation does not necessarily violate the ‘reciprocity principle’ which I have earlier upheld, since the intention may be to square several accounts. However, it must be added that Hageners are not adverse to opening new accounts also when they wish to annoy enemies. They know, of course, that they will draw revenge on themselves in turn.

I will return to the group dimension shortly. First, though, it is necessary to extend the scope of the idea of compensation to situations other than killing. I began with killing because it is the ultimate act of violence. Many acts are also interpreted as types of violence on the person which can cause, as it were, the loss of a part of the person; and this idea can be extended to property also. There is direct assault which can result in disfigurement, literal loss of a part of oneself or of one’s blood. There is insult, which is seen almost in material terms as an attack on the personality or the self of the victim. There are acts which are theft because they infringe someone’s rights. These may also involve either assault or insult or both. ‘Rape’ in western terms corresponds to the category of theft with violence. Sexual offences in general are largely seen as ‘theft’ since they infringe rights located within the structure of kin and affinal relationship (M. Strathern 1975). Such rights, belonging initially to kin, can be transferred against a legitimate payment of wealth. If taken illegitimately, intercourse can be legitimised only by a similar payment of wealth; although such a ‘compensation’ should not be equated with bridewealth since it does not cover prospective acts but only pays for past wrongdoings. Intercourse is also seen in material terms as ‘striking’ or ‘eating’ the ‘substance’ of the other person. The logic of payment is thus meaningfully applied to all of these different types of offence, and they can all be seen as comparable to ‘killing’ although in less extreme form. Once again, the Hagen categories run across the civil/criminal distinctions observed in the introduced law, in terms of which acts of physical violence are certainly picked out for treatment as ‘criminal’. Insults and sexual offences are largely seen as criminal also, but what would not be prescribed by the introduced law is a set of payments to be made in settlement of these categories of offence, since such payment would be seen as ‘civil’.

Finally, in relation to property, it is, understandably enough, the type of property which is also wealth and thus, as we have seen, may stand in place of people, that can cause most trouble in disputes. The prime item is the pig. Pigs rather than people may be killed in revenge. Pigs and cooked pork are also part of compensation payments. When a marriage breaks up, it is pigs outstanding on either side that people quarrel over. Second, there are gardens. Most damage to these is again done by pigs, which break into them, and the gardens supply foods consumed by both people and pigs. There is thus a direct continuity between gardens, food, pigs (wealth) and people. An infringement of rights on any of the three initial categories can be seen, therefore, as an attack on the person who owns them. Thus, wealth items are used to meet all kinds of damages (cf. Sillitoe n.d.).

In Hagen it is important to notice that a distinction is often made in cases of property damage between an element which may be called restitution and a further element added to make the feelings of the parties ‘good’. The term compensation can be applied to either or both of these elements, although in the strict sense it should apply to the restitution element only.

Marilyn Strathern (1972a: 25) expresses this point very clearly.

“Payments fell into two main categories: (1) restitution, where amounts equivalent to the value of a stolen item, damage to property or a previous debt, were returned; and (2) what I term reconciliation payments, which were paid when the injury had no cost in material terms but where a breach of norms had to be recognised or relationships brought back to some equilibrium . . . (Further), where restitution was demanded reconciliation items might be added to the original amount. Thus after the theft of a pig, the thief would return a similar pig (kumisp, restitution) and then a further article ‘to shake hands’ (ki titimbil) with the owner.”

She goes on to note that ‘reconciliation’ might imply too much here, but that these ‘extra’ items had a definite place in the scheme of settlement and were an acknowledgement that a way of maintaining relationships had to be found. On the other hand, a person would not be forced into paying too much,
since it was recognised also that this might simply 'build up his resentment which would find outlet later' (ibid.).

One can add here that recent research by L. Goldman in the Huli area (Goldman n.d.) demonstrates that for the Hull insults are, in a sense, material. Words are important, they have a direct effect on people's minds and even their bodies. Hagen ideas are very similar, and Goldman's point is likely to prove to have general application in the Highlands. In Hagen, words can make people angry (popokli), and this can lead to sickness (M. Strathern 1972b, A.J. Strathern 1968). Significantly, in Huli, as Goldman is able to show in detail, disputes are seen as 'sickness' and settlement as 'curing' (see Goldman, this volume). It is not surprising, then, that there has to be both 'restitution' and 'reconciliation' following insult.

Compensation in Practice

Now these overall principles which, as I have indicated, are well established and pervasive at the cultural level, nevertheless do not ensure that every dispute does in fact get settled. The disputants may be enemies, and not want to settle. The facts may not be established, and those accused may deny facts correct, because these are nullified by other facts or do not give him a claim in custom. The whole matter has to be negotiated. Here the feelings of the participants and their wider relationships are obviously crucial.

For Hagen two contexts are important: group ties and cleavages, and the individual's network. One main institution serves both these levels, and that is the moka exchange system. Moka is the term in Hagen for reciprocal exchanges of wealth between partners, in which the rule is that a main gift should exceed an initial or initiatory one (A.J. Strathern 1971). The wealth items are pigs, pork, shells, nowadays cash: precisely those items which play the main role in compensation. There is thus, in fact, a pervasive tendency to do two things: to turn a dispute into an exchange of wealth, and to turn such exchanges into moka. In fact, if this happens, the ideal has occurred. Enmity has been transformed and a new relationship of alliance set up. Further, while a dispute may involve only two, or a few, individuals, once moka ties are created or invoked more people build exchanges parallel to those of the original disputants, or they use the dispute as a reason for renewing or renegotiating previously established partnerships. This naturally has the effect of turning a dispute into an important tie of friendship, within which elements of rivalry or even hostility may still be contained, though they are overshadowed by statements of goodwill. The point for our whole discussion here is that by this means 'compensation' as a simple category begins to disappear.

Compensation and the Law

We are not dealing just with compensation any more, but with reciprocal exchanges built up from compensation as an initial core. And, from any point of view, the 'best' settlement should lead to exactly this situation, in which more people than the principals become involved and a unilateral payment is transmuted into a set of individually run partnerships embedded in a wider group context.

If this is so, it is clear that it is desirable to encourage the development of moka, but it would be far too complex to legislate for this. Moka is a matter of choice. Moreover, the crucial choices are made by individuals, influenced by 'big men' but also acting independently, and usually with a view to strengthening ties of kinship established through marriages with outside groups. It is in this way that the principle of responsibility for damages, which is perfectly real at the cultural level, is translated into individual negotiation and choice at the level of action.
customary rights were recognised. The wide participation by others was also important. It meant that the public at large witnessed and thus validated the occasion, and this could be of great significance in any future debates that might arise. In this case, where participation is defined by clear norms, it would be a bad mistake to artificially limit it. One would be drawing boundaries around the political community and defining in advance who should and who should not take part, whereas it is in fact advantageous to have many people involved, since this means that all are implicated in the pact for peace between the principal groups.

This is not to deny that problems do or can arise when too many persons have an interest in a given compensation payment. It may be hard to mobilise or organise the groups on either side; there can be quarrelling between subgroups; the interests of different sub-groups may be opposed; and the occasion may strain the group’s capacity to pay or to distribute the wealth in question. The result can therefore be more disputes rather than a dispute settlement. However, all these are simply possibilities. They are not inevitable.

In Hagen there is a clear idea of identifying the person or group who is the ‘owner’ of the dispute, wrongdoing, or fighting which has led to discussions about compensation. The idea is expressed by the term *pulik* ‘base’. The *pulik wusa* ‘base-man’ of a dispute or battle is the one who is responsible for damages done. In turn, his smallest sub-group mates may be implicated, whether he planned his actions originally along with them or not. They are the *pulik wusa* or ‘owners’ of the man himself, and since he ‘owns’ the wrongdoing they can be called on to help him. In warfare, a pair of groups on each side would thus be seen as ‘owners’ of the battle. They are each responsible for compensating their allies for help given and losses sustained. Either a whole clan or its segments can act in this way. Needless to say, in practice every contribution has to be made on an individual basis, but the general context of obligation is understood. In other words, in a particular case the people know and define, the limits of participation according to the rules of responsibility and the needs of the occasion. The latter may be seen as political in character. If the allies are strong and numerous, one may have to call in more helpers to assist in making an adequate payment to them. When fighting was practised regularly, the aim here was to ensure the ally’s goodwill in the future. Now the aim is to maintain one’s prestige, but the memory of warfare is still strong and inter-group conflict is still a reality, so the pragmatic context should not be overlooked. The same kinds of considerations hold for compensations paid between the enemies themselves. In Hagen the rule was that one paid compensation to minor enemies, with whom there was regular intermarriage and exchange. With major enemies matters were much more uncertain, and compensation was often linked; sometimes high compensations involved.

Since pacification in the 1930s–40s, many such payments between former major enemies have been negotiated, however, (a) through the influence of big men and (b) via new links of intermarriage. In almost all of these cases the negotiations have been made part of a spreading network of *moka* exchanges. Compensation does not operate by itself. The ‘extension’ of payments to former enemies is clearly a result of intermarriage and the ambitions of big men.

Such payments for actual killings in the past merge, through intermarriage, with other forms of death compensation. Regardless of the manner of death, there is an obligation to compensate a person’s maternal kin on death. Indeed, this category of payment applies to the whole lifecycle. Ordinarily the father affiliates his children to his own natal group, and he pays first an initial bridewealth, then child-payments to his wife’s kin. If the wife dies at his paternal place, he is expected to compensate her kin. When his children grow up, they will enter into exchanges of wealth with their mother’s people, and when they die a further payment will be made for them by their father’s kin; and so on. There are exceptions to this particular pattern, owing to switches in affiliation and residence, but the overall principle is clear: persons must be ‘paid for’. Further, there is equally an understanding that aside from a small balance in favour of the maternal connections these payments are meant to lead to reciprocal exchanges. The extent to which the kinship ties are effectively recognised and the levels of exchange which are actually achieved are matters of choice and agreement, and it would be a mistake to legislate rigidly about them.

The existence of rules for this sphere of compensation payments means that whenever marriages occur between groups, a potential for exchange is set up mainly by the facts of birth and mortality, regardless of whether there are also disputes or histories of killings. Big men thus have a means of initiating exchanges in any direction except those where there are no marriage ties and! through market gardens away from their clan territories and car drivers drink alcohol and smash their vehicles, causing damage or death to passengers and other travellers who may be strangers to them. From these events marriages and compensation payments ensue, and these in turn lead to a strengthening and extension of exchange links...

**Case Histories**

There is no doubt, however, that problems also arise nowadays that are very difficult to handle. In the context of rural and urban re-settlement and migration, new groups come face to face. Because they are initially strangers, disputes between them are very likely to issue in violence or threats of violence.
These in turn can only be settled by compensation, and compensation is unlikely to be arranged simply by mutual agreement, since the groups may have different customs or have no leaders who can effectively mediate (cf. Levine n.d.). In a recent (mid-July to September 1978) case involving the Kawelka group at Kuk near to Mount Hagen a series of pig thefts and quarrels between the Kawelka and Tari immigrants working at the nearby Tipt plantaion finally led to an incursion by night into Kawelka territory, in which the Tari men burned several houses and tradestores, destroyed patches in vegetable gardens, and, most serious, cut down over 300 coffee trees. The marauders left a warning sign that they were going to kill someone later. Kawelka big men were able to interpret this sign with the help of a friendly migrant who actually lives with them, and were naturally very disturbed. They conjectured that the Tari men could have been angry at the death of someone from Tari whose body had recently been found in the town, and that Hagen Council people had put the blame on Del Council folk to their north. The Kawelka at Kuk are the nearest accessible Dei people, so they could have been chosen in this way for the attack; or so they thought. Urgent attempts at mediation by the government officers from Muglamp Administrative Centre had not succeeded in bringing the Tari and the Kawelka together for a proposed 'shaking of hands' and exchange of money by mid-September 1978, despite the obvious dangers inherent in allowing the situation to continue without at least a partial settlement. More concerted government action is needed in such cases, and a law prescribing support for compensation procedures would obviously make some contribution to such action. It could not, though, replace action by government officers, which is independently needed in order to mobilise the people. A delicate balance has in general to be kept between allowing a situation to drift into more violence and imposing a premature and unwanted 'solution'.

Another case, also involving the Kawelka, but a different sub-group, points to a further range of difficulties. A big man died in a neighbouring local group, and eventually his close kin accused a young Kawelka man of poisoning him. There was a fight over this at a funeral distribution of pork, after which the big man's son was arrested and jailed. Senior kinsfolk continued to press the issue, however, and claimed 'compensation pay' for this alleged killing. The accused's alleged motive was that his wife had been seduced by the big man's son (who happened to be the senior magistrate in the Village Court) and he had lost both her and his three children by her. His original aim had been to kill the seducer, but he was persuaded — again allegedly — to poison the father instead by men of a third local group with whom he was living, old enemies of the big man's (and indeed his own) clan. They would give him enough wealth in return to enable him to pay a new bridwealth. This is a classic situation: a killing to be bargained against a new lease of life. The motives and background were therefore quite plausible enough to be played on, and the big man's kin became insistent. The man himself confessed to the act. Under such circumstances one might have expected that compensation would be quickly paid, but one sees here the limits on group acceptance of liability. The 'poisoner's' own clansmen argued that he had left them many years before and did not help with their enterprises; that he had positively associated himself with a different group; that this supposed confession was false and had been extorted from him by repeated beatings and threats carried out by the big man's kinsmen; and that even by his own story the clan's traditional enemies were the prime movers (a role they denied). The matter was so complicated that in the first round of serious discussions no clear liability could be fixed. The example shows that ambiguities of motive and of group affiliation can sometimes make it very hard to apply a rule of compensation. Yet this in itself does not make an argument against compensation in general.

In the latter case there was another source of uncertainty. An autopsy had been performed on the dead man to determine the cause of death. The medical report was forwarded to the Administrative Centre at Muglamp and handled by the District Officer. The doctor was unable, from the parts he examined, to pinpoint a clear cause for the death, and hence his letter, which the people had at first confidently expected would settle the issue, in fact only made it more unclear. It was after this that the dead man's kin themselves took up the discussion more vigorously in their own terms. The problem here is that even without a doctor's confirmation, kinsfolk are very ready to assert that someone has been killed by 'poison'. Moreover, ideas of poison are influenced on the one hand by modern knowledge of weedkillers and other chemical poisons and on the other by traditional beliefs in sorcery. It is clear that in difficult cases claims and denials of responsibility can be advanced almost endlessly. There is in the Hagen system of belief, a kind of 'backstop' for such a situation. An accused person may be asked to eat his own mi or tribal divination substance: if he dies, the mi will kill him. This sanction is regarded very seriously and I never have heard anyone mock it. It was proposed after the unusual confession in the sorcery case here discussed to collect some pigs together and make a sacrifice for ancestral ghosts, requiring the accused man to eat a piece of the keye koema cordyline leaf which is the Kawelka mi. As it happened, his supposed victim had also been by ancient descent a Kawelka man of the same clan as the accused, Kundmbo, so the mi would be thought doubly likely to work, as victim and accused were of the same true clan by descent. This last complication made the case even more paradoxical, of course. It is most unusual for one clansman to kill another by sorcery and if the case were proved, it would be a matter of a compensation payment between members of the same clan-group. Further, the test in this case would be done not to elicit a confession, as is customary following a denial, but to evaluate a confession which was suspected false. The Kundmbo were sure that the accused had himself been subjected to wulya wulya sorcery which would put him out of his right mind and that their enemies had done this.
From these points it should be very clear that even if one makes a rule of responsibility for compensation, application of the rule will be complicated. Case law will have to be developed as a set of guidelines for these complicated cases, and government officers must be involved in mediation and recording of cases. That there is a need for such officers to play a part is shown by the fact that a chief personality in the dispute I have discussed was a Village Court magistrate. Clearly, his own court could not have handled the matter. Furthermore local big men, worried about the issue, were sceptical about the value of bringing in ‘trouble-committee’ mediators from other council areas. They wanted to get together with an official who himself could carry some court powers for sessions of extensive mediation.

The Role of the Village Courts

I have mentioned Village Courts. These are clearly intended to play an important part in local social control. Moreover, their magistrates are often big men as well as past Councillors, with experience in informal dispute settlement. However, these courts are, in Hagen, unlikely to handle all the problems of compensation. First, they are not in any case supposed to deal directly with warfare or killings or car accidents. Second, magistrates have tended to stress the authoritarian pattern of court fines rather than compensation or reciprocal exchanges in settlements (Cf. A.J. Strathem n.d.) Third, they have tended to adjudicate rather than to mediate in disputes. They have thus not used the Village Courts’ legislation in quite the flexible way that was originally planned. The reasons are clear: magistrates are elected or formally nominated, their appointment is ratified by the formal legal-administrative system, the court meets at a specific place and set times, and its operations are governed by a ‘book’ — the court handbook — which was flourished carefully at litigants by the court clerk at the inaugural session of the Tigi ward court in Dei Council in September 1976. In all these respects Village Courts resemble the magistrate’s courts in town rather than Indigenous assemblies for disputing, and village magistrates have accordingly stressed this side of their status in order to handle cases quickly and without argument from litigants. But this in itself has meant that, while they can indeed settle straightforward cases between two or three litigants, the larger cases with more complex issues cannot really be crammed into the court framework — although, again, the actual legislation allows for group prosecutions to take place. It follows therefore that in this context larger informal tribunals will have to operate.

Moreover, even in the cases which the courts do successfully handle, the question arises as to whether the practice of ordering fines is advantageous on balance. Revenue is thereby secured for the court or the Local Government Council. But the feelings of the litigants may remain hostile. Fines remove attention from the relationships between litigants to the abstract notion of acts, e.g. Insult, physical violence, and these acts are seen to be punished by the

The whole idea is in a sense antithetical to that of compensation, or a fortiori reciprocal exchanges, between disputing parties. It is very expensive if both fines and compensation payments have to be met. Officials advising or supervising the courts should therefore be empowered to discuss this range of problems with magistrates.

Limits on Amounts of Compensation

Another indication from Village Court practices is that there is a danger in specifying a maximum figure for compensation. There are obviously good reasons for doing so, since experience shows that highly inflated demands are sometimes made and these almost automatically lead to trouble, as they make it hard for those held responsible to raise the amounts. Indeed, inflated claims are usually an indication of hostile intent. “If the sums are not forthcoming”, the claimants say, “we will fight you”. The claim is thus a prelude to battle and its non-fulfilment used as a pretext. Or if it is met, so many people have to be brought in that the ‘owners of the quarrel’ are subsequently beggared through having to repay their helpers, and more trouble emerges from this. The result is that they in turn have to demand similar amounts from others if they have a claim, and so the ‘going rate’ is pushed up, causing strain on finances in general. However, a similar effect could in fact be produced by specifying a limit, as Village Court data suggest.

In Dei Council, from the beginning, magistrates of the Village Court tended to apply the maximum figures specified in the ‘book’ as, in effect, a ‘going rate’ for fines. In doing so, they explicitly said that “the figure is there in the book, and you know how much it is going to cost”. This was one of the ways in which they attempted to impress their new authority on people, by projecting a draconian image. Women, in particular were suddenly faced with very heavy fines for insult, quarrelling and bad language. On a larger scale, the same could happen if K20,000 were specified as a limit for compensation in a new law. Although, of course, the draft makes it quite clear that this is a maximum and also lays down ways in which the amount to be paid should actually be fixed, this will not necessarily prevent the opposite interpretation of the figure being made, as the Village Court example shows.

Underlying this point there are further difficulties also. Specifying a limit means that implicitly a value scale in relation to persons has been created. Although I have argued earlier in this paper that compensation in Hagen is based on the fact that wealth can substitute for or be exchanged for rights or losses of rights in people, I would also argue that until money entered the system of exchange in Hagen there was no definite stress on such a scale of value.
People were not ‘priced’, although one could say they were ‘prized’. It is quite true that a much bigger death-payment might be made for a major big man than for a child, and clearly that reflects their different social value. I still do not think that the big man has a higher ‘price’ than the child, since there is no abstract and general notion of ‘price’ involved. One did not say that ‘the rate’ for killing a big man was X pigs and shells. The chief reason why a larger payment would be made for a big man is that he had developed in his lifetime a bigger network of friends and kinsfolk and his death is used as an occasion by these persons to reaffirm their ties, potentially disrupted by his death. One might press this point home by saying that the reasons are social and political rather than simply ‘economic’.

However, the Hagen economy has now been considerably altered by the introduction of cash cropping and the extensive use of money. The notion of ‘price’ is one with which Hageners are particularly familiar from fluctuations in coffee prices and in the prices of tradestore goods. They are aware therefore, both of ‘going rates’ and of fluctuation in these. It is in this context that there lies a danger of legislation which would seek to define an upper limit on compensation. Defining one point, i.e. that upper limit, might lead one to define all other points and thus in a sense to put a price on people: so much for a child, a woman, a young man, a big man. It would be better not to do so, because of the complexities involved. Moreover, as I have already remarked, there might in any case be an over-riding tendency to make demands right up to the limit in each case, when the maximum would also become the minimum, rather in the way that wage demands do in the British economy.

There are various ways of handling this problem. As a general point, one can agree that demands may become ‘excessive’. The only safe way to measure this, however, is by relying on the views of those involved. Obviously, matters become most tense when a death as a result of deliberate killing is at issue, and I take it that the limit of K20,000 is designed for such a situation. The law should make it clear that this is so, i.e. what antecedent circumstances are implied. For less significant issues, surely, lower limits would have to be set, if one is going to set limits at all. This understood, one can see quickly, I think, that a victim’s kinsfolk will make demands which they consider justified but the other party may think excessive.

Hence, even the rule that one should go by what the participants think does not necessarily ensure an agreed outcome. One could either argue, then, that an upper limit has to be imposed, or one could simply say that the parties must litigate seriously over the amount. Even with a maximum, and a demand up to the maximum in hand, all the problems would begin with such detailed litigation. A demand of less than the maximum could be considered excessive in some instances, and be made the subject of dispute. The safest procedure therefore remains to rely on the views of those who will have to pay as an initial starting point for discussion. A case would then be argued in detail, and case law could emerge. If this is so, the statement of an upper limit becomes in principle unnecessary, though in practice it might prove useful as an ultimate yardstick.

It is worth repeating here that measuring compensation in monetary terms is likely to alter its meaning in the direction of ‘pricing’ things and people. the whole question of compensation being seen as excessive may partly stem from the viewpoint of outside observers rather than participants. Observers familiar with the assumptions which underlie a commercial economy may see large sums paid over and interpret this as a price being paid, and as excessive, either because the event does not in their eyes warrant such a price or because they think too much money is being diverted into this kind of event. This type of viewpoint must be clearly separated from that of the participants. Some of the money or goods may be for reciprocal exchange rather than ‘straight’ compensation, and hence can be seen as an investment in social relations. When the money is distributed, some of it may be used of finance other ventures and hence it may actually help a businessman to buy a coffee machine or a truck. It does happen, though, that with the objective involvement of people in the cash sphere and with their own changing perceptions about how to use their resources, they themselves do see compensation payments as excessive. Indeed, as money enters, the payments are inflated and do change their character. Exactly the same process has apparently occurred with marriage payments in Motu society and elsewhere, as is evidenced by vociferous debate in the pages of the PNG Post Courier newspaper during 1976-77. My overall point here is simply that if we see the law as serving the customer’s needs rather than telling the customer what his needs are, we can always take the customer’s views as a starting point, and for this fixed initial points are not strictly required. One would not, then, get into the other difficulty of mixing up, in Hagen, moka exchanges with compensation proper.

A very big payment which included strong moka elements would not be seen as excessive by participants, whereas a smaller payment without the moka elements might nevertheless be objected to as excessive. If one simply took monetary values into account, this would appear paradoxical, if not irrational, yet to the participants it would make perfect sense. All these complexities can in fact be covered by leaving it up to participants to lodge a complaint and to give them recourse in law to do so. Magistrates will need to be aware of local custom, and of course, to see through any trickery which either side may be operating in order to foil their opponents.
Conclusions

My discussion in this paper can be summarised as follows:

1. Compensation is an important way of settling disputes in Hagen.

2. It corresponds to the workings of a social principle, the principle of reciprocity, which governs other matters as well as disputes, for example life-cycle payments and moka ceremonial exchanges.

3. Any threat or harm to the person can be requited by payment of special categories of wealth; primarily pigs, shell valuables, or nowadays cash. Damage to property is treated in the same way.

4. In practice the most successful type of settlement is not the simple, one-way form of compensation, but payments which lead to reciprocal exchanges between the parties.

5. For this reason, it would not be a simple matter in custom to apply the notions of 'excessive compensation' and 'non-participation of strangers'. In a sense, case law has to be built up on these issues, and the law should give only general guidelines.

6. Nevertheless, there are problems with compensation practices, which emerge from recent social changes, e.g. the extension of travel within the area, the involvement of Hageners with other categories of people, the difficulty of assigning responsibility where group affiliation is unclear, and the complication of doctors' autopsies as evidence of causes of death.

7. Village Courts cannot themselves handle all of these problems. Moreover, their own practice of relying on fines rather than compensation requires scrutiny. Such fines meet neither the requirements of 'restitution' nor those of 'reconciliation' which Marilyn Strathern has shown are separate elements in Hagen practices of compensation.

8. Severe problems arise with the setting of a maximum, because (a) to do so may require the setting of other rates; (b) the maximum may be taken as a going rate and lead to more, rather than less, inflation; (c) it will encourage the general process of commercial influence on customary practices. It is recognised, however, that there are arguments for such a limit being set. As a general rule, the views of participants rather than outside authorities should be taken as a starting point, although these views may themselves be in conflict and mediation therefore be required. For Hagen, it will also be necessary to distinguish as types (a) life-cycle exchanges (b) payments strictly to settle disputes by compensation, and

(c) moka exchanges—although in practice all of these events may take on the character of moka. Where they do so, ordinary considerations about scales of compensation do not apply. If monetary assessment does become dominant in the process of dispute settlement, it will still be necessary to separate out elements in payments which are for moka if one is to be concerned at all with limits of scale.

9. Therefore, there is definitely a need for a new law on compensation. It should give support to informal mechanisms and strengthen the role of government mediators, who should be acquainted with local custom and with relevant legislation, for example, land laws and the inter-group fighting act.

10. As a final point, it is an excellent idea to introduce a method of recording sums paid in compensations. The value of such a record will be much enhanced if it is made carefully and in detail. There is a place here for full-time government officers to undertake this vital task.

Footnotes

1. Fieldwork in Mount Hagen has been carried out at various times between 1964 and 1978. I am most grateful to the Kawalka people, with whom I live in the field, for their friendship; to the institutions that have sponsored me; and to the Papua New Guinea government for allowing the work to continue.

2. In the Dei Council area on-going moka exchanges are often represented as having grown out of initial situations of compensation for killings or reparations (Glasse 1959) for losses sustained by one's allies. The vice-versa movement of gifts in moka can be 'mapped onto' the terms for such compensations, as follows:

<table>
<thead>
<tr>
<th>Solitary Gift</th>
<th>Main Gift</th>
</tr>
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<tbody>
<tr>
<td>Moka</td>
<td>moka pek ('scraping moka')</td>
</tr>
<tr>
<td></td>
<td>wu~0mbil ('man bone')</td>
</tr>
</tbody>
</table>

In both cases the main gift must exceed the solitary one.

3. I make the point only because in the past government and mission policies have sometimes been directed against the moka. There is also internal opposition to it on the part of those who think that the only future for Hagen society lies in everyone maximising their cash income by investment in business.
4. Just as 'reconciliation' payments may be added to 'restitution', it should be noted here that in Hagen an apology with words alone would not be regarded as adequate. Wealth has also to be given. Hence sincerity of apology would be measured by production of wealth goods for the occasion of settlement. It would not work if a judge were to fix a lower rate of compensation because a wrongdoer had 'sincerely apologised', but with words only: pigs and money are needed.

5. This was in fact a car accident in which a Welyi driver, in the territory of the Mokei tribe, knocked down and killed a young Mokei man.

6. As with the following case, I offered my services as a translator to the government officers working on the incident. I also made an assessment of the damage done. I could not mediate, since I was too closely identified with the Kawelka and could not stay long enough to see the problem through.

7. We held the discussion, along with a government officer from Muglamp, at the new Tigi Village Court site. A mixture of big men, magistrates, and councillors took part. I translated on behalf of the officer. My position in this dispute was delicate since the big man's kin were attempting to fix liability on the local clan-group with which I myself live. Hence, as before, I could not directly mediate. Further, in a potentially explosive situation it would have been unwise for me to undertake such a task without a specific government mandate to do so. The principals, however, did say that they thought little progress could be made after I left the field.

8. They cited one previous well-known case of this in which a woman, originally from an enemy group was supposed to have killed her husband by poison in revenge for the death of her father some thirty years previously. Her brothers were said to have made wulya wulya (literally 'mad, mad') on her to persuade her. She repeated her confession to me privately.

9. For my discussion in this section I am most grateful to Marilyn Strathern for pointing out the dangers, as well as the difficulties, of setting an absolute maximum limit on compensation.

10. Fear of deception, and the use of threats, are prominent features of Hagen political processes. The law can obviously help here by supporting the compensation system so as to make threats unnecessary and indeed illegitimate.

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TRIBAL FIGHTING AND COMPENSATION IN THE SIMBU PROVINCE

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It is a reality of Simbu life that people engage in tribal fighting. Deaths occur and property is destroyed. The result is endless unrest and social and economic development are severely impaired.

There are many things which cause tribal fights to break out. Disputes over territorial rights, women, pigs, insults, debts, and motor vehicle accidents identify the most common.

After a fight that has caused death or loss of property, compensation is invariably demanded, and I am aware of instances where government officers have supported such demands. It is my experience, however, that payment between distinctly separate clans, who have fought each other, are seldom made. Compensation payment between such groups does occur, but this is to prevent fighting breaking out, particularly in the case of serious or fatal motor vehicle accidents. This is a recent development and is not traditional. On the other hand, compensation payments between sub-clans of a particular clan who have fought are made. Traditionally such payments were of a token nature only. Of recent years however, materialism has inflated demands.

Compensation payments are also made between clans and sub-clans who have allied themselves against an opposing foe. The increase in the value of demands being made, and met, has introduced a mercenary element to major tribal fights that did not exist before to any great extent.

The effect on communities who get involved in the round robin of compensation payments can be quite extreme. Children have to abandon school as there is no money to pay fees, young girls are sold as bride price is required to make up the compensation payment, small businesses are liquidated to satisfy demands, standards of living deteriorate as there is no money available to maintain them, and government development activity is curtailed as its officers lose many man hours engaging in mediation and other problems arising from such situations. That, briefly, is what happens to those
who have to pay. Those receiving compensation also suffer. They perpetuate a system that they themselves eventually get caught up in on the wrong side. The money and goods they gain are not earned by their industry and are more often than not frittered away in idle pastimes. Frequently brawls occur over the distribution of such money and goods and splits develop between those who were previously allies.

To illustrate what I just said I will cite two recent examples in which I have been closely involved.

(a) In 1974, following a series of minor skirmishes over a land dispute, the combined forces of three separate clans, the Doms from the Kundialwa District, Yuris from the Gumine District, and Bandes from the Kerowagi District attacked the Nauros from the Kundialwa District. The Nauros were swept from their land. Two of their number were killed, all their houses were burned to the ground (approximately one hundred and eighty), and all their gardens, food trees and coffee were either uprooted or chopped down. In all, some six hundred persons were displaced from their land. (Repatriation of these people commenced in September 1978 after lengthy mediation).

In the ensuing four years, frequent skirmishes have resulted in the deaths of five Doms at the hands of the Nauros.

In August 1978 the Doms, Yuris, and Bandes gathered to pay compensation for those who had been killed, to those who had been deprived, and to those who had excelled on the battlefield. Some K10,000 in cash, fifteen head of cattle, and hundreds of pigs changed hands within the groups. No compensation took place between the opposing groups.

In the period November 1978 to January 1979, a flood of appeals from the Dom were being received at Provincial Headquarters for relief from an acute food shortage in the area. At a meeting of departmental heads and Provincial Government representatives, one of the contributing factors to the situation was identified as the people's involvement in earlier compensation payments including the one just described. They had simply not planted their food gardens when they should have.

(b) On the 12th of February 1978, a tribal fight broke out at Munuma in the Dom Census Division of the Kundialwa District. The fight resulted from a drunken brawl that had taken place in the village two days previously. Six men were killed: Destruction over an area of approximately four hundred acres was almost total (population density in this area is around three hundred fifty to four hundred persons per square mile).

A peace-making ceremony took place between fighting groups on the 2nd of March. The ceremony had been arranged by neighbouring groups who have not actually been involved in the fighting but who were very concerned at the effects it was having on the community and the very real fear that it might spread.

A number of speeches were made by Local Government Councillors and Village Magistrates. Two of the spokesmen were from the Gumine District, one was from Sina-Sina and two were from groups who live adjacent to the warring factions.

All of the speakers expressed deep concern about the conditions surrounding this particular fight as little traditional hostility existed between those involved and that brother was fighting brother (sub-clans have split, with some fighting on one side and some on the other). They saw this situation as tragic and it served to illustrate the breakdown in social order in the villages. They said that the major catalyst was the easy access their young people had to liquor. They also said that while certain powers had been given to them by the establishment of Village Courts, the powers given to them had no teeth, and that the Magistrates could not put people in prison in the first instance for such things as being drunk and generally disrupting village life.

On Thursday the 22nd of March I was visited in my office by a group of Village Court officials representative of all groups in the Dom other than the warring factions. They stated (a) that they were concerned that the leaders in this particular fight had not been arrested, (b) that the government now had a strong law to punish those who fought and that it was not being applied in this case, (c) that if the government really wanted to stop tribal fighting then it must punish leaders to the limit of its power, (d) that the arrest and imprisonment of combatants who were not leaders was futile as the leaders were the ones who gave the orders to start a fight and kept it going once started.

That is a brief summary of two fights with widely differing causes and involvement. The first fight could have been said to be a traditional affair. Massive compensation has been paid but within the allied groups only, an exchange of wealth to bond alliances. The second fight transgresses all tradition and it will be interesting to see how this particular situation resolves itself.

Motor vehicle accidents have been a major cause of disturbances in the Province. The recently introduced Motor Vehicle (Third Party Insurance) Basic Protection Compensation Act of 1974 has not stopped excessive compensation demands being made on owners or drivers of vehicles which
are involved in accidents. I have recently taken an approach to this situation which has been successful in the last four fatal accidents which have occurred in this District. I have advised those demanding compensation that when a vehicle owner registers his vehicle he purchases compensation by virtue of his Third Party Insurance Policy and that any demands in excess of this are contrary to Section 402 of the Criminal Code which concerns itself with extortion. So far the threat has been enough and I have not had to resort to litigation.

To summarise, compensation payments do not stop tribal fights once started. They are very seldom made from one clan to another who have engaged in hostilities. I consider that it would be a retrograde step for the government to legalise compensation as in the eyes of the people it would legalise tribal fighting and give further encouragement to mercenaries. It would also lead the people into the belief, and in law this may be true, that once a compensation order had been made against them and paid that they were no longer answerable for the murder, destruction and pillage that had taken place.

There is another element which must taken into consideration. At present those who receive serious wounds in tribal fights are generally taken to the hospital for treatment. Legalise compensation and such persons will be left by their fellows, hopefully to expire. This will be particularly so of those of little consequence in the tribal hierarchy.

It is my belief that the incidence of tribal fighting and also the debilitating effects of compensation could be significantly reduced, and to this end I make the following recommendations:

1. Section 402 of the Criminal Code should be enforced where applicable, such as in compensation demands as a result of motor vehicle accidents where the Motor Vehicle (Third Party Insurance) Basic Protection Compensation Act applies.

2. Prohibition should be considered. The issue of liquor licences to trade stores in rural areas should not be permitted. Take-away sales throughout the Province should also be prohibited.

3. Village Courts should be empowered to order imprisonment in the first instance, which is something they cannot do at present. This should encompass such things as adultery, gambling and being drunk and disorderly. If Village Courts were accorded this responsibility they would have to be closely supervised. Sentences should not exceed one month.

4. Leaders who promote and perpetuate tribal fights must be severely punished. While it is a relatively simple matter to identify these men, it
This paper gives a brief description of dispute settlement among the Toaripi of the Gulf Province. Compensation plays a part in the settlement of disputes in cases of homicide and damage to property. The amount of compensation to be paid is fixed by the donor or donors not by the recipients. This is in line with a general principle in Toaripi society that payments and feasts influence the prestige of donors rather than recipients. Legislation focussing on demands for excessive compensation does not therefore fit the Toaripi case. In fact the Toaripi material suggests that reform of compensation procedures in other parts of Papua New Guinea might well take into account the way compensation figures are determined. We recommend that consideration be given to taking away the exclusive rights of recipients to determine compensation in areas where this is currently the practice.

Dispute Settlement and Compensation among the Toaripi

The Toaripi people numbered about 900 in the early 1970s (Seller 1974) and are a sub-division of the Elema, a larger cultural and linguistic unit of about 37,000 people.1 Until the late 1940s the majority of Toaripi lived in coastal villages in the eastern part of the Gulf Province. Today, however, slightly over half of them are absent from these villages and live in towns in Papua New Guinea, particularly Port Moresby (Seller 1974). Although our comments refer directly to only a few villages, they apply in general terms to the Elema people resident in the Gulf Province and in towns.

Traditionally disputes among the Toaripi were treated differently depending on whether they were within a single village or between villages. In inter-village disputes there were no mediating mechanisms on the whole and disputes were pursued by fighting and by paying back injuries received with further injuries. Today government and other introduced institutions have become involved in inter-village disputes. Within the village there have always been mechanisms for settling disputes without violence. A traditional lineage official, the pukari karu or peace man, would intervene in disputes. This intervention was supported by supernatural forces (Ryan 1965:19 and n.d.:4) and/or by sorcery (our own emphasis). This official would discuss the dispute in public and then suggest a solution. The parties to the dispute would then jointly make a feast for the peace-making official. While Ryan (1965) and Brown (1957) emphasise traditional supernatural sanctions, we would also place emphasis on the force of public discussion, laua sa pisosi roi (discussion will fix it up). Certainly today, when the traditional peace-making official no longer exists and supernatural sanctions associated with bullroarers and men's houses have disappeared (although sorcery has not), public discussion is the major method of informal dispute settlement within the village. These discussions today are conducted by influential elders and council or church officials.

Within the field of intra-village disputes, compensation applied and applies today to only a limited range of cases. In many types of dispute settlement it plays no part. Most minor disputes within the village are solved without the payment of compensation. Nor is adultery the subject of compensation. Traditionally adultery would have led to physical violence. Today even when a man is jailed for it, no compensation is paid. Both traditionally and today sorcery is not handled by means of compensation payments. If people who feel they are victims wish to retaliate, they do so with sorcery. Sometimes after a long series of deaths attributed to sorcery, both sides may want to make peace. They would do this by the exchange of equivalents not by a one-sided payment.

Compensation among Toaripi applies to cases of physical loss: either loss of human life or the destruction of animals or property. In such cases the term “compensation” is rightly used because there is no return payment and the payment made is seen as recompensing the physical loss sustained by the injured party.

Traditionally homicide within the village was followed by compensation in the form of a feast, pigs and armshells. Even when no fault was attributed to the other side (e.g. in the case of a fight in which the initial aggressor died), some compensation would be paid. We were given two reasons for compensation in no-fault cases: firstly, the donors were sorry for the dead man's relatives, and secondly, they would give a feast to avoid the possibility of the fight reopening. We understand that in principle compensation for homicide continues and has been extended today to apply to the inter-village
sphere. However recent actual cases suggest that practice departs from this general statement. On the one hand there was a case in the 1970s where Moveave people destroyed gardens, betel palms and canoes in Uritai village after they suspected a Uritai man was responsible for the death of a Moveave. In this case, retaliation but not pay-back killing took place.

Other cases, however, indicate that compensation may be less important today than it was in cases of homicide in the past. In the 1960s a rugby player in Kerema town was accidentally killed in a tackle with another Toaripi. No fault was attributed to the other player involved. People suspected sorcery from other sources against the dead man. No compensation of any kind was paid although there were urgent discussions between the families of the two young men. This was an inter-village case. During the 1940s another case occurred within Uritai village. A suspected sorcerer was killed by a fellow villager, who was taken under police protection to Kerema and jailed. Even after his release from jail no compensation was paid. Although both these cases are perhaps examples of homicide without fault, they still indicate that there is a departure from the supposed practice of paying compensation in all homicide cases.

We can also look briefly at compensation in cases of offences against property. When pigs damage another man's gardens, when trees or canoes are damaged or destroyed, compensation of some kind was and is appropriate. In the Uritai – Moveave case discussed above, the government has recommended that compensation be paid for damage to Uritai property.

**Determining the Level of Payment in Toaripi Society**

Our main argument in this paper is that in Toaripi society where compensation occurs the amount paid is determined by the donor rather than the recipient. There is an expectation on the part of the recipient and the wider community that compensation will be paid. There is a notion of what would be appropriate as compensation. The actual quantities of food, cash, pigs or armshells that are given, however, are ultimately decided by the donor. It would be unheard of for the prospective recipient to name a figure. Even when discussing compensation to be paid by private or government employers, Toaripi often say that it is the employer who decides how much will be paid, not the dead or injured person’s relatives.

We want to explain this phenomenon by saying that generally in Toaripi society the prestige of the donor and not the prestige of the recipient is at stake in one-way payments. We feel that this is as true of brideprice payments as it is of homicide compensation. The size of brideprice payments reflects mainly on the prestige of the groom and his family. If they exceed other comparable payments, their reputation will be enhanced. There is no negotiation between donors and recipients, although there are usually prior discussions among the donors. The final figure of the brideprice is usually not known until the day of presentation when all the contributions come in. A particularly clear illustration of our point about donor’s prestige is the case of a Toaripi man married to a European woman. A relatively high brideprice was paid by the husband and his father, although, as you can imagine, no brideprice was expected by the wife’s family. The reasons for the payment of the brideprice in this case were related solely to the prestige of the husband and his family. Another example of something very like a payment reflecting on the reputation of the donor is the mortuary feast. In these the size of the feast is more closely related to the reputation and inclination of the giver than to the standing of the dead person. For example, Ryan (1970:134) describes a large mortuary feast that was made for a dead child.

None of this means that compensation or brideprice payments do not escalate. In fact there is evidence of a fear of escalation of brideprice values among the Toaripi (Brown 1975:255 and Ryan 1965:65). It means simply that if there is escalation of value it is not caused by the demands of the recipients but buy the wishes of the donors.

We feel that this description of the style of one-sided payments among Toaripi may fit other Papuan coastal societies too. Groves (1961) describes how among the Motu the size of the brideprice and mortuary feast (turia) given by a man influence his status and prestige. Similarly both Motu and Toaripi engage in competitive giving to the United Church. In this competition, clans (iduhu or elavoape) compete for prestige. As for the Toaripi there is evidence that this style of payment can also escalate among Motu. In both Toaripi and Motu cases we think that the style of payments may be related to the type of leadership. Neither are societies where manipulation of exchange relationships is critical for political influence. Rather they are societies where reputation and inter-personal skills, traditionally among those with inherited positions, were important for becoming a leader (see Ryan n.d. and Groves 1961).

**Implications for Compensation Legislation**

In this paper we have tried to show that the model of excessive demands for compensation that underlies the proposed legislation (Narokobi 1977) does not fit the Toaripi case. It may also not be appropriate to other coastal societies, e.g. in the Central Province, although we have not gathered evidence on this. In the first place, compensation does not play a role in many of the most common kinds of disputes in Toaripi society. Even in homicide cases it may be losing its importance. Secondly, where compensation does take place, the amount is fixed by the donor, not by the demands of the recipient. We can then ask if in such a situation "excessive" compensation can exist. Is there a level above which compensation payments are undesirably high and should
be restricted? In principle it does not seem possible to argue that gifts given voluntarily can be excessive in the eyes of the donor. Nor is the recipient likely to complain. Perhaps some people might argue that the general level of expectation in the community places too much pressure on the donor. While this may be true in the case of brideprices which occur relatively frequently, it is not likely to be so important in the much rarer circumstances of compensation for death.

This suggests to us that any legislation should direct itself most specifically to situations where demands are made for compensation and should not attempt to deal with all cases where compensation is paid or with all cases where compensation is considered to be too high. The legislation should take more specifically as its target the injured parties (e.g. Section 5 in the draft proposal) and not imply that a donor could be guilty of excessive compensation (e.g. Section 4). Furthermore it should not assume that in all cases the figure for compensation is determined by the recipient (see present Section 7).

We would like to conclude with two further points about the proposed legislation. First, is there any danger that by enacting national legislation of this kind, areas where previously there was no problem may come to display the symptoms the legislation attempts to tackle? Specifically, may it encourage groups like the Toaripi who had no such traditional customs to start thinking about demanding compensation and asking for the high sums nominated as maxima in the new laws?

More fundamentally we would like to question whether the draft proposal is really tackling the roots of the problem. The Toaripi case suggests to us that it is not the amounts of compensation that should be the fundamental concern of reformers, but the method of determining these amounts. While focussing on amounts of compensation (Sections 4 and 5), the proposal leaves intact the arrangement by which these amounts are determined (e.g. Section 7: “In arriving at a figure for compensation the recipient shall have regard to . . . .”). Is it not possible that the new legislation could take away the right of the recipient to determine the amount of compensation? It may be difficult in a very different social and cultural context to that of the Toaripi to give this responsibility entirely to the donor. However it may be possible to give it to a mediating party (e.g. Section 3 of present proposal) or a mediating party in consultation with at least the donor if not also the recipient. Unless a frontal attack is made on the method of determining compensation, we feel legislation about figures and who can contribute will largely miss the point.

Footnotes

1. This figure refers to censuses taken in the period from 1968 to 1970 and is given in Brown 1973:295.

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FOROGERE'S FATHERS: THE SOCIAL DYNAMICS OF A COMPENSATION CASE

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The issues and problems surrounding compensation in contemporary Papua New Guinea are born of mixed parentage. They belong wholly to neither the developing traditions of the rural areas nor to the equally adapting politico-economic system based in urban centres. It is rather at the resolution of these forces that compensation cases take their current form, replete with a new set of difficulties.

With compensation an increasingly present element in dispute management at many levels within the nation, it becomes important to untangle and clarify its complexities. One obvious line of investigation would involve the effect of the introduction of money and inflation. Whereas traditionally, compensation payments were made in livestock and articles of wealth which were locked within an ongoing system of intergroup exchange, the appearance of money and a capitalist marketplace have created a system where wealth can be extracted and put to other uses. A second line of investigation, and the one to be treated in this article, concerns the social alignments which coalesce around compensation cases and particularly the impact of local social structure on their form. Hopefully the importance of these factors will emerge in the course of this case study.

The present situation involves a grievance between a group of Kamano villages and the national government. The Kamano (Kafe) number about 47,000 and live in the Kainantu and Henganofi Sub-Provinces in the Eastern Highlands. Young men from this area migrate to Port Moresby for many reasons. Some few say that they come in order to find work or job-training so that they can earn money. Most, however, realize that unless you find a very good position or start your own business, all of your pay is likely to be consumed by simple necessities — rent, food, water, transportation, etc. For these men, the motivation comes from the allure of the city; the pasin bilong taun with its new foods, different kinds of people, and varied entertainments. From the rural end, they are pushed out of fear of the sorcery that has become endemic among the Kamano since intergroup warfare was repressed. As
potential fathers of a new generation within the village, they are prime targets for sorcerers, and for these reasons, most young men come to the city for a period of time before marrying and settling down at home. While there is a strong tendency to live with other Kamano, employment possibilities have led to a scattering of houses throughout Port Moresby. During the weekends, it is customary to gather together at various houses to eat, drink beer, play cards, and socialize.

On the 6th of January, 1979, five Kamano men were driving to this kind of gathering at Morata. They had already drunk some beer, and while passing a police barracks near Waigani, one of the men called out to a woman who was walking nearby with another man. This woman yelled back in anger, so the driver of the car backed up in order to apologize. Before this could happen, however, a group of policemen from the barracks allegedly came up to the car. The driver emerged and was allegedly punched. At this point, one of the other men in the car got out and ran to Morata to get help. The other four men in the car were allegedly beaten up with fists and boots. Some men claim that Forogere was asleep in the back of the car when the police pulled him out. At any rate, towards the end of the fight, they claim he was lifted up and dropped head-first onto the cement roadway. It was this fall that apparently caused his death.

Returning from Morata with another man, the fifth car occupant found his four friends lying unconscious on the road. He called a police car to help take them to the hospital, where later, Forogere died. At some point during this time the police are reported to have told them that “rascals” had beaten up their friends.

I would like to emphasize that at the time of writing, this case has not yet come to court. The description of this incident, as reported by Kamano living in Port Moresby (and including one eyewitness), must remain tentative until the courts are able to hear all the evidence available and to render a considered verdict. It is this version of Forogere’s death, however, that has been accepted by his family and friends and has informed their beliefs and reactions to the case.

The Kamano Social Matrix

In order to understand the social repercussions of Forogere’s death, it will be necessary first to briefly analyze certain aspects of contemporary Kamano social structure. While it would be expected that such a death would cause a definite social mobilization, it is only an analysis of this kind that will tell us which individuals and clans would take part.

The first attempts to explain Kamano social structure relied on notions of patrilineal descent and segmentary structure (Fortune 1947; Berndt 1954-5, 1962). At the lowest level, the nof (rope) was said to be composed of men who could trace their descent through fathers from a common male ancestor. The “small-name” which Berndt associates with the clan was said to be composed of “parallel lineages,” although being limited to a genealogical depth of four generations, few of these lineages could trace their links. The largest corporate grouping described in Kamano society was called the “big-name” or district with component clans inhabiting a common territory and acting as a unit in pig festivals and warfare. Although kin terms were sometimes used at the district level, its members rarely conceptualized themselves as sharing genealogical substance.

If this model of Kamano society was completely accurate, patrilineal kin would be centered within the clan. It is the men of this unit that we would expect to show the most vociferous reaction to the killing of one of their number. In fact, men publicly recognized as Forogere’s fathers and brothers came from at least five different naga (clans) in at least four different ra’naga (districts). As direct “paternal” kin, each of these men claimed a share of future compensation payments. The dispersal of these claimants, then, remains to be explained.

The problem illustrated by this example is really a more general one in the study of Highlands social structure. Although, in a limited way, many Highlands societies possessed ideologies similar to the original segmental model, the actual construction of groupings was found to be much more complex. Men not considered patrilineal kin were frequently found to be fully integrated into the local community on the basis of cooperation in affinal/material exchange, common residence, recruitment by big men, the displacements of warfare, and the need to redistribute arable land. After two or three generations, patrilineal kin terms were often applied to the descendants of these immigrants; leading many anthropologists to the notion that these kin terms are actually meant to refer to genealogical standards. In fact, these terms might well include within their reference a broader meaning that would cover their wider application without having to import the notion of ideological mystification included in the previous argument.

With regard to explaining the dispersal of men claiming paternal rights in Forogere’s compensation, the initial question thus becomes exactly what constitutes the paternal tie (nefa’) in Kamano culture. Inside of the naga, this link is acknowledged with the genealogical father (or genitor) and all the men of his generation. The tie with the genitor is explained in physical terms. He contributes hanori (semen) which mixes with his wife’s kora (blood) to form their offspring. Terminologically, the only way to distinguish the genitor from
other fathers is to specify with a modifying phrase; kesenente nefa'venemo or "the father who sired me." Genealogical ties may be traced with some of the other clan males of the genitor's generation in cases where the two share a father or grandfather. For the remainder, there being no traceable physical links, two reasons are given for applying the nefa' term. The first is that these men are the "fathers of the naga." The second reason offered is that the genitor and these men are nefunegana. This term can be loosely translated as "clan-brother" and can contrasted with kogana or "blood brothers" who share one father and one mother. Thus, both genitor and clan fathers are included in the term nefa'.

Overlapping with this set of fathers, however, is another based on an egocentric system of reciprocity. In this early work, Berndt (1962:xiii) noticed that, "even between close kin, every minor service must be reciprocated." This statement can be further extended to state that certain of these services can themselves create kin ties. With regard to the paternal link, such a father would be marked as kru' nefa'v nemo or "the father who takes and looks after me." Involved in this relationship are all the things given to and for children in the process of raising them. Day-to-day services so enumerated would include supplying food and a house, caring for the child during sickness, giving money, defending the child, and purchasing clothing, soap, towels, food, and other essentials. Contributions of pigs and/or money might be made by the kru' nefa' to the child's maternal uncles and aunts in various life-cycle payments. Particularly in relation to marriage, this type of father would be expected to contribute heavily to a bridewealth payment made for a son, and to the countergift sent with an out-marrying daughter.

At its most extreme, this "looking after" relationship involves an adoption where the child permanently resides with the kru' nefa' and contact with the genitor is minimized. Adoption is quite widespread in Kamano society and a whole range of reasons are invoked for its use. Following the death of a mother and/or father and in the case of divorce, it is likely that a clan-father or an aku (mother's brother) will adopt the children. Similarly, where a man has no surviving children or has only children of one sex, clan brothers will often give him a child to raise. In another context, children are adopted in order to help the adoptive parent with small manual tasks like fetching water or cutting firewood. Grandparents (tata), all of whose children are grown, will sometimes adopt a grandchild for this purpose. Alternatively, a younger brother may accompany a sister who is marrying far from home to help her in this regard. A further reason offered for adoption occurs where, by community standards, parents are not adequately caring for their child. In this case, another member of the clan will begin to look after the child on an informal basis.

While in its extreme form such processes can culminate in long-standing adoption, there are also less permanent gradations possible. A kru' nega' man will look after a child for a short period of time after which the child will return to the house of his genitor or yet another parent. Or, even more informally, children might sleep some nights with their genitor and in the house of their kru' nefa' according to their whim. Where the child is quite young and the adoption envisioned is long-standing, he may not be told that his kru' nefa' and kru' anta' (adoptive mother) are not his genealogical parents. At some stage, however, the child usually discovers the truth and may or may not change residence.

Intergroup conflict can be seen to emerge in this process when paternal and maternal relatives compete for the offspring. Since women always marry outside of the naga (clan) and in the majority of cases outside of the ra'naga (district), this competition reverberates with the old patterns of interdistrict warfare as well as the contemporary underground warfare of sorcery. When the child remains resident in his father's village, his relationship with aku is marked with lifelong, reciprocal gift giving. Despite the relative formality of this relationship, it tends to create a close tie and one that is frequently activated for adoption. This competition is especially evident where Kamano have taken up residence in towns far from home and married spouses from other parts of the country. Not infrequently in this situation, visiting kin will whisk the child back to the village to "look after" him, sometimes without the knowledge of the other spouse. The excuse that the child will not grow strong on the food of the towns merely serves in these cases to hide the strong desire that the child affiliate with the correct group.

For any one child, it is quite possible that several kru' nefa' relationships will emerge before he or she reaches the age to marry. Each of these kru' nefa', as well as the genitor, will expect to be compensated for the services rendered. When a daughter marries the genitor and all genealogical siblings are exempted from receiving payment; it is said that they should not eat their own blood. The kru' nefa' and any brothers who contribute to the dowry, however, will expect to receive part of the incoming bridewealth. Similarly, on the eve before the bride leaves her natal village, a tevenone ("house-fire") is held in which the men of the naga impress upon her the need to continually bring food back to the people who have looked after her. Daughters and sisters who have failed in this obligation are scolded and sometimes beaten as an example. For sons, repayment is generally a more extended process. One example of this would be the increasingly common practice of going to Port Moresby before marriage and working for wages. On returning home, kru' nefa' would be compensated from money brought for that purpose. In a slightly vaguer way, the son is expected to "look after" his fathers as they age; thus reversing the initial relationship. While, at some point, a son might want to switch his residence to a new hamlet, his filial obligations will prevent him going too far from his father. Children who fail to make adequate repayment can be sued in the village court.
It should be noted that usually, albeit not always, the adoptive relationship acts to transform an already existing kin tie. People who would already be referred to as clan-fathers, elder brothers, affines or mother’s brothers are placed in a new role with respect to the child. In terms of both address and reference, a choice must be made as to which relationship will be marked. A second dilemma arises between the kru’ nefa’ and the genitor in situations like a census in which the question, “Who is your father?” arises. Responses in these cases can be said to vary with different contexts. In cases where adoption is long-standing and more pervasive, it is this relationship that will take general precedence. Where blood is an issue, as in the aforementioned problems surrounding the distribution of bridewealth, reckoning will be made through the genitor. Finally, with regard to other distributions of wealth, both kinds of relationships will be brought to the foreground as bases for compensation.

This general description of the kru’ nefa’ relationship offers one line of explanation concerning the dispersal of patrilineal ties. Because the clan is the exogamous unit, and most marriages are contracted with clans in other districts, it is quite likely that both maternal and affinal relatives will reside in other areas. When, in turn, these relationships are transformed into kru’ nefa’, “fathers” are thereby created outside of the home-district.

Other mechanisms of paternal dispersal rely on the actual migration of the genitor and/or other clan-fathers. While there is a strong norm that men should remain with their paternal line and, by active gardening, help maintain their “root-land.” This existence can be temporary or permanent and motivated by a number of variables. If, for example, men constantly become ill in their paternal village, they may feel under attack by sorcerers and migrate to their wife’s village. Alternatively, dissatisfaction with land allotted by one’s father will predispose men to seek better land among affines. This latter pattern has become exacerbated by the increasing scarcity of good coffee-growing land. Another contemporary variant causing migration occurs when a wife’s father offers financial backing that his son-in-law was unable to acquire in his own line in order to begin a business. From the opposite perspective, a man’s migration to his wife’s clan is sometimes attributed to her desire to remain close to her parents and brothers; she is said to “pull” the man to her home. For men interested in acquiring status, their daughter’s husband helps to increase their line and can be expected to compensate the land which he offers.

The other force causing paternal migration was warfare. While pacification was effected among the southern Kamano in the mid 1940s, its social repercussions are still quite evident. It has perhaps been the error of anthropologists to attempt to apply static models onto Highlands societies, and then to view warfare as a disruptive element. In fact, Kamano society seems more to have been involved in a dynamic cycle of social breakdown and reconstruction according to the vicissitudes of interdistrict warfare. At one point in this cycle, several naga (“line”) would be gathered into a ra’ naga (“large line”) residing in one village or a few closely associated hamlets. The model which emerges from people’s descriptions of these settlements is one of center to periphery with the houses of individual in-marrying wives surrounding the men’s house. At the center of the man’s house, in turn, stood the anumutsa bahe-literally the “center-post man.” The anumutsa bahe achieved his status by his prowess in warfare and was said to “hold” the village together as the center-post “holds” the men’s house.

The very prominence of an anumutsa bahe, however, made him a special target for ambush and sorcerers, resulting in a very short reign. Either the leader’s death or an overwhelming defeat in battle could cause the fragmentation of the district into its component osi’ nofi (“small ropes”; patrilineages). Under the leadership of their ara bahe (“big men”) these patrilineages sought refuge with “brothers” or maternal kin in other districts. When it was determined to be safe, an anumutsa bahe would return to his land and begin the construction of new gardens and houses. There, he would “build his fire and send word to all the lines to come back and build the village.” The decisions of some lines to remain in their new-found refuge prevented this pattern from becoming a perfect oscillation, and created patrilineal enclaves in other districts. These then became an even more obvious location for future migration. The action of pacification on such a structure was to freeze it into a set configuration in which many lines remain far from their “root-land.” It is significant that even today many of the clans are named with reference to other districts where they once fled and now have patrilineal kin.

In the context of Forogere’s death, it was with reference to this system of social relationships that men asserted their paternity and their rights to compensation. Since this system is not solely based on genealogical ties, it does not lend itself to simple diagrams and equations. Instead, what emerges is a family history of births, adoptions, and migrations the full account of which coalesces around individual claims made during exchanges of wealth. It is in these situations that men demand to be repaid for their services to kin, and where their relationships can be judged by others for accuracy. The following account of Forogere’s family history, as it has been synthesized from individual claims, will serve to illustrate the complexities that are typical of Kamano kinship.

Kamano family histories can rarely be traced back past three or four generations. In this case, the earliest remembered ancestor is Forogere’s patrilineal great-grandfather who was affiliated with Ruganofi clan of Ruganofi
Forogere's paternal grandfather was this man's youngest child, and was about two years old when his father was killed in a battle with a neighboring village. Unlike his elder siblings who remained with clan fathers and brothers, Forogere's grandfather was taken by his mother when she remarried into Avinofi clan of Kafanofi district. Her new husband was technically his kru' nefa' although contemporary Avinofi men recount him as genealogical kin. There are two possible explanations for this discrepancy. The first of these is that due to the grandfather's youth, a genealogical fiction was possible that would ensure his loyalty to his adoptive father. The second possibility is that due to the absence of old men in this particular Avinofi patriline, the family history was reported incorrectly. The fact that in Kamano society only old men are deemed capable of telling family histories led some of my informants to discount the Avinofi testimony as that of a manki nating (i.e. just a boy).

Forogere's genitor was his grandfather's only male offspring. He was raised in Avinofi and later married two women; the first from Tabonabe district and the second from Yayampinka. During a period of heavy fighting, he fled Avinofi and lived for a time with the fathers of each of his wives. The affiliation with these two districts was solidified when he later joined the Lutheran Mission at nearby Onerunka. Forogere was born in Yayampinka, the home of his maternal grandfather and the adopted residence of his father. His genealogical brothers presently reside in both Yayampinka and Tabonabe.

Although Forogere spent the bulk of his childhood in Yayampinka, one of his genitor's aku (mother's brothers), took him for a short period of time to reside in Vanumenofi clan in Kafanofi district. Previously this man would have called Forogere tata or grandchild, but by taking and looking after him, a kru' nefa' relationship was established. To young Vanumenofi men, Forogere is thus a nefunegana; a clan brother.

A final shift in social affiliation occurred when it came time to amass bride-wealth for Forogere. Earlier, his genitor had contributed a great deal to "buy" his son a wife, but she had subsequently returned to her father's village. When he was again approached to supply pigs and money for a new bride, he told Forogere he had given all he had and sent him to one of his sons still residing in Ruganofi clan (in this case, Forogere's father's father's brother's son). This man offered to contribute the bulk of the new bride-wealth if Forogere would move back to Ruganofi and reclaim his "root-land." In this way a kru' nefa' relationship was established with a man whom Forogere previously called nempu' nemo or "elder brother." During the subsequent negotiations with the government, this man was referred to as Forogere's liklik papa, a pidgin term usually reserved for one's father's brothers. In this context, its use instead reflected the primacy of the kru' nefa' relationship over the actual genealogical tie involved.

Combining this family history and the system of social relationships that gives it meaning, the dispersal of fathers and brothers claiming compensation from Forogere's death can now be summarized and explained. It is possible, however, that future claims emerging in the course of this case could modify and make additions to this list:

1) Ruganofi district – Ruganofi clan: a) traced genealogically, Forogere's patrilineal group of origin, b) presence of "root-land", c) presence of kru' nefa' who bought Forogere's second wife, d) residence at time of death.

2) Kafanofi district - Avinofi clan: a) presence of kru' nefa' who raised Forogere's paternal grandfather, b) pre-marital residence of Forogere's genealogical father.

3) Tabonabe district: a) presence of Forogere's genealogical brothers.

4) Kafanofi district - Vanumanofi clan: a) presence of kru' nefa' who helped raise Forogere during childhood.

5) Yayampinka district: a) genitor's residence, b) Forogere's birthplace and childhood residence, c) presence of genealogical brothers, d) presence of genitor who bought Forogere's first wife.

Compensation Claims and Social Alignments

While there is a certain solidarity at the district level in Kamano society, any group outside of the clan is potentially hostile. In the present case, these enmities were reinforced by the feeling that competition would arise in the division of compensation money, and surfaced first at Forogere's funeral in Ruganofi.

Kamano funerals are one of the few situations in which feelings of extreme grief and anger are publicly exhibited. A night is usually set aside, during which family and friends gather in a specially built enclosure to mourn. In general this mourning is social rather than individual, with groups of people singing laments, each line of which is punctuated by weeping. Most people cover themselves with mud, and some bear food ripped out of the ground as symbols of their sadness. Stronger reactions by individuals can take several forms. In the old days, a man or woman who was particularly moved might slice a digit off a finger or cut their ear lobe. Today, these people will throw themselves onto the coffin, or sometimes in the case of women, become possessed by the spirit of the dead person.

Intertwined with these feelings of grief is often a great deal of anger. Accusations center on finding someone at fault for the death; usually for failing to adequately look after the deceased. Thus, in the case of an old person's...
death, their children will be chided for failing to reciprocate the care given to them when young. Since a person's mourners almost always represent more than one district, this accusation is frequently leveled at the district or clan of most current residence. With very few exceptions, all deaths in southern Kamano are attributed to sorcery and this gives added emphasis to a charge of failing to look after a relative. Physical clashes resulting from these accusations are not uncommon, although they are usually restrained by onlookers.

Forogere's body was brought back to Ruganofi on 14 January by five clan-brothers and his Ruganofi kru' nefa' who had been visiting his son at the time of his death. Immediately after the casket had been placed in its decorated enclosure and the keening had begun, a fight broke out between men who had come from Yayampinka and the Ruganofi line. The substance of this fight was an accusation by one of Forogere’s genealogical brothers that this kru’ nefa’ had not adequately looked after his brother. He pointed out that Forogere had been fine while residing in Yayampinka, but because his Ruganofi kru’ nefa’ allowed him to go to Port Moresby, a “bad place”, he was directly responsible for his death. The ensuing fistfights were limited in number and duration and were quickly quelled by other mourners.

On the eve of Forogere’s funeral and again on the following afternoon, meetings were held to discuss an appropriate response by village people. Men and women from all the clans directly implicated as well as from districts neighboring Ruganofi were present. The men who had accompanied the body reported that they and other Kamano living in Moresby had initiated a court action against the police, but felt that some added impetus was necessary from the villages in order to put pressure on the government to speed up the legal process. A public demonstration in Kainantu was suggested as a way in which local people could make their feelings known to central authorities.

Leaders were selected at these meetings both on their abilities as spokesmen and in order to get a wide representation of groups. The chairman was a genealogical brother of Forogere who, through his training as a teacher, knows both Tok Pisin and English. When not teaching, he resides at Yayampinka. A second leader was an entrepreneur from Ruganofi who is one of the influential men in the Port Moresby Kamano community, and who is known for his ability to talk strongly. Also chosen were clan-brothers from Ruganofi and Avionfi clans. The Local Government Councillor spoke prominently at the meeting, but was not selected as a leader because of his ties to the government.

In some ways the demonstration was extremely well-planned. A list of several English slogans were distributed by the chairman for use on picket signs, and the Kaunsil managed to quell a suggestion that bows and bushknives be carried for protection. The discussion about the K30,000 compensation figure raised by the urban Kamano, however, remained vague and baffling. Time was taken to figure out the exact amount spent on bringing the body back to the village, and the cost of food for the mourners, etc., but without regard for this sum, the compensation figure was abruptly raised to K40,700. Later, leaders could not explain the reasoning behind this rise and there was even confusion among some as to the exact amount decided upon. The lack of experience in dealing with large numbers probably contributed somewhat to this confusion.

Demonstrators began the seventeen mile hike into Kainantu at dawn on 18 January. Most of the 220 people who came were from the clans discussed above that had direct paternal ties with Forogere. Once everyone had massed on the outskirts of town, the spokesmen linked arms and led the march down the main street. A banner and several picket signs had been prepared and marchers appealed to onlookers to join their protest. In these appeals, demonstrators asserted that the police had murdered yumi, here using the first person plural form in Tok Pisin that includes both speakers and hearers. Marchers also asserted solidarity with other Kainantu area groups by posing the police against the “men of the villages”. In anticipation of this demonstration, armed riot squads had been brought in from Goroka and Mt. Hagen and their presence along the line of march served to inflame the demonstrators. These police were directly accused of having killed Forogere, and some marchers had to be actively restrained by others from attacking them. Marching across the airfield, the demonstrators rallied in front of the police station where, once again, the situation grew quite tense in the presence of a large number of armed police. After a good deal of yelling, the demonstration spokesmen helped to quiet things down and massed the people in an area where the District Coordinator and some police officials had gathered to hear their demands. The ensuing rally lasted for approximately two hours.

Throughout the preparatory meetings, demonstration and rally, the outrage of the villagers coalesced around a few central points. The first and most important of these points was the relative lack of provocation in the attack and the dehumanizing manner in which the police treated Forogere’s body. At the outset of the rally, Forogere’s most recent kru’ nefa’ voiced these concerns in an emotional tirade against the police:

Don’t tell me about the government. The government is the central government. But you make the laws. Do you believe in your own laws? Do you know that they shot me in this country of yours? ... You murdered me for no reason and then threw me away as if I was nothing. Am I your coffee?
Perhaps now you'd like to shoot me – go ahead, shoot me!
Now I'd like to clear up all the talk about compensation for my son whom you shot. Do you understand?

Time and again this theme of dehumanization emerged in people's speeches. The police were continually asked if they thought the villagers were dogs, pigs, or rubbish that they could dispose of at their will, and then leave lying on the roadway.

An extension of this point concerned the lack of care shown by the police in preventing bodily decay during the one week before they released Forogere's remains to be brought back to the village. Next to the actual killing, this issue probably generated the most anger as it directly contravened basic feelings held by contemporary Kainantu about death. In normal circumstances, a death is followed by a four or five day period in which the body is hidden in a house and only the closest relatives are admitted to mourn. Divinations to locate the guilty sorcerer are held at this time and relatives are summoned from distant towns. Before the body decays too much, it is placed in a coffin and brought into the open, and a date for public mourning is set. This concern is continued at the actual burial where elaborate precautions are taken to prevent rapid decay in the ground. Painstaking care is taken in building a wooden enclosure in the grave and this is decorated with another layer of newly-acquired cloth. Green plants are often rooted at the grave site to prevent the ground from settling quickly. In this regard, people were furious at the police for not releasing the body earlier or keeping it adequately frozen and thus preventing them from carrying out what is considered a proper burial. The fact that close relatives did not have the chance to see Forogere again was deeply resented.

A second focus of people's anger can be described by their picket-sign slogan, “Lawmakers are the worst lawbreakers”. This sentiment takes on a special meaning when it is remembered that warfare was endemic in this area only a generation ago and that the introduction of Western-style law was correspondingly recent. Politicians and police are constantly exhorting the people to remain peaceful and to use the courts to settle differences. It was this lesson, then, that speakers were returning sarcastically to their supposed moral examples. One of the spokesmen gave an added twist to this message by comparing the relative peacefulness of the Kainantu area to other areas of the Highlands where “tribal fighting” has once again become a major problem:

You men who maintain the law: you are always telling the people that they must respect this law, that they must remain peacefully in the village and go on with their work. Men have remained peaceful in this Province and in this Sub-Province, and there have been neither large nor small fights. You can see that all these people have come here peaceably. Do you police go to other areas like Simbu and do things like this? Do those people listen to you and remain peaceful?

Also associated with this feeling of police hypocrisy was the fact that initially they had accused "rascals" of carrying out the beating. This was seen as a blatant lie that only reiterated the guilt of the police.

The final focus of popular anger concerned the dispute over whether the guilty policemen had been on or off-duty at the time of the killing. This question came to assume a great deal of importance with government officials wishing to disclaim liability if the police were "out of uniform". For village people, this dispute was considered a technicality for several reasons. First of all, according to eyewitnesses, there was a uniformed officer present who was trying to stop the fight. Despite his intentions, he was felt to constitute a police presence. More importantly, it was pointed out that the attackers had emerged from a police barracks and that this rendered the presence of uniforms irrelevant. Where policemen act as a group on police property, the question of being actively on duty did not seem very important. As a spokesman explained:

You know your house has your name on it. Your gate has your name on it. The police's gate; the police's house.

At a more general level, villagers think of policemen as a "saint" similar to their own patrilines and clans. Their social identity as a clansman or a district-member is diffuse and binding, and does not end even when they leave the village and move to towns or other areas. The concept that policemen are policemen only during the working day does not make sense from this perspective. When police killed a clan-brother, this was again viewed through the cultural prism as the actions of an enemy clan. Rumors at this time claimed that if satisfaction was not received from the courts, vengeance would be taken on the police only as much as would have been done before pacification. Again, one of the slogans authorized for picket-signs was, "Pay the K40, 700 or else we'll be enemies". It perhaps this reasoning that led to the stoning of a police car on the evening before the demonstration.

Since fighting, sorcery, and other activities associated with vengeance are seen as "hot", the government and police were asked to "cool us down" by meeting the demands made by village spokesmen. These were quite
straightforwardly that 1) all of the policemen responsible for the beating be dismissed from the police force, jailed, forbidden future government employment, and finally sent back to their villages, and 2) the police pay K40,700 compensation, and cover the expenses of transporting the body and of the funeral.

The social dynamics that emerged at the rally illuminated the current goals and alignment of politicians at various levels of the national framework. The Kaunsils (Local Government Councillors) most directly associated themselves with the dissatisfaction and demands of the villagers. They emphasized their role in maintaining order in the Sub-Province, and contrasted themselves with the police who destroyed this order when they killed men for no reason. One Kamano Kaunsil spoke of the creation of the Village Courts as a service to the police which was not being reciprocated:

We created the Village Courts to help you, but you don’t think about returning the help. You want to be above us and create more problems for village people. The village people elected us to the Kaunsil so we could straighten out any problems that arise. We brought the Village Courts to the villages in order to help you. You live in town; in an easy place. While you eat and live well, we have to deal with whatever problems arise in the village. But you won’t accept the aid we give you. You think it’s rubbish…garbage…nothing. Now you make even more problems for us.

While the people cheered the Kaunsil’s speeches, a certain amount of ambivalence was also obvious in this relationship. From the villagers this was evidenced in their refusal to allow a Kaunsil — a government representative — to act as a spokesman at the rally. The Kaunsil from Forogere’s area, in turn, expressed his deep shame at being associated with the government in a context where his feelings clearly coincided more with those of his constituents.

The stance taken by the District Coordinator and the police officials present at the rally was determined and limited by their middle-level position in the national bureaucracy. After explaining the people’s constitutional rights to express their grievances and the legal mechanisms available to them, the Provincial Commissioner told them that he would write down what they said and forward it to Port Moresby, but that it might take some time to get a response. The central concern in his comments was to keep the gathering peaceful and to prevent trouble while the issue proceeded through channels. Both he and the police added that they did not know exactly what had happened, and at any rate, were not the “big men” who could make decisions on the demands presented.

The villagers responded to this stance by demanding that the Provincial Commissioner call Moresby immediately and obviously did not see the need for delay. The lengthy legal mechanisms that had been suggested were clearly incongruent with the rage they felt. Their discomfort with “proper channels” was enhanced by the geographical and conceptual gap between the village and the centers of power, and the failure of their more distant representatives to understand their feelings on the issues involved. Indeed, without the presence of popular advocates, it is difficult to see whether the immediacy of their feelings of injustice would be communicated or lost in poorly understood proceedings. Because of these doubts, the request of both the Provincial Commissioner and provincial representatives to “let us handle this” met with mistrust. Of course, the unspoken but obviously present possibility of a violent popular response acted to hasten the government’s reply.

Also present at the rally were the Premier and Deputy Premier of the Eastern Highlands Provincial Government. With elections scarcely a month old, one of the main concerns of these men was to introduce themselves and establish credibility with their constituents. The Premier attempted to explain the two possible “roads” for obtaining compensation depending on whether the police involved were on or off-duty. Unfortunately, due to the nature of the reports he had received, he indicated clearly that he thought the latter was the case and that the policemen would have to be sued as individuals. This precipitated a great deal of anger for reasons already explained and the Premier was shouted down by several men. The ensuing argument centred around the provincial representatives asserting the extent of their power and their resentment of the villagers’ response to their offer of help. It is perhaps significant in this regard that throughout these discussions the Kaunsils stood with the massed villagers while provincial representatives stayed next to the Provincial Commissioner and police spokesmen. The Premier insisted that power to settle this dispute lay in Goroka and not in the District Office, and the meeting ended with one man apologizing that he did not know that the Premier wanted to represent and help them.

**Government Negotiations and Popular Frustration**

The government’s response came two weeks after the demonstration. Having sent a truck out to Ruganofi, the Provincial Commissioner gathered a handful of people in his Kainantu office to discuss this proposal.
Essentially, the government offered to send K4500 as compensation, leaving the larger amount demanded up to the discretion of the courts. In return, the people had to pledge that they would not complain publicly or cause trouble during the interim. With this understanding, an acceptance form was signed. Selected to attend this meeting were Forogere's Ruganofi kru' nefa; his wife, the demonstration spokesman from Ruganofi, and the area's Kaunsil. Although he was not Forogere's genitor, this particular kru' nefa' had been chosen because he had signed the legal complaint and was the most vocal of Forogere's fathers in this context.

The popular reaction to this agreement was overwhelmingly negative. Dissatisfaction centred on both the amount offered and the method by which a few people's acquiescence had been obtained. K4500, it was said, was the amount paid for a pig and not for a murdered brother. This payment was seen as gris mani or a bribe rather than proper compensation. Villagers also objected that a general meeting was not held to discuss the terms. By removing a few people to the office of a European administrator, the government was accused of "sneaking around the back," instead of dealing directly with all the people in an open forum. In addition, expect for the Kaunsil, all of the people consulted were from Ruganofi, and this caused resentment among claimants from other areas.

Negotiations on the case continued on 2nd March, at which time villagers were told that two Port Moresby City Councillors would come to help them pursue their compensation claims. As villagers gathered for the meeting, the local Kaunsil told them that they should not be afraid to speak their minds, but that once a decision had been reached, it could not be changed later. A great deal of the subsequent discussion dealt with what could be done with the compensation money. The Kaunsil suggested that the money could be used to begin businesses in the Area Community. Throughout the Kainantu region, the Area Community system is suffering from important problems, and some speakers saw the compensation as a possible answer to some of these difficulties. Some men noted that many of the area judges and peace-officers had not come to the gathering and thought that some of the money should be used to rebuild the Assistant Commissioner's headquarters and to select new and more responsive leaders.

Interdistrict competition also re-emerged during the discussion. Men from Ruganofi insisted that their claims were the most justified and denied the right of Yayampinka men to deal with the Councillors. In fact, no Yayampinka villagers had come, and when the Councillors were late in arriving, a car was sent to make sure that they had not blocked off the road and detained the negotiators. It was finally agreed that competition between clans should not be brought up once the Councillors arrived.

The main concern of the Councillors was to create consensus between the urban and rural Kamano about the amount of compensation so that they could present a united front during the legal proceedings. Cr. Thomas Nekints came as a representative of Morata where the largest number of Moresby Kamano reside. With him was Cr. John Kosi, a prominent labor leader, who has taken a special interest in compensation cases. Cr. Kosi explained their motivations to the gathered villagers:

We are not big men in Moresby. We're not in the Parliament. We're only on the City Council. We are like you. But when police kill us for no reason — a Kainantu man or any other — then we must stand up and fight back. If we don't, they'll come and do the same in all our areas. We've come to help you.

The actual discussion about the amount of compensation was quite straightforward. Cr. Kosi reviewed developments on the case and said that in situations like this the law specified K30,000 as proper payment. He added that if the people insisted on the rural demand of K40,700, it might be viewed as excessive and negatively affect the outcome of the case. The Kaunsil responded saying:

We were happy when the government said they would compensate us. Then they offered K3000 or K5000 and we were angry. This is the pay for a pig — not a man. He was not a pig. Now you are saying K30,000. That is sufficient.

There was no dissension about this and consensus was reached with a hand-vote. The meeting ended with village officials threatening to vote their national representatives out of office if they were not fairly treated. As one Village Magistrate put it:

The men in the House of Assembly are our representatives. They stand up for us. Now they give us this kind of deal? It's no good. If the parents and children don't see a large amount of money, they won't be happy. If they establish a law, they must respect it. We get the compensation, our feelings will be "cold" - it will be alright. There won't be more talk.

A short time after this meeting, the government forwarded its K4500 compensation to the District Office in Kainantu. Forogere's genealogical brother from Yayampinka was the only claimant summoned and the entire payment was made over to him. This money was eventually divided with
half being given to Forogere's wife and children, and half shared by his genealogical brother and genitor. At the time of writing, the Port Moresby court case has been adjourned twice by the police and the chances of an early settlement appear dim. The dominant mood among Forogere's other fathers and brothers is one of bitterness and frustration.

The social dynamics of this case resolve themselves into two separate problems. The first of these involves the complexities of Kamano social structure and the dispersal of patrilineal claimants among several clans. The government acted on this system by negotiating haphazardly with men from certain areas and without discussion in an open meeting. What compensation did appear was channeled only to genealogical relatives. The result of these actions was to undercut men whose claims were of equal cultural validity, thereby reinforcing old interdistrict rivalries. At a time when these rivalries seriously hamper rural development, this result can only be deplored.

The second problem concerns the conceptual distance between the village and provincial or national power centres. In this sense, the rural Kamano were quite lucky that Councillors Kosi and Nekints took a personal interest in their plight. By communicating developments in the case and organizing popular consensus, they have decreased the feelings of alienation that are bound to emerge at the contact point between old social forms and new legal procedures. A formal system of advocacy in situations like this could potentially enable direct village input into legal cases, prevent misunderstandings, and create group unity rather than reinforcing old enmities.

While at first glance, the issues emerging from this case might appear to be overly specific, it is important not to dismiss them as an isolated occurrence. A recent increase in "tribal fighting" in many areas of the Highlands has caused police to intervene, often violently, in the rural areas. Accusations of police brutality are growing more common, and the recent declaration of a State-of-Emergency with its extension of police powers sets a dangerous precedent in this regard. If popular dissatisfaction and counter-violence are to be avoided, it is up to the government to control the activities of the police and to set up mechanisms for speedy and fair compensation when those controls fail.

Footnotes

1. Financial support for this research was provided by a Doctoral Dissertation Grant from the National Science Foundation and a Grant-in-Aid from the Wenner-Gren Foundation for Anthropological Research. Their generosity was greatly appreciated.
Despite the large corpus of anthropological literature devoted to disputes and their settlement in Papua New Guinea, the subject of compensation has remained relatively neglected. There is a conspicuous absence of any comparative framework with which to analyse cross-culturally the variations and similarities in indemnity systems. The marked gap between the imposed and indigenous concepts of compensation and liability, which has engendered both conflict and dissatisfaction, renders the need for detailed qualitative and quantitative data more urgent. A thorough understanding of the indigenous notions and expectations concerning "compensation" is a prerequisite to any contemplated legislation which seeks to avoid the dangers inherent in an imposed order alienated from traditional norms. The present paper concentrates on the functions which compensation fulfils in the Huli forensic system with particular regard to the following central questions:

1. How do the concepts and taxonomy of compensation relate to notions of responsibility to contribute to, or receive payments?

2. What proportion of disputes settled involve indemnity as opposed to some other settlement form, and between which parties is compensation most likely and most effective?

3. What kinds of difficulties arise in the arrangement and execution of payments, and in which specific areas would legislation prove beneficial to the restoration and maintenance of peace?

In order to comprehend what kind of transaction compensation represents to the Huli and why it is considered necessary, I think it is important to examine the terms and idiom used when conducting "compensation talk". I have argued elsewhere (Goldman 1979) that there is an indigenously perceived structural homology between the pathology and treatment of sickness and speech. In their "talk about talk" the Huli employ the following idioms to express the manner in which talk can affect another person. Bi bara – the “talk hits/strikes/kills”; bi para – “the talk sticks/adheres”; bi habane pele – “the talk pokes the heart”; bi kodo – “the talk pricks/penetrates”; bi timu ale ho wiabo – “the talk stays like an arrow”. In each of the above phrases the term tandaga (pain) can be substituted for bi (talk). The expressions describe talk as a form of physical action and make important statements about the range of shared meanings between the domain of talk and the domain of sickness. Illness is a source of metaphor used to express fundamental truths about the nature of talk. This observation is also applicable to the sphere of compensation where reference terms and vocabulary are replete with idioms pertaining to illness and sickness. The term for indemnity in Huli is abi which may be a derivative of dabi meaning “to get well, to

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<th>Table 1</th>
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<tr>
<td>NOGO MAGU (pig + sickness)</td>
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<td>NOGO GIMA (pig + hand)</td>
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<tr>
<td>NOGO NIG/KAGA (pig + medicinal leaf used to rub on the part of the body where there is pain)</td>
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<tr>
<td>NOGOTAUWA (pig + testicle (tau) + placed (wa))</td>
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<tr>
<td>NOGO DAMBA (pig + to close in or cover over)</td>
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<tr>
<td>NOGO DAUBWA (pig + five (dau) + do)</td>
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<td>NOGO PALIPALO (pig + sleep (palo))</td>
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Abi is most usually compounded in the format of modifier + abi, in which the former term denotes the kind of normative breach for which compensation is being paid. For example, taga abi – “payment for inducing shame”; mege abi – “compensation for insult”; agali abi – “man payment (i.e. murder indemnity)”; timu abi – “compensation for arrow wounds”.

A secondary mode of reference to the indemnity issue under discussion makes use of set a of terms which apply to the pigs involved in the transactions. These are set out in Table 1 which also includes other types of payment commonly associated with compensation. The expressions are shorthand formulations embodying a cluster of significant attributes. They refer by implication to norms stipulating who should give and receive pigs; they describe the issue for which payment is made and they express indigenous ideas as to what function abi performs. These remarks would seem to be valid for the Duna in respect of Nogo Gima, Nogo Nigi/Kaga and Nogo Damba. C. Modjeska has remarked that, “whenever an ally kills an enemy or an enemy ally, the killer’s ‘hand’ is ‘backed’ (cf. Table 1 Nogo Gima), for each injury sustained by an ally the weite (war initiator) must kill pigs as kaka (cf. Table 1 Nogo Kaga) . . . . each death of an ally must finally be reciprocated by damba” (1977:266).

The payments function both to placate dangerous spirits and, more significantly, as a type of “obligatory medicine” to heal sickness in the form of real injuries or stages of anger and shame. This is implicit in the term Nogo Nigi where pigs are metaphorically equated with “healing leaves”; non-payment of these pigs is held to inhibit recovery and eventually lead to death. Talk about compensation, and indeed the very repertoire of terms themselves, uses the metaphoric code of illness to express the necessity and function of indemnity payments. This applies not only to cases of war and injury compensation, but to disputes involving insult. The following extract from a longer taped dispute illustrates many of the above observations and introduces the concept of “responsibility”.

Date: May 1977
Location: Ialuba, Koroba Sub-Province: Southern Highlands. Speakers: Egeria (complainant), Walumbu (defendant), Hega and Kabo (members of the same clan as Egeria). Aetiology: Dispute arising from insult when the defendant, accompanied by some other females, laughed behind the back of her brother Egeria.

Hega: You have spread the talk on the road and that is why Egeria became angry and hit you. Are you going to give him shame compensation (taga abi)?

Walumbu: If he asks for the money I will give it to him, he will say if he wants it. The other women were behind me and if he asks we will give.

Kabo: Hega has told us she source (tene) here. When somebody makes a joke and you laugh like a frog, as has happened, then you are the initiator (tene) of the talk. The ones behind you laughed at what you were saying. The sister wanted to make a joke and they laughed. From that he got shame (taga) and for his anger you are going to pay so we will have a talk.

Walumbu: I was going there and I was going to make a small joke but the others they came behind me and laughed.

Egeria: When all the women that were behind come, then we will have a talk about the laughter and how I got sore (dere) from the talk.

Kabo: This is what you have said. The source (tene) is the sister. She laughed and you were on the shame (tagani), came back and hit your sister. Can you throw it away? Nothing has happened, are we talking like this? If you want compensation then do we collect from your sister or all the ones that laughed here?

Egeria: We shouldn't steal the things of other people. For insults we used to carry (Le, take compensation) and I am going to carry to rub on the sore (wali agali naga page hanabe nawi i megeni mo hanabe layago i dere biadgo domole naga mo hanarogoni).

Walumbu: They were laughing and I was going straight home. They laughed and that is the reason we are having this talk. All the talk is on the side of the man now. The source is being covered by you.

Hega: Which is the source (tene) we are covering? The source we have already talked on. Was it another woman who spoke then?
A recapitulation of the themes of the text may be helpful here. Lines 1-3 refer to the essential facts of the case and make explicit the reason for compensation. Lines 4-6 express the Huli concept that obligation to pay indemnity is dependent on the complainant's request for it. The defendant here subtly implicates the other women as equally responsible for the insult. Lines 7-13 represent an attempt by the speaker to locate the 'causal source' of the trouble and by this means to establish liability for compensation. The norm which states that shame and insult in breaches requiring indemnification is reinforced by Kabo. Lines 14-15 reveal the attempt by the defendant to renounce culpability in the matter by pointing to the other women as the true 'source' of the insult. Lines 16-18 contain explicit use of the metaphoric code of illness. Lines 19-24 return to the problem of establishing liability. Here the norm is not in question, but rather the precise interpretation and application. Lines 25-29 reiterate the intention of the complainant to collect compensation and include a justification by way of emphasizing the metaphoric aspects of his injury. Lines 30-33 constitute once again an attempt by the defendant to shift blame and thereby avoid compensation. She makes the stereotype counteraccusation that the talk is biased in favour of her brother, and that the 'source' of the trouble is not being revealed.

The text illuminates the manner in which the Huli attempt to establish responsibility for compensation by reference to the concept of 'source' (tene). This is always conceived to be something hidden and deep which has to be "dug out" (goda) or "made to come out" (ma pani). The term tene literally means "base of a tree or plant" and in the context of disputes would seem to function in a similar manner to the Duna term te (Modjeska 1977:267) and Melpa puki (Strathern 1972:20). Each war has two sources or initiators (wa tene), and each dispute two "roots" (bi tene). Indeed, M. Strathern has argued that in the dispute settlement process the Melpa term puki "is more than a statement of fact; it connected events in a manner which suggested their explanation. In the judicial context it could be glossed as truth" (1972:20). These remarks are valid for the Huli concept of tene which functions in three related ways: 1. It serves to locate an argument or event within the causal chain of actions that resulted in the dispute; 2. it defines and delimits areas of responsibility for indemnity by focusing on and establishing the original parties involved in the conflict; 3. it initiates the phase of "settlement" in any conflict by performing the above roles. Examination and analysis of a range of disputes suggests that there is an indigenous model which is used as an ideal type in the process of dispute settlement:

**tene tai bira/tene goda handama** (search for the source/dig up the source) → **bi tale bulyabu lole** (to share the talk) → **manani daba bulu** (to choose on the mana i.e. customary norms)

However, the initial phase is sometimes fraught with problems and the dispute cited above reveals how attempts are made to point to some antecedent event as the "true source" of the conflict in an attempt to deny culpability and responsibility for compensation. R. Glasse (1968) has argued elsewhere that this is a characteristic defence in disputes about war, and it is not my intention in this paper to traverse ground covered by him. An inability to identify the "true source man" is not always a stumbling block to negotiations. The extension of responsibilities to the sub-clan and ultimately to the clan ensures that there is no lack of persons to whom liability can be attached. Similarly, the accumulation of claims and counter-claims, characteristic of most disputes over war injuries, can often be dealt with in the context of one compensation transaction. It is an important function of compensation in Huli that a multiplicity of issues are subsumed in occasions of indemnity which prevent these issues from re-emerging at some later date. Equally important is the point that counter-claims are a mechanism whereby people are able to "save face" in dispute negotiations. It is crucial that legislation does not attempt to interfere with these fundamental axioms of the indigenous forensic process. The complexity of claims in any one conflict should not be seen as detracting from the possibility of settlement for the reasons mentioned above. Indeed it is this very attempt to isolate and deal separately with issues that causes dissatisfaction with local and district courts in the Koroba area. Very often only the superficial aspects of a case are dealt with leaving the 'source' – the events preceded fighting – untouched and cause for unrest. I shall argue in the next section of the paper that the indigenous system should be left intact and legislation aimed at certain aspects of the compensation transactions rather than the imposition of some new settlement process.

A second axiom of these compensation systems is that the transactions can never be isolated and abstracted from the complex web of social relationships. Very often the payments are included in some wider enduring framework of exchange as in the Melpa moka system. Even where these lasting exchange relationships are absent as in the Huli, clan responsibilities to contribute and other debt systems are important to indemnity transactions. Proposed legislation which attempts to define under the rubric of "stranger", who can receive and who can contribute, would have serious consequences for the structure of relationships in these Highlands communities. To define and legislate arbitrarily for a "set of persons who are directly involved" can violate basic norms and practices constituting social behaviour. It is instructive at this juncture to take the example of Nogo Tauwa mentioned in Table 1. It would seem according to western legal definitions that the parties "directly involved" are the defendant and her parents. However, the rights infringed are not those of the parents but of those who normally receive certain portions of the girl's bride-price. The Tauwa compensation pigs that are handed over are given to the class of kin called aba to be killed and eaten.
The father and his immediate agnatic relations are prohibited under sanction of supernatural death from touching the pigs. Diagram 1 sets out the relationships which are important in this compensation issue.

Diagram 1

Ego's immediate kin are prohibited from partaking of the compensation, while the aba are obligated to kill and eat the pigs though they may appear not to be "directly involved" in the dispute. This point reiterates my earlier statement that the terms listed in Table 1 can be thought of as shorthand norm formulations about who can receive and who can give indemnity. Each term might be further explored to reveal a similar set of probative, obligatory and permissive rules.

Having set out the basic system of compensation and some of the key concepts about what indemnity is and why it is paid, the question remains as to what areas would benefit from some kind of legislation. In order to deal with this in any adequate manner, I feel it is important to present some of the quantitative data gathered during my fieldwork in the Koroba Sub-Province of the Southern Highlands. These are given in Tables 2, 3 and 4. They provide the necessary insights into what part compensation plays in the various kinds of resolution, between whom and over what issues it occurs, and in which circumstances compensation is most likely to be paid. Focusing on Table 2, it is evident that 32% of the total number of claims active during the 18 months I was in Huli relate to issues preceding this period, and that 87% of these had in fact been debated two or more times. It is not simply that there is always a residue of unsettled matters, but also that the settlement of a dispute is rarely reached in one sitting, and may be discussed over a period of several months or even years. However, and despite the fact that there were many issues which were outstanding of which I was unable to collect data, the total number still pending from the disputes I witnessed was only 16% of the total. A second

### Table 2

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<td>1 (1:2)</td>
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**KEY TO SYMBOLS**

- **P**: Claim is still pending
- **R**: Claim is renounced
- **C**: Compensation occurred
- **O**: Other form of settlement
- **Pr**: Dispute aired in privacy
- **Pb**: Public hearing of case
- **A**: Agnate
- **NAC**: Non-agnatic cognate
- **NR**: Non-related member of clan parish
- **UD**: Unidentified culprit
- **In. Clan**: Inter-clan
- **(X:X)**: Represents the total number of cases followed by the total number of times the same dispute was aired.
It should be clearly understood that “compensation” is one among many forms of dispute resolution. Table 3 reveals that indemnity occurred in only 30% of all claims, while the renouncement of rights constituted 47%. When an analysis is made of the reasons why any claim is given up, the figures show that only 22% of the total of renounced claims were subsumed in compensation issues while 66% were simply not pursued on the basis of their insignificance and unimportance. The point that can be simply stated is that compensation constitutes a very small proportion of the total number of resolutions in Huli society. What we need to know in more detail is the composition and characteristics of those disputes pending and the nature of the 30% of disputes that were compensated.

Without wishing to become embroiled in attempts to define ‘effectiveness’, the above figures suggest that we need not be concerned with any total alteration of the settlement system itself. Analysis of the 16% of “pending” claims reveals that in 18% of these the accused party withdrew, 44% were issues which it was agreed to discuss later when the appropriate evidence and parties were available, and that only 33% were problems created by the presence of counter-claims. More significantly, in over half of the cases comprising the above figure of 33%, the exchange had been agreed but the actual transaction met with difficulties. I have mentioned earlier that in Huli there is no enduring framework of exchange relations such as the Melpa moka. There is no pressure to match the number of pigs in a compensation payment to some previous exchange transaction. Indeed Modjeska has remarked for the Duna, “one simply ‘gives damba’ or ‘marries a woman with pigs’. One does not enter into a consciously defined exchange of precisely defined values” (1977:276). These remarks are valid for the Huli where the aspect of number, and indeed location or timing of compensation is very rarely a problem. There is no principle of equivalence of injuries or matching of total pigs given. It is in the internal composition of the payments that the system falters, and would benefit from some legislation. Compensation pigs are classified according to size, the biggest pigs called Nogo Haguene (pig + head) and the others sometimes referred to as Daga. The strains in any compensation payment appear in two specific areas:

1. The head pigs must be killed and consumed by the party or others who receive them; failure to do this often causes further friction where they are used as ‘profit’ or in further indemnities or bride-price payments.

2. The principle of equivalence operates with regard to the Nogo Haguene. Where the head-pigs of one party are considered smaller than those being given by another the transaction is cancelled and the dispute unresolved.

Examination of Tables 3 and 4 provides a number of further insights into the workings of compensation in Huli. Anthropologists have been at pains to point out that indemnity is likely to operate only in certain types...
of dispute and within a range of social relationships. These are three spheres which reveal the largest disparity between resolutions of "renouncement" and "compensation". In situations of debt, 57% involve indemnity as against 35% renounced; disputes involving insult show that only 11% are compensated as opposed to 83% renounced; in cases of war and fighting we find that over 59% of cases are settled with indemnity and only 22% are given up. These figures would appear to indicate that in situations of high tension and likelihood of violence we find compensation occurring proportionally more frequently than other types of dispute resolution. The indigenous recognition of the function which "compensation" performs in the settlement of such disputes may also account for the need to make such cases "public". These observations are supported by conclusions drawn from the analysis of the social range of these disputes. 57% of all public compensation payments occur at the level of inter-clan disputes, once again the area which is potentially the most likely to lead to large-scale fighting. However, it is also in these situations that 73% of public and pending cases exist and I have outlined earlier the problems involved with these.

I have tried to show in this paper that "compensation" is not the only form of dispute resolution in Huli and that it functions in only a small percentage of cases and between a defined range of social relationships. The indigenous notions of indemnity and liability act to define and limit areas of responsibility for compensation. It is important and significant that once payment has been made, to refer to the issue again may in certain circumstances be considered "insult", and this tends to lend some air of "finality" to the transaction. I have argued that the Huli system would not benefit from legislation which attempts to interfere with the workings of such concepts as tene, or which specifies in some arbitrary way who should be considered the "persons directly involved". It is my contention that the problems associated with compensation payments occur in the area of execution where some form of legislated supervision with attendant penalties seems preferable to wholesale revision of the indigenous forensic system.

Footnotes

1. The fieldwork on which this paper is based was conducted between March 1977 and August 1978 in the Koroba sub-province of the Southern Highlands District. I am indebted to the Social Science Research Council, the Central Fund and the Anthropology Department, University College London for their grants during this period. The data presented here refer essentially to the Koroba area where Village Courts had not been established. They may not be valid for the Tari area where Village Courts had been functioning for over a year and which had seen considerably more social change.

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Modjeska, C.N.

Strathern, M.
The problems of excessive compensation payments and persistent warfare in some parts of the Highlands of Papua New Guinea are closely related. This paper sets out to examine both problems in the Wola region of the Highlands, and proceeds on the assumption that an understanding of the principles behind them, principles which will apply to other Highlands regions too, should help in the formulation of measures to control them.

This paper looks at, and attempts to explain, warfare and associated compensation payments in Wola society, and makes suggestions which may prove useful in the formulation of government policy. It looks at traditional values and rests on the idea that although the Highlanders' way of life has been subjected to considerable forces of change in some places, their behaviour derives in no small measure from their traditional cultural heritage. It is difficult to understand what we see today if we have no idea what was there yesterday. This applies in particular to warfare and compensation because they come from the Highlanders' recent past and not from contact with the technologically advanced outside world. They are an inheritance from their forebears and it is necessary to understand them in this context before we can comment about current attitudes and behaviour.

The Wola

The Wola live in the Southern Highlands Province where they occupy the valleys of the Mendi, Lai, Nembi and Was rivers. Their language falls into Wurm's West Central Family, and their way of life corresponds with that described for other Highlanders. They are subsistence gardeners whose staple is sweet potato, which they supplement with pumpkins, various greens and other vegetables, and a little fruit. They live in small houses scattered along the valleys which they occupy, men living separately from women, and it is usual to see in the vicinity of homesteads numbers of pigs, which are highly valued and reared by women. These animals, together with other things such as pearl shells and money, large marsupials and cassowaries, constitute the wealth which the Wola hand to one another in the ceremonial exchanges which mark all their important social events (such as marriage and death), and upon which the order of their society depends.

War in Wola Society

The explanation given here of both war and related compensation payments rests upon an important Wola ethic, around which their society is ordered. This ethic is that individuals are equal and should be free to govern their own actions, so long as they do not infringe on the rights of others to do likewise.

Wola society has no authoritative leaders or judicial institutions to maintain order, it is what anthropologists call acephalous (which means headless). Significant points with local communities which maintain order within them are their small size and that all their members are related. These facts encourage them to control their behaviour according to certain norms which rest on the recognition by everyone that it is in their personal interests to regulate their behaviour with one another, and so allow for the co-operative and sociable behaviour that benefits them all (such personal regulation of behaviour we can call self-regulation, after Nadel 1953).

The regulation of behaviour between members of different local groups follows a different pattern. The only people living elsewhere towards whom men acknowledge an obligation to act according to the mores of self-regulation are their relatives and friends. Towards others they act with less consideration, and if the opportunity presents itself they even openly flout the mores of self-regulation and try for some gain at the other's expense. But the criss-crossing of relations between the members of a local community and those living elsewhere reduces the likelihood of flagrantly anti-social acts between unrelated persons. Men realise that it is in their interests to control their behaviour with strangers who live in communities where their fellow residents have relations (and so promote smooth relations for them) because in return their fellows will control their behaviour towards people related to them (and so make their lives easier). But, although these considerations restrain men, they are brittle and break easily, and if there is a dispute, the men are more likely to resort to arms than try to settle their differences by discussion.

It is not always clear who is in the wrong, when a dispute occurs. Sometimes a wrongdoer denies responsibility or refuses any compensation, and in these situations, it is not uncommon for tempers to flare, and a fight may occur when the patience of the disputants reaches breaking point.
If a brawl does erupt, the relationship between the two protagonists controls its seriousness. If they are related they may exchange a few blows, before witnesses, not themselves blinded by rage, intervene and part them for fear of serious injury. It is unlikely that other men will join in the fight, and if a dispute does escalate into a fight between the disputants’ relatives, they will try not to injure seriously or kill one another because to do so would be an unthinkable and tragic thing.

When the disputants are members of different local groups and a fight does start, then the consequences may be serious especially if men use lethal weapons. A death in this situation usually results in a war. In addition to the weaker control over behaviour exerted by the mores of self-regulation, there are two other reasons why an argument between members of different local groups is likely to escalate into a fight. They are, firstly, the fiery and excitable temperament of the average Wola man, which makes violence a distinct possibility when tempers are frayed. The people themselves associate the start of a war with anger, and say that feelings of it make them violent. The lack of an impartial third party to impose justice increases a wronged man’s feelings of helplessness, and consequently his anger, especially if the wrongdoer behaves in an unco-operative and defiant way. Secondly, the ‘mob’ response explains why a fight between two disputants escalates into a fight between all the men present. A wave of mob excitement sweeps them into the fray, and they explain their actions as prompted by indignant rage felt for their relative or friend caught up in the dispute and attacked by the other party.

This violent eruption happens quickly and the resulting fight is confused (sometimes, for example, relatives who are not closely related to either disputant find themselves on opposite sides; the prudent simply beat a hasty retreat in this situation). When their tempers simmer down, men take a cooler look at the situation which has developed, and the initial fight may become a more organised encounter with two opposed sides. The important question, which decides whether such a fight leads to a war or simply peters out after some skirmishing, is whether or not someone has lost his life.

If a man dies in such a fight, or in any other way, then the deceased’s relatives have a moral obligation to seek revenge on the man responsible or on one of his relatives. An understanding of this revenge obligation, of how it is instituted and why, leads to an understanding of war in Wola society.

The Wola themselves explain that both anger and sorrow prompt them to seek to revenge the death of a relative. But only the close relatives of the deceased can possibly feel these emotions deeply enough to resort to arms. Many other men also acknowledge a revenge obligation and come to fight. All the members of the deceased’s local group will acknowledge that they have an obligation to seek revenge, and so will his relatives living elsewhere and also some of their relatives’ relatives.

The behaviour of people in the following two situations illustrates the nature of the revenge obligation. If in the fight which erupts from a dispute the man killed is not either the disputant or one of his close relatives, then, although some of the deceased’s close relatives will come along to fight out of rage and sorrow, it is the disputant and his relatives who are morally responsible to unite and seek revenge, not the deceased’s relatives who live elsewhere. Similarly, once a war is under way, if the enemy kill a man who is not directly related to the disputant whose argument started the war, or is a member of another local community, then once again, although some of the deceased’s relatives will feel a genuine wish for revenge and so come to join in the fighting (if they are not already involved), it is the disputant and his side who are morally responsible to seek revenge. Members of the dead man’s community of residence and his relatives elsewhere do not mobilise themselves and come to seek revenge on the killer, who is quite possibly a resident member of a different local group from the other disputant on whose behalf he is fighting. Wars do not expand in this way; if they did, people living in the Wola region would be permanently locked in a confused state of war. In the above instances, the dead man’s relatives receive reparation for his death from the disputant and his relatives, and accepting this absolves them of any revenge obligation, which rests with those responsible for making the reparation payment.

The Wola are not capable of explaining why they join in a war beyond saying that it is unthinkable not to wreak vengeance, and perhaps adding that it is in their interests to join forces to meet the enemy who are certain to attack following a death and will find it easy to kill them if they fail to unite. A violent death triggers an automatic response, and the relatives and friends of a slain man unthinkingly unite to seek revenge. This threat obliges the killer’s side to unite and defend themselves because revenge may be exacted on any one of them. But this behaviour is not what we would predict from our knowledge of the emphasis which the Wola place on the sovereignty of the individual. Instead of rallying to the support of a relative embroiled in a homicidal dispute, it would make more sense if men avoided the trouble and considered it someone else’s problem. It is not even possible to say they join in because they calculate that it may be in their interests to do so; i.e., that it ensures them support in return if they are ever involved in a killing (although it is possible that this is an unconscious consideration). A man says that he fights because he has a moral obligation to do so, and that failure to honour this will damage his standing in the eyes of others. Some men may decide not to fight, but to act in this way diminishes their respectability because no reputable person will shirk his obligation and fail to seek revenge on behalf of a slain relative or friend.
The question that we need to answer in order to understand war is why Wola society has instituted a norm which places men under a moral obligation to seek revenge, not why the individual observes this obligation. When the Wola say that they fight in wars for reasons of revenge they are expressing an obligation of deeper significance than one which simply allows vent to emotional feelings of anger and sorrow. Revenge is the principle which supports war. It is a social obligation to the living, not the dead, because it plays an important part in the Wola social model by denying individuals access to power that is a potentially dangerous and disruptive force which unchecked would destroy the delicate balance of their acephalous society. The principle of exchange, the fundamental concept which pervades all aspects of Wola life, is the basis of this restrictive process. In war, however, it is socially negative since it does not encourage amicable relations but prompts payback killing along the lines of the maxim, "an eye for an eye and a tooth for a tooth".

The significant point in the context of a dispute leading to a war is that when someone wrongs another person he encroaches upon his freedom beyond the limits acceptable for social co-operation. When this happens the men concerned ought to try to reason out a settlement in which they consider one another’s equal rights and resolve their differences without encroaching more upon one another’s freedom than is necessary to effect a balance in their relations, which the wrong has upset, by taking something from one side without giving anything back. If they reach a deadlock they may resort to violence in an attempt to secure the settlement they want, which means each man tries to force the other to accept his view against his wishes. So violence is an attempt to deprive someone of his freedom to do as he pleases in some matter, and can result in the ultimate infringement upon an individual freedom, namely the taking away of his life.

The obligation to seek revenge helps maintain the ordered anarchy of Wola society by dissuading men involved in disputes from trying to force each other to comply with their ideas as a matter of course. Life outside the local community would be very difficult if men could wrong and kill with impunity those towards whom they recognised no obligation to regulate their behaviour. The threat of war is an additional check which encourages them to control their behaviour with strangers and not to resort to violence in a dispute, because to start a war carries large responsibilities. A man whose dispute starts a war is answerable for all the deaths of those who come to fight on his behalf and is ultimately responsible for all the reparation payments necessary to compensate the relatives of these men.

Not only would life be difficult beyond a small circle of relatives without the threat of war to check conduct, but also the strongest men in an area would have power in their hands to force others to comply with their wishes. It is a short step to the power-crazed individual who, finding himself facing no organised resistance, forces more and more people to do as he says. If this happened then Wola society would collapse because its purpose is to give the individual the maximum freedom possible while maintaining an orderly social environment through the institution of ceremonial exchange. A principle of Wola society is that no man should have power over another, that is, deprive him of his freedom of action and subject him to his will. It is to prevent this that it invests importance in the moral obligation of revenge, which acts through war as the guardian of power by keeping it out of men’s reach. The threat of war ensures an acephalous society by mobilising a group of people against anyone who might try to gain power through physical force. So revenge prompts a group reaction by individuals who, by heeding their obligations, maintain their own freedom and support their social order which holds central the sovereignty of the individual.

The isolation of power beyond men’s reach brings up the question of leadership and the position of big men in times of war. In the acephalous society of the Wola, rival big men do not lead factions nor do they try to extend political control over one another through war (which is the argument put forward in Sillitoe 1978). The Wola think that war is a bad, but sadly an unavoidable, part of life, and big men stand to gain nothing from it. The only time that they stand out above average is following the end of a war when men make reparation payments to the relatives of dead allies. This is because of their superior ability in handling wealth in ceremonial exchanges, upon which their renown and positions as big men depend.

Compensation in Wola Society

When someone suffers a violent death, the Wola say that there ought to be an exchange of wealth between the party responsible for it and the relatives of the deceased. If a man dies while fighting in a war, then the people responsible for starting it (on whose behalf the dead man was fighting as an ally) ought to give wealth in a series of exchanges to the deceased’s relatives. Following Glasse (1959) we shall call these payments reparations.

It is because reparations must be paid that it is crucial to the Wola to establish who was responsible for causing the fight which led to the fatality. This is not always straightforward and can lead to further disputes as people deny any responsibility. The Wola call a man whose dispute provokes a war the “base of the fight”, and ultimately (although rarely in reality) it is he who is responsible for paying reparation to the relatives of men who die fighting as allies for him. In the short run however, there are more payments than this one man and his close relatives could possibly pay off alone, and so other men share the responsibility for making the initial exchanges that follow a war. The result of their subsequent reimbursement, by the man responsible for the war and his closest relatives, is that several exchanges often follow one death.
A significant point with these post-warfare payments is that enemies — those fighting each other — do not make them to one another. The only time that enemies might exchange wealth following a war is when a man accidentally kills a relative fighting on the other side. The way in which the Wola recruit allies, through their individual social networks, makes it quite possible that some relatives will find themselves on opposite sides. They are careful to avoid one another in any fighting, but occasionally they make tragic mistakes and kill one another. If so, they usually pay blood wealth to their other relatives, some of whom may also have fought on the opposite side in the war. These blood wealth exchanges follow exactly the same pattern as reparation exchanges.

The Wola carry the concept of responsibility for violent death beyond war casualties to accidental deaths where someone else is involved in some way. A person may assume responsibility for an accidental death under various circumstances. For instance, once when two children were playing together and one of them fell and impaled himself on a fence post, the surviving child was held responsible and his father paid wealth to the dead child’s relatives. In another case, two men were crossing a vine bridge together and one fell through it and drowned, and the survivor was held responsible and gave wealth to the deceased’s relatives. The Wola explain that the other party is responsible in such cases because they should have been more concerned for the welfare of the dead person (and anyway, who is to know that there was not foul play and deliberate murder?). Again, these exchanges follow the same pattern as war reparation payments, and consist ideally of three separate exchanges spread over a period of seven years or more. The first consists of sides of pork, the second of live pigs, and the third of pearl shells and other valuables.

The key to an understanding of the logic behind reparation exchanges is the reasoning which leads men to fight as allies in the first place. When a war breaks out, men do not come to fight because of any obligations to a political group, they come to help a relative and friend. In a society where individuals are free to choose their own course of action in any situation, and where they base their decisions on criteria of self-interest and the strength of their relations with others, then when a man dies fighting on behalf of someone else, this is the largest sacrifice that he can make as evidence of the sincerely of his relationship with the people he came to help. The loyalty shown by the dead man requires a corresponding show of devotion to their relationship from the people on whose behalf the man came to help. The loyalty shown by the dead man requires a corresponding show of devotion to their relationship from the people on whose behalf the man came to fight. Thus the payment of reparation is not simply a compensation to the close relatives of the dead man to make up for their loss, it is a reaffirmation of the relations between the living. This is necessary because the death of a party to a relationship seriously interferes with its stability and in Wola society men can only make good the situation by exchanging wealth as a show of good faith and as an expression of the value which they place upon the disrupted relationship. Hence if no reparation is forthcoming it signals the end of the relationship, and its possible conversion into an enemy one if the dead person’s angry relatives start a war over it by taking revenge on one of those responsible.

This explanation of the exchanges which follow a war death also apply to those that follow an accidental death for which people hold someone responsible. Relatives and friends should care for one another’s welfare and if someone suffers a violent death while in the company of another person, then this indicates a lack of consideration to the Wola. An exchange of wealth reaffirms the careless and guilty person’s relations with the other relatives of the deceased.

![Diagram](https://example.com/diagram.png)

**FIG. 1:** Recruitment of allies and payment of compensation.

In wartime some men (such as B in Figure 1) come to fight because they are directly related to the man (C in Figure 1) who provoked the conflict, but other men (such as A in the figure) come to fight because they maintain relations with people who are in turn related to the man responsible for the war. This diffused recruitment of allies, through the social networks maintained by several men, explains why persons other than those directly responsible for
the war are willing to pay off some of the reparation exchanges following a war. When someone like A comes to fight because his relative B is related to the man C who provoked the war, and he is killed, then the relations which suffer are those between the dead man A's kin, and the relatives of B, through whom A was recruited to the conflict. It is for this reason that the relatives of B, not those of C who provoked the war (who are only very distantly related to the deceased A), make the first series of reparation payments. By exchanging wealth these men reaffirm their social relations with the other kin of their deceased relative. Later they look for reimbursement to their relative C, who caused the war, and to his close relatives. In this way the persons who make up the link in the network reaffirm both of their sets of relations following a war death.

**Warfare, Compensation and Government Policy**

Before proceeding to make suggestions which may prove useful in the formulation of government measures to control persistent warfare and excessive compensation payments, I wish to make it clear that these rest on my understanding and interpretation of the situation, and also, that I have no ready solutions to offer. It often annoys Papua New Guinean administrators that academics offer qualified advice and suggestions only, and rarely come up with concrete answers. But given the complexity of any society and the countless behavioural responses possible in any situation, we are not often in a position to give hard and fast answers. We can only advise those in authority of the situation as we understand it, and leave them to make the policy decisions for which they are elected and appointed.

The problems of persistent warfare and excessive compensation payments centre on the difficulties, which in the short run are unavoidable, of incorporating small scale acephalous societies into a large scale national state with a powerful central government. There are inevitably conflicts between the old order and the new because in many respects they are incompatible. As people are forced to make this change they seek to modify and adapt parts of their traditional life style, which is what they know and understand, to fit the new order, which they do not entirely understand.

A priority is to stop people fighting wars, from which derive most compensation payments, excessive and otherwise. The foregoing account makes it clear that disputes cause wars. The way to stop them is for the judiciary of the central government to arbitrate promptly and firmly to settle disputes in a manner which the people concerned think is fair and satisfactory. This might mean the use of concepts of justice not found in the alien Western legal codes used in Papua New Guinea, a problem with which the Law Reform Commission is currently wrestling, and to which there are no easy answers.

The Wola for instance would like to see killers harshly punished with sentences that removed them from the community for life (some even suggested the death penalty) because this would take away the need for revenge which prompts them to fight wars. But what they would accept as admissible evidence for such sentences, a court of law might not, which would lead to an unsatisfactory judgement for them and to the likelihood of fighting.

The lengths to which their social order goes, prompting men to fight wars, to keep power beyond the reach of any individual, indicates that another possible source of tension will arise when a local person acquires some measure of power from the central government by virtue of some appointment. When such a person uses this power he will offend against the conviction that each man is free to govern his own actions and should not be forced by others to do things against his wishes. This is an explosive situation which might eventually blow up in violence, and its control demands at least two measures. Firstly, that the government never stations in their home areas holders of administrative positions to which any authority is attached (there are other, more obvious reasons for this too, such as corruption and favouritism towards relatives). Secondly, that when the government does arbitrate or direct people, this must be seen as the bureaucratic system at work and not as individuals using their discretion and wielding power.

This argument suggests that the government ought to monitor carefully the newly established system of Village Courts in some parts of the Highlands because they contravene both of the above points by investing local people with a limited amount of discretionary judicial power. The ethic of equality might lead people to spurn their rulings and turn to violence to settle disputes the old way. Alternatively, holders of these positions might use the power to become despotic leaders, but this is unlikely given the statutory control over their conduct and the fact that the previous appointment of Jukunis and Local Government Councillors did not have this effect. The ethic of equality and freedom is too deeply ingrained into their culture and lives to be uprooted so easily or quickly, and will demand sympathetic handling to avoid unnecessary conflict and pain for those subjected to the forces of rapid social change.

The offer to compensation by someone who admits having wronged another is a widespread feature of dispute settlement throughout Melanesia. These payments, however, mean not only recompense for the victim by the wrongdoer; they also serve as I have said, to reaffirm relations between them.

If judicial authorities appreciate this sociological aspect of compensation they might temper their use of it accordingly. But it is important that they realise its limitations too, which is something that Highlanders seem unable to do, and which consequently gives rise to their problematic excessive compensation payments. These compensation exchanges of wealth characterise small scale,
face-to-face societies and they work perfectly well within this context (as the vibrant cultures of the Highlanders testify), but they cannot serve the same purposes in large scale societies in the context of interaction between groups as opposed to individuals. Failure to understand this has led to grossly inflated payments by people who are trying to adapt their traditional behaviour to changing circumstances.

Rather than fight, which they know is against the new order, some people pay compensation to their enemies to prevent or settle a war. This is a modification of the traditional pattern where they only gave wealth to their allies in reparation for their relatives who had been killed. In late 1977, for example, a Mendi man employed on Nipa station was killed in a brawl by a Wola man. The people living in the Nipa area feared a revenge killing on them, especially as their aid post sent serious medical cases to the hospital in Mendi, which would present their enemies with a perfect chance to exact vengeance. As a result many of them contributed wealth (which consisted of pigs, pearl shells, money, marsupials, and decorating oil) towards an exchange which was the largest ever witnessed in the area. It involved far more people than a traditional event would have done, and so was considerably larger. They handed this wealth over as a group, as the people of the Nipa region, to another group vaguely defined as the Mendi, who shared it out among themselves.

Compensation payments like these raise two problems. One is their size, which results in the shifting of considerable amounts of wealth from one area to another and so hinders its investment and use in projects of economic development. The other is that in sociological terms, the exchanges are a little pointless because the large numbers of people involved, and their organisation into groups, prevent them serving their original and intended purpose. In the traditional situation individuals contribute wealth to a payment which they give to a few people they know and with whom they wish to maintain amicable personal relations. In the changed situation we have one group of strangers giving to another group of strangers and this nullifies the essential personal aspect of these exchanges.

Here we see people groping to adapt aspects of their traditional social organisation to fit the changed situation, from small scale to large scale interaction, and it is difficult to predict where it will lead. It is difficult to see how they will adapt what are, arguably among the truest democracies known, into a Papua New Guinea nation state. This organisational process will prove irreconcilable in some respects with the maintenance of certain traditional values. While founded on so-called Western democratic principles which espouse equality and liberty, the state will generate in reality the inevitable hierarchical systems that will apparently be necessary to maintain order within it, which will give power to some and lead to the exploitation of others.

Both warfare and its related compensation payments are aspects of small scale social orders found in tiny societies with low populations. These social orders are impracticable for larger numbers of people and so they are giving way to a large scale one, in which traditional war and compensation as outlined here will cease to exist. In the long run, time will possibly straighten out current problems related to them. But these changes will take time, and as they proceed there will be inevitable kick-backs, of which excessive compensation is an example, as the acephalous order gives way to the centralised one. In the short run therefore, what can the administration do to ease these problems? There are two things:

1. The administration should settle disputes firmly and promptly in a way which people find satisfying and which consequently neutralises their obligations to seek revenge, which lead to wars and related compensation payments.

2. If necessary, the government should legislate to keep the size of compensation payments within reasonable limits and so keep wealth in long-term economic development projects. One course here might be to outlaw the giving of money or economic capital in these exchanges and restrict them to traditional valuables such as pigs and shells which do not play a part in development.

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THE QUESTION OF COMPENSATION IN URBAN AREAS

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It is obvious that the use of traditional style methods of settling disputes in Papua New Guinea is in many ways preferable to imposing the decisions of outsiders upon the people involved. Like many others with experience in the country, however, I found that traditionally-based arrangements were under considerable pressure, which by no means made life, or settlement, easy for those party to a serious dispute. I therefore enthusiastically support the effort to establish some means of regulation and control in this area. But I do think it is important to point out some problems that are likely to confront law makers and enforcers in the towns.

In the draft proposal which I received from the University of Papua New Guinea, dated 7-8-77 by B. Narokobi, there are a number of provisions providing penalties for strangers becoming involved in the compensation process. It would be an offence for strangers to demand or receive compensation, or to contribute. The party paying compensation would be under legal obligation to report any contribution or promised contribution by strangers. It would be an offence for anyone not named in the negotiations as lawfully entitled to either demand or receive money. The penalties for these proposed illegal actions would be one year.

These points seem to require a clear delineation of participants and an unambiguous decision as to who is and who is not a party to a dispute. In a number of cases which I witnessed occurring in Port Moresby between people who had kinship or marriage ties and were from a relatively discrete home area (e.g. were all from the Asaro-Watabung council area), negotiations proceeded fairly well without much trouble about "strangers". These involved both urban and rural members of the opposed groups (a point which I will bring up later), and in such circumstances there was little difficulty in deciding who was or was not involved directly in the dispute. However, there are times when people in troublesome situations in towns may have no knowledge of the respective traditional affiliations or of the customary practices of the other party. Urban areas impose a certain amount of contact between strangers and the likelihood that situations will arise needing both compensation and mediation is high. These will however involve all concerned in difficulties, especially with the provisions of the draft legislation relating to contributions etc., by strangers that I mentioned above. An illustration will perhaps make some of the problems clear.

While doing fieldwork about ethnicity in Mt Hagen town it became very apparent that there was a fairly high degree of animosity by "Hagener" towards "Wabags". I have put these terms in quotes because "Wabag" and "Hagener" are non-traditional, situation social identities, which are only activated at certain times. In many circumstances these identities are just not relevant to people. They are usually most relevant in the context of competition or disputes between individuals from the Western Highlands and Enga Provinces who have little, if any, resort to a mutual institutionalized mediation procedure. It should be apparent that compensation arrangements are going to be made very difficult when the parties have little chance of identifying one another accurately. It is perhaps somewhat ironic that a perceived inadequacy of compensation, said by my informants to have been arranged by the Australian administration after an automobile accident, has strengthened both the animosity between Hageners and Wabags in the town, and their tendency to perceive each other in the broad, non-traditional terms that make further attempts at effective negotiation so unlikely.

The particular circumstances that I am discussing gathered increasing momentum in September of 1972 when a truck, driven by an employee of Doa Motors who came from the area right around Wabag town, collided with a vehicle owned by a group of Moges, the tribe which owned the land which is now the site of most of Mt Hagen town. Four Moges were killed in the crash. Since the driver was held responsible for the deaths and his people had no traditionally based relations with the victims' kins group, there was no chance that the matter could be settled by means of traditional exchanges. The Moges were, in the initial heat of the moment, ready to "pay back" the Wabags with death. According to informants, pressure from the government, an initial payment by an insurance company of $2000, and a contribution of $500 from the Wabags combined to keep the Moges from taking immediate action. However, the payments were viewed as inadequate, and did not as one informant put it, "turn the Moges' thoughts straight". A feeling of anger remained, and with it the implication that violent confrontations were imminent. Because the driver was from an area outside the traditional Moge sphere of relations, he was simply referred to as a Wabag. Indeed, with the situation in the town as discussed above, it was felt that "Wabags" caused the trouble and were responsible as a category for the damage done by the driver. This in turn led people from all over what is now the Enga Province to feel wary of people they called "Hagen".
It is interesting to see how the parties to this incident (and another incident which was seen to be a result of the first one) were perceived by two informants, one a "Hagen" and the other a "Wabag", neither of whom are from the traditional groups initially involved.

Hakai (a Yamuga) tends to view the Moge in fairly neutral terms, or at least he does not see them as important adversaries, although in fact they may have been so in the past. He constantly spoke in terms of "Wabags" when relating his version of the incident and I asked him why people did not bother to make a finer distinction. He replied, "It's this way. We speak the Hagen language all around this area. If you go by truck to Lalibou and come back to Hagen we are all called Hagen. And Wabags from Balier River all the way to Wabag town are called Wabags. They speak one language and we speak Hagen (Melpa). The Jiga, Moge, Yamuga and whatever from Lalibou to Mt Hagen are simply Hagen. And people who speak the language of the Wabag area are simply Wabags." Anton (a Kaugel speaker) broke in at that point saying, "I'm a Tambul so I'm also a Hagen".

I asked, "Are you a Hagen because you know the Hagen language?" Hakai answered, "It's because Hagen sub-district administers Tambul. Because he has taken our language and not the language of the Wabag. He is from the border of Hagen and Wabag but he is on our side of it and follows us. In a fight or some other incident the Tambuls fight Wabags too. We think this way. You Wabags have killed some of our good men and now you work for money and are around in our area on our land, but you can't just go ahead and kill or chase a man and steal something from the Moge. All the Hagen said this, 'Let's watch well. Four men have died, our brothers and wantoks'. 'We'll watch them and follow trouble-makers and take care of them'. During troubled times the Wabags gather together in one place and the Hageners gather together in another place. Because the Wabags did not do enough to straighten out the matter of the four deaths, men from all the Hagen councils — Kotna, Dei, Mul, Kui, Nebiyer, — all councils will join and fight the Wabags, they have said this." Hakai himself feels that any Wabag may attempt to kill him as a result of this enmity, and said on another occasion when I asked why he did not make finer discriminations from a large and varied category, "They are just Engas, just Wabags and that's all".

Various bases for the alignment of Hagen versus Wabag (e.g., language and administration) were mentioned by Hakai. These are interesting in themselves but what we are most concerned with at this moment is that the schism opened in a situation in which a certain event took place, and the participants' interpretation of the ethnic identity of the people involved not only allows us to see how they choose to define themselves and others in this situation but how the choices once made channeled further choices. When Moge pinned the blame on "Wabags" and they in turn expected retribution from Hageners, all Wabags and Hageners in Mt Hagen were threatened by the violent potential inherent in the schism. This became even more apparent when I discussed the trouble with an informant from Wagim (an area he defined as being "half-caste" Enga and Tambul, just inside the Enga Province), who initially did not feel personally threatened nor wary of all Hageners, but gradually, as subsequent events reinforcing the line of the schism took place, began to see himself becoming involved.

Although Tamoka saw a fundamental division existing between Hagen and Wabag he did mention that true enmity was basically limited to Wabags and people from three Hagen councils after the road mishap. However continual incidents phrased in terms of Hagen and Wabag, especially at bars, bring up hostile thoughts (many arising from the crash) that reinforce the wider opposition.

Aside from bar brawls a number of more critical confrontations occurred according to Tamoka. A policeman from Wabag was ambushed by some Hageners and critically injured. A Hagener was subsequently attacked. The most serious confrontation occurred at Kindeng, a cash crop resettlement area not far from Hagen town, only a few days before our conversation. Tamoka told it this way.

"There was a party to celebrate the close of the school year at a school at Kindeng and the parents of all the children were invited. Some people brought liquor and while drunk, some Hageners attacked a Wabag, a driver for the Public Works Department, who owned a block at Kindeng, and hit him over the head breaking through his brain. They then removed one testicle and cut out his tongue. The killers were Moge. The Wabags have not paid back for this yet and whether they will or not is dependent upon the feelings of the individuals."

When I found out that the dead man was from near Wapenamanda and Tamoka's home area, I asked why a man from that area was killed. After all, the trouble started because of the action of a man from near Wabag. He answered that this man certainly had no connection with the driver's group and expected that now people associated with the man killed at Kindeng would want to take action against Hageners. I asked if they would specifically kill a Moge. He replied "They can kill a Moge. If they look for a Moge and one doesn't come along, they can kill a Yamuga, Kinjiga, or whatever, I'm not sure. It's Hagen, inside Hagen and they kill here . . . ."

We were holding our discussion at about the same time that the Enga District was formed. Tamoka felt that the splitting of the Western Highlands was perhaps a result of the trouble between Hagen and Wabag and said it made him uncomfortable. He also felt that he could easily become a party to
flying, despite his own desire to keep out of the situation, since the pressure put upon him to participate would be too great to resist if a friend or kinsman of his own were injured.

With the death of the man at Kindeng, the potential inherent in the ethnic categorization of all people from the Enga area as Wabags by Hageners, and the tendency of Wabags to lump the various Hagen groups together, seems to have been realized. It is thought that the Kindeng death was a pay-back for the collision and obviously if a man from Wapenamanda could be killed then all Wabags had better be careful.

On the other hand non-Moge Hageners have reason to believe that the Wabags will not discriminate too carefully between them either, and indeed Tamoka expected they would not. So at this point two categories of people identified with specific administrative and approximate culture areas have been set in action against each other. It was perhaps inevitable that one day some people from both areas would get into some serious difficulty with one another and play out the implications of such categorizations, particularly given the behavioral context of paybacks, etc., that is often an aspect of relationships between groups in Papua New Guinea.

I think that had an effective and fast compensation mechanism existed, this problem could have been contained at a much more manageable level. If the driver’s group were contacted and represented, brought together with the Moge and representatives of the company and insurance agency, and if there were suitable monetary guidelines for a case of this nature, everyone would have been better off. The Moge could have been mollified and the town itself spared a certain degree of the uncomfortable polarization which all its residents fear. At that point an astute government officer may have been able to actually round up all the right parties. But as things exist now the situation is such that people from quite a confusing array of rural groups are becoming involved in and out of the situation. As I have seen the pressure of his own were injured.

Another point which deserves mention is that urban compensation may often have to involve rural representatives of the people involved. Because of village ties and an associated lack of formal urban associations, certain urban conflicts are unlikely to be settled without resort to rural consultation. Certainly in the case given for Mt Hagen, the peri-urban and rural Moge would have had to be involved as would the home group of the driver, since representatives of that group residing in the town could not shoulder the entire burden of responsibility. This presents further difficulties of definition of the participants, travel, consultation etc., which should be all too obvious. Before throwing our hands up in despair, however, it is worthwhile considering some possible positive effects of this. By formally providing for the involvement of rural groups in urban dispute settlement, urban-rural cohesion may be maintained at high levels. Clan pressure on members living in town may also help somewhat to keep the individual’s sense of responsibility for his/her urban actions high, as involvement in serious trouble would call for response by kinsmen at home as well as agents of more impersonal bureaucracies. People from areas of the country which are normally outside range of contact with one another may be brought together constructively for compensation negotiations and this might work to increase national understanding and solidarity. In any case serious consideration should be given to the pros, cons and mechanisms available to include representatives of the area of origin of urban disputants. As time goes on and more of these cases come to involve people born in the towns of parents from different areas, other arrangements will obviously have to be instituted.

Perhaps more official encouragement of urban voluntary associations would also be valuable, both now and in the future. If large groups of people could be brought together in constructive formal urban associations, dispute procedures may evolve which could better cope with the generation of new identities, since such associations would tend to form along the same lines of definition as the oppositions perceived to exist in the various towns. In any case such specific aspects of the present situation of accelerating social change need to be taken into account by all concerned with the maintenance of good relationships among nationals.

Urbanization is a particularly important process of social change in Papua New Guinea which presents an array of both problems and possibilities for the nation as a whole. If effective mechanisms can be developed to help people remain personally involved despite the widening scale events are now taking, problems such as those outlined above might be tackled in a more constructive and satisfying way.
SOME NOTES TOWARDS UNDERSTANDING THE DYNAMICS OF BLOOD MONEY

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Introduction

This brief and tentative paper arises from my dissatisfaction at the various attempts which have been made to account for the phenomenon known as 'excessive compensation' or 'compensation inflation'. This phenomenon has been the subject of publicity recently and the Law Reform Commission has been given the task of examining the situation and making appropriate recommendations. Since I have no 'people' in Papua New Guinea that I can call my 'own', of necessity this essay is generalistic: data is drawn from diverse sources including ethnographies, official files, newspaper clippings and conversations. Admittedly I will skim a lot of the important issues, and some of my data is possibly questionable, but this is necessary if we are to proceed beyond the particularistic.

In order to clear the ground, we need first of all to define what is being discussed, secondly if it is indeed 'excessive' or 'inflationary' and thirdly, and most crucially, how to understand the changes in the size of payment.

Payment on the death of a person or persons is a well-documented social institution. It has a variety of names: blood-dowry; blood money; het pe; baim bodi; compensation and wergild are some of the terms most often used. Perhaps the most common term used in Papua New Guinea by the western-educated elite is compensation. However I prefer not to use this term for a number of reasons: Etymologically it is derived from the Latin *compensatus* which means 'to be the equivalent to' and I would thus be unhappy at trying to argue that one can give a monetary value to human life. Secondly, and derived from the first point, I suspect that the popularity of the term compensation amongst anthropologists in Papua New Guinea can perhaps be tied in with their predilection for engaging in functional and equilibrium analyses. Thirdly, compensation is generally used as a blanket term which often covers a variety of transactions, some of which are related while others are not. As an alternative I prefer the term "blood money" which is more specific and is often used by Papua New Guineans (blut moni). Blood money refers to the cash, pigs, shells, etc. Which are obtained at the cost of another's life and which are usually transferred to the deceased's group from the person (and his group) held to be responsible by the deceased's kin. The term blood money also places emphasis on the economic rather than the social, and such an emphasis opens possibilities for developing analyses of why the size of payment is increasing.

Such an emphasis is pertinent because in the Highlands, while the pig component of blood money payments has remained more or less constant over the last decade or two, in contrast the cash component has increased spectacularly. Meggitt, for example, reports that amongst the Enga, the average cash component for blood money payments was $2.00 in 1957. By 1961 it had risen to $4.00. In 1973 the Paney report on tribal fighting in the Highlands spoke of imposing a maximum limit of $500.00 and $1,000.00 where the person was found guilty of homicide or manslaughter by the official courts. But even as the report was being published, it was being outstripped by events. In June 1973, for example, a kiap in Chimbu commented that "compensation payments are unreasonably high having escalated from $1,500 to $4,010 in the past two years" and added that "further increases will undoubtedly be a cause of friction in the future". Five years later, in 1978, the Government was talking of setting the maximum size of blood money payments at K20,000, and demands of up to K100,000 have been reported in the press.

Even allowing for exaggeration, it is clear that blood money payments have increased considerably in size. But to decide whether they are now excessive or inflationary is a question fraught with difficulties. One would ideally like to know/consider the following factors: 'traditional' exchange equivalents; the proportion of pigs to beer and cash; the exchange rate between pigs and cash; and the annual average cash-earning capacity of the relevant group; since the size of the payment can only be assessed relative to the resources and earning capacity of the groups under consideration. More importantly, one needs to know about the internal contributions to and distribution of such blood money payments as the lump sums reported in the press often disguise great differences among sectors within the groups concerned. Lastly, one needs to clearly distinguish between the different types of blood money payments, and within some societies there can be great variety as Pospisil reminds us in the Kapauku case.

For anthropologists to decide whether these increases in blood money are excessive (and hence exploitative) or not, it is necessary to consider the
theoretical paradigm which they use. The dominant consensus approach would not see the current situation as exploitative or excessive due to their central emphasis on exchange being reciprocally beneficial and resulting in a state of equilibrium. The convention appears to be held that blood money enables the society to reach a situation of ‘balanced reciprocity’. It thus cannot account for inflation or excessive payments. Such an approach would see the rise in blood payments simply as an adjustment to a new situation. Such a conclusion is problematical since more and more evidence is now showing that the productive capacity of the Highlands has shown a minimal increase and indeed may have decreased over recent years (see e.g. Connell 1979). On theoretical grounds, there are also problems with such an approach. It often assumes rather than proves that reciprocity and ‘balance’ are important components in the idealized world of the Highlanders. Consequently, as Heath (1974) points out, the approach is poor on the bargaining aspect and ignores both the possibility of exchanges being unrewarding as well as the omnipresent factors of violence and coercion.

The conflict approach, which is normally contrasted with the consensus approach, would see the situation more in terms of exploitation and inflation and relate it to the increasing social inequalities in the area. Certainly blood money payments are inflationary if we accept the standard definition of inflation as being a situation in which the demands and aspirations of the people and the value of the goods rise and exceed the capacity of the group to produce the equivalent. Thus in order to effect these payments, either a measure of coercion has to be used, or the state has to subsidize payments. On these grounds, then, and the fact that the people themselves are increasingly seeing the situation as being one of ‘excessive’ blood money, the conflict approach is preferred as an initial starting point.

An Approach

In trying to understand the dynamics of this inflationary process, a problem which is immediately encountered is how to organize our varied and diverse data so as to provide some sort of explanatory cohesion. It is proposed to use a framework grounded on two basic observations. First, the size of the blood money payment is the result of negotiations between the relevant parties. Such a practical observation is however fraught with difficulties. Writing about Mae Enga negotiations, Meggitt observes that:

“It is well-nigh impossible to predict the outcome of any given situation without an intimate knowledge of circumstances that range from a clan’s actual holdings of pigs through its perceptions of its current and future commitments and needs, the significance of the kin and exchange connections linking the adversaries and other vested parties, the way the

victim died, to random events such as the unexpected demise of pigs or the individual reactions of angry men.” (Meggitt 1977:125)

Clearly, “impression management”--the control of information--is vital in such situations as each party, no matter how objectively disadvantaged, jockeys for a position in which payment will take place on its own terms and not that of the other or third party as Marilyn Strathern has so cogently shown (1974). Clearly such situations bedevil the possibility of making generalizations. But generalizations can be made, based on the fact that negotiations always take place in a social setting and there are structural conditions which affect these milieux and thus the tactics, outcomes, actions, and alternatives to negotiations (Strauss 1978). These in turn affect the future actions and settings and thus within itself creates further structural change.

Second and intimately woven into the texture of negotiations, blood money payments have an “emergent property”. An emergent property “refers to the definition, and transformation in definition, of an event over time” (McHugh 1968:31). To analyse the emergent property of blood money requires firstly an analysis of the changing social relationships over time of the people concerned, and secondly, it directs attention to the importance of ideology, not only of the actors directly involved, but also those indirectly involved at the higher or national level. An analysis combining both the micro and macro aspects is thus required.

Generally three distinct “ideal” type structural situations can be distinguished in the Highlands. These have been given the political labels of “Pre-Colonial”, “Colonial” and “Independence”, and these epochs correlate roughly with changes in socio-economic status and modes of redress. In the pre-colonial period, “payback” and warfare was apparently the dominant mode of redress. The colonial era saw the official discouragement of “payback” and warfare and a concomitant increase in exchanges. Warfare was now mostly conducted in the courts (Meggitt 1977). The independence era can be characterized by inflationary blood money and selective ‘payback’. Warfare, it has now been argued, is continued by means not of the courts, but by demanding excessive blood payments (Brown n.d.; see also Strathern’s paper in this volume). We need to examine these epochs in order to determine their impact on the emergent property of blood money and to see how the structural conditions which influenced the “negotiating climate” were affected.

The Pre-Colonial Epoch

Judging from the various overviews (e.g. Hogbin 1973, Chowning 1975) and particular ethnographies, it appears that generally the situation was
one in which no blood money was paid between two enemy groups. The only form of redress in such situations was one of payback killing (see e.g. Meggitt 1977, Strathern 1972, Bragginton 1975:184; Brown 1973). Where blood money was paid, it was not seen as an alternative to ‘payback’. There were however some exceptions, thus the Hull would pay the enemy if the death was the result of a minor war and “the enemy who accepts wergild cannot take vengeance—exactiing vengeance and accepting wergild for the same death provokes supernatural punishment” (Glasse 1968:122-123).

However, blood money was paid to factions regarded as allies. Sometimes this was only a nominal sum of one or two pigs (Bragginton 1975:179-187), while in other parts of the Highlands it was considerably larger. In such cases, blood money was characterized by a preliminary payment and then the balance was paid later when the group could afford it, often a few generations hence. Even here, there was no certainty that the aggrieved party would not engage in payback later, even after receiving the initiatory payment. For the present purposes it is important to note that the evidence indicates that ‘outsiders’ or ‘strangers’ were inevitably defined as belonging to the enemy and treated as such and thus fell outside of the ambit of blood money. Many Highlanders still realize this. Thus one writes, “Compensation ceremonies are declared by some well-educated men in their respective tribes, based on imported western laws which are very hard to understand because of the language and technicalities. In most cases what is supposed to be a peaceful ceremony turns out into an inter-tribal clash”. (Ria Puka, P.C. 1-5-79).

This situation was generally (but not inevitably) tied in with the dominant system of ‘prestige’ exchange like the Moka or Tee, and blood money was used to initiate and/or cement such exchange relationships. Thus a characteristic of these blood money payments was the normative obligation of receiving return payments. Naturally these tend to be with neighbouring groups.

The Colonial Epoch

The epoch is characterized by the penetration of Kiaps dedicated to law and order—and hence discouraging warfare; and the introduction of cash which quickly established itself as the dominant medium of exchange and stimulated the transition from subsistence farming to cash-cropping, in other words, by the changing relationships of groups to the means of production and an increasing dependence and subordination to outside factors like the market and ‘authority’. Alternative modes of redress which were acceptable to the administration, like courts, were encouraged. One method of redress which became popular and received official encouragement, was “compensation”. Compensation was increasingly used in “new” situations. Chowning, for example, says that compensation “developed largely in imitation of the Kiaps’ strategies and as a substitute for methods now forbidden” (Epstein 1974:172). (See also Sao Gabi in Bayne and Zorn 1973 on how nontraditional compensation is). Unofficial courts run by Councillors and Komitis were also unofficially encouraged by the administration to manage disputes, and since they were not allowed to invoke “violent” solutions, compensation came into its own right. Compensation was seen as being a workable solution by both the administration and the Kiaps. Thus Strathern (1972:139) reports that “since warfare has been stopped, there have been attempts to alter the earlier framework of major enemy relationships, by paying extra wergild for deaths and thus extending exchange relationships to ex-enemies”. Blood money in some situations was thus used by big men to expand the Moka or Tee exchange spheres. Long outstanding but acknowledged blood money debts were now paid off due to the increase in wealth (Meggitt 1977; Strathern 1976). So luxurious was this new wealth that among the Mae Enga blood money was even used to pay for female deaths (Meggitt 1977:141), something which was previously rare.

People were stimulated to spend or invest their cash returns on ceremonial exchange for many reasons including prestige, pride, and because they see their major security for the future as tied up with one another, and they re-build and reinforce the relations between their groups with gifts of money etc. (Strathern 1976:4). This is the ideological belief which many big men manipulated to their own advantage, for as Meggitt astutely observes, fewer people were contributing to such transactions and payments are passing into fewer hands: “They believed that fewer wealthier clansmen no longer feared retaliatory attacks by disgruntled neighbours (and) were leaving the burden of meeting these obligations to the big men and close agnates of the killer’s family” (Meggitt 1977:141). Thus while blood money can be related to increasing inequality, at the same time a dialectic is at work, since while the big men continue to distribute wealth in the ‘traditional’ idiom, their increased political activity generated an expanded consumerism amongst the wider ‘masses’ which served to heighten the contradiction.

While it is commonly believed by many policy-makers (and ordinary Papua New Guineans) that blood money settles disputes, the ethnographic evidence presents a contrary view. Among the Enga, for example, blood money is paid because people fear an attack. Meggitt feels that blood money only heralds a period of truce in which strengths can be built up again and reports that blood money often leads to further or continued fighting (Meggitt 1977) (See also Reay in Epstein 1974; Brown n.d.).

Strathern is clearest on this point:

“... massive compensation payments are continually being organized, with varying success, as a means of settling
disputes. The notion that disputes can be settled in such a way as to ensure uninterrupted harmony subsequently between the groups involved is, of course, something of a myth” (Strathern 1976:13).

The Present Situation

Despite the disclaimer that given the immense variety of factors it is difficult to make generalizations about blood money, the following can be made with some credibility and with a view to stimulating discussion. The phenomenon of excessive payments is found pre-eminently in certain areas of the Highlands (the coastal ‘claims’ appear to be short-lived and result in minimal transfer of resources, despite some often large opening claims). Excessive claims tend to be found in areas characterized by numerous “tribal fights” and recent radical socio-economic change. Thus it appears that the problem of blood money should be seen in its relationships to these variables and not in isolation. It should be seen as part of the general “law and order” problem as a number of contributors have stressed. Excessive blood money demands are symptomatic of large-scale transformations taking place in these situations (see Sillitoe’s paper in this volume).

It is also important to note that not all blood money payments are excessive. In areas where there has not been large-scale penetration of cash and where “traditional” leadership (either in the form of big men or Kips) is still strong, it appears that these ‘leaders’ have been able to apply pressure to prevent the too rapid escalation of prices. In contrast, areas where excessive blood money payments are found seem to be in a situation of flux within a framework of increasing socio-economic inequality. It further appears that pressures to raise the price come not from those at the top of the local social hierarchy, but rather from those might be termed (for want of a better term) the upwardly mobile.

While we know little about the political and socio-economic effects of such large transfers of cash and resources, their effects must be considerable. The evidence suggests that such resources transfer upwards from the weaker groups to the stronger groups and from the junior members of a group to the senior members. Excessive blood money can, I feel, contribute directly to inequality. However, the evidence here is often contradictory. In some societies blood money might be invested in a trade store or PMV, in others this is apparently not possible as it might lead to trouble with the spirits of the deceased. Thus, all the money has to be spent on festivities. But in both cases it can be argued that inequality increased when one looks at the matter in terms of the nexus of reciprocal obligations which are activated in such situations.

Typically these areas can be said to suffer from ‘social strain’ (Kerpi 1974) which is manifested in the form of anxiety, alienation, unascertainable aspirations and a growing uncertainty. With the introduction of cash labour, the productive and kin groups have become separated. In such situations uncertainty and insecurity is exacerbated because there is less kin-based ideological control. Increasing geographical and social mobility resulting in wider social and mental horizons have obviously also increased these problems and assisted in concentrating resources in a few hands (see e.g. Good and Donaldson 1979). With the expansion of social activity, alliances have become more problematic and hence unstable.

One way of generating social security is of course through exchange, and it is symptomatic that both the Moka and the Tee have in recent years undergone a remarkable efflorescence, much to the surprise of many observers who expected them to decline as cash penetrated these areas.

Another way of coping with the problem of uncertainty is by reinforcing one’s group identity. Standish (1973) following Simmel has recently shown that this is indeed one of the “functions” of Highlands inter-group warfare. The same can be argued with reference to blood money. Collecting large sums of money is a co-operative effort and in asking kinsfolk for assistance in such matters, obligations and social relationships are activated and verified through material transactions (or “consumerism”). Blood money has then an important symbolic dimension in addition to its instrumental one. The perceived reality of “payback” and blood money serves to underline one’s group identity. These ideological institutions are also a way of recognizing that killing is a breach of rule, and where such breaches occur, as Radcliffe-Brown pointed out, action must be taken to reaffirm these rules, otherwise they will cease to be obeyed. Thus since it has been suggested that blood money can also be viewed as a punishment to the offender, it can be argued that the increase in blood money is a reflection of the people’s concern that previous sums are inadequate as a deterrent. By increasing the size they are trying to make it an even more effective prophylactic: its usual efficacy is doubted so the dosage is increased.

Standish has pointed out that the present resurgence of violence in the Highlands is related to the advent of self-government and independence, when the Highlanders were increasingly concerned about what they believed to be an uncertain future. It is important to note too, that as far as I could ascertain, blood money also started its inflationary tendencies during this period. Various feedback mechanisms have helped to sustain this tendency since each new “record price” established new limits for negotiating. Such an interpretation ties in well with many of the theories which Highlanders have themselves espoused in the Post Courier. For example, that Highlanders fight in order “to survive, to gain power and to be recognised by other tribes” (P.C.
indeed 'traditional', some writers like Reay (in Epstein 1974) assert that Third
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Excurrus: Official Attitudes Towards Blood Money

After Independence it appears increasingly that the Courts have been
displaced by indigenous grass-roots generated institutions of grievance
management. Accordingly it is necessary to briefly examine the attitude of the
courts personnel towards blood money. Generally officials have displayed an
ambivalent attitude towards blood money and this arises in part from their
distinction between criminal and civil matters. Homicides are regarded as being
criminal while compensation is classified as civil. Since all claims over K2,000
would have to be brought before the National Court, professional lawyers,
most likely the Public Solicitor, would have to be engaged. Yet the workload
of the Public Solicitor is such that they do not even consider civil cases anymore
except under extraordinary circumstances.

Typically then, these matters were left to the Kiaps and Councillors to
arrange. Some oral evidence suggests that Kiaps did not customarily encourage the payment of blood money directly until the late sixties when there was an upsurge in violence that they then started actively and forcefully resorting to this strategy and thus giving it a quasi-legal status (Although there is some contradictory evidence here, it does not invalidate the argument). Meggitt (1977:206) is pertinent:

In the late 1960s some kiaps were ... calling the leaders of opposed groups together when fighting halted to negotiate reciprocal compensations for combat deaths. When amounts were agreed upon, the kiap and the police supervised, indeed enforced, their public payment. Large numbers of pigs were distributed. I do not believe, however, that such transactions did much to alleviate tensions. The donors saw them rather as involuntary fines whose payment did not absolve them from the obligation to avenge their brother's deaths and to continue the struggle.

Government was and is aware of the relationship between blood money and violence. Thus since at least 1973 there have been efforts to speed up the processing of insurance claims as a means of combatting Highlands' violence because the "Natives expect and demand prompt action to satisfy the aggrieved clan". Apart from the need to discuss whether such a situation is indeed 'traditional', some writers like Reay (in Epstein 1974) assert that Third Party Insurance does not really assuage the situation because it is seen as being

'Government Money'. As far as I am able to ascertain, it is also during this period that blood money claims against strangers in PMV accidents started being pressed with fervor. Given the political atmosphere, these claims were tolerated by the Police and Law Departments even when such claims were
often extortionate. Thus again, Government policy amounted to de facto acceptance of the institution.

Official acceptance of the principle of blood money by the courts appears
now to be openly encouraged. In an unreported decision given in March 1977 in Kieta, Keamey J. ordered five warders and two policemen to pay K200 each as compensation to the kinfolk of a Southern Highlands man who died while in custody, and stated that the Government had a "moral responsibility to pay compensation". A government contribution brought the sum up to K10,000 (vis-a-vis the K20,000 which the Southern Highlands Province negotiators asked for). Whatever the rationale behind this decision -- that it might protect the police and warders in the Southern Highlands Province from 'retribution' and that "it is likely to have a dramatic deterrent effect on payback killings and crimes in rural areas generally" (Barnett 1972:35) -- it serves to indicate the growing acceptance of the ideology of blood money by the highest courts in the land.

The effect of official attitudes towards blood money should not be
underestimated and indeed the reasons why the government often makes ex gratia payments (which are seen by the people as blood money) are often strikingly similar to those which motivate Highlanders to pay blood money. For Kiaps in the colonial era, such payments were justified in terms of "administrative convenience" since they helped "to maintain Government prestige and good relations" and encouraged the people to be "co-operative" and "not to take the law into their own hands".

Nowadays officials still argue in favor of blood money payments, especially if people have died in custody. Recently for example, a senior national kiap argued that "people don't understand the Western legal system" and that ex gratia payments "would assist greatly in regaining support". Mention was made that the grieving party threatened to take vengeance on the police and their families. Such threats are taken seriously and ex gratia payments have shown a similar tendency towards inflation. Thus, for example, recently one official recommended an ex gratia payment of between K20,000 and K30,000 on the grounds that he had been guaranteed that the deceased's relatives would not hold anything against the police as long as the government paid them.

Such threats are believed not only by junior but also by senior officials. Thus the hegemony of the government as a body above the level of petty
politicking and threats is doubted not only by the populace at large, but also by its officers, and this I suspect is one of the major reasons in the escalation of blood money prices.

**Negotiations**

Blood negotiations tend to be one-shot and routine, one of a sequence of similar and possibly linked negotiations (Strauss 1978). It is important to realize that such negotiations form part of on-going social relationships which are both preceded and succeeded by a history of similar negotiations. Thus in considering the question of whether such payments are excessive or not, apart from the actors’ perspective, one must look at both the past and future relationships. Looking backwards, one often finds a number of previous claims which are claimed not to have been “adequately” settled by the grieving party. Thus a common argument used in claims against the police in many parts of the Highlands is that a number of people have died at the hands of government and that compensation was not substantial enough. Inflation creates a vicious circle: settlements which were previously regarded as satisfactory are now, in the face of new high prices, regarded as being inadequate and this serves to rejuvenate old claims.

**Traditional and Spurious Blood Money**

If we look at blood money as an ideology which helps to order ongoing social relationships, then two basic types of situations can be distinguished. The first, tentatively called “traditional”, typically arises when the groups come from the same vicinity and thus have a history of inter-group relationships in which interaction has been particularistic. Their close physical proximity results in a certain embeddedness of their social relations due to cross-marriage alliances, etc. In such situations, blood money can be transformed into Tee or Moka with return payments, but is important to note that this might not necessarily occur. The second situation is called “spurious” and typically occurs between two “stranger” groups, that is, groups who do not have a history of past social relationships, and what relationships there are are universalistic not particularistic. In such cases there is little possibility of return prestation and the establishment of ceremonial exchange. Road accidents appear to be the dominant causes of such situations. It is in such situations that one can most clearly see the ideology of blood money being exploited for individual gain. This is exemplified in a recent case when three plantation workers saw a body floating down the Waghi river. They gambled to see who would recover the body and thus claim blood money. Unfortunately, the person who won drowned in the recovery attempt.

When Sgt. Buka of the Police Association claimed that “the Courts should no longer rely on arguments of traditional customs and primitive society. Most of the people of PNG have reached a sufficient level of sophistication to know that payback killing and tribal warfare ought to be a thing of the past” (P.C. 22-2-79), he was referring to a well-documented phenomenon, namely that in situations of social change, people often manipulate the ideas of ‘tradition’ to serve their own interests at the expense of weaker groups or people. In the areas where excessive blood money is paid, the people have long been aware of the State’s ideas on these matters, yet they use this knowledge selectively.

In the ‘traditional’ situation, blood money is generally seen as sorti moni and is usually spent on feasts to commemorate the dead. In the “spurious” situation, payment is for almost immediate payment of the complete sum, whereas in the traditional situation, an immediate token and a promise to pay later often suffice. In the former, initial claims tend to be very high and then rapidly drop, often to no payment at all. In the latter situation, claims tend not to be high initially and do not drop so drastically. This might be because the relative amount of information available differs markedly in these situations and because the negotiations in the traditional situation involve “other issues” as well. They are multi-focused in contrast to the spurious situation where there is only a single focus, namely the death of the person concerned.

**Tactics and Strategy**

The situation for both types is essentially triadic and not dyadic: that is, in negotiations, third parties or ‘strangers’ play an important role, be they officials, neighbours, big men, politicians or students. Negotiation or bargaining which accompanies it is a serious business and the most skilled negotiators are called upon. In the spurious type situation, outsiders who are pre-eminently “educated” or politicians who succeed in “winning” money for the grieving group, generally take a large cut of the ‘winnings’, or occasionally might decline such money in a effort to build up political prestige and support.

The relative strength of the negotiating parties depends on their power. This power derives not only from unequal access to Government services, but more importantly, it depends on what alliances in the Moka and Tee the concerned groups have (an added reason for the reported upsurge in these activities?). Here physical proximity to one’s stronghold is obviously important. Levine, for example, reports a large claim by Hageners in Hagen against a ‘Wabag’. Shortly after this, an Enga, who was the eldest son of one of the most important Enga big men, was killed by Hageners in Hagen, yet the amount of blood money was trivial compared to that reported by Levine.
Where the grieving party has little strength, tactics might involve threatening to sit on the road so that the whole group "can be killed" in an effort to gain intervention and support from the government, usually in the form of the Kiap. The role of the Kiap in determining size of payment should not be underestimated. For example, as one Kiap reported, "The people ... wished me to return on Saturday when payment is made because if the Kiap was present the other group would be afraid to ask for more money."

**Alternatives to Blood Money**

It has been suggested that the changing socio-political structure in the Highlands has affected the range of options open to the negotiating parties. As the alternatives framed by the state become less attractive and feasible, blood money rises. As Heath puts it: "The less satisfactory are the alternatives to a giver, the more dependent he is on the receiver, and the higher the price the receiver can obtain" (Heath 1975:23). Certainly, there is considerable evidence to suggest that despite the expansion of official courts etc., which would provide alternatives to paying blood money, they are not being used for these purposes because the central government is losing its authority or legitimacy.

The most obvious indicator of the government's loss of authority is the recent upsurge in payback killings of people while in official custody. Certainly, while the administration is increasing in size at a remarkable rate, evidence suggests that it is increasingly losing touch with the people at the grass-roots level. People increasingly see the government as practicing 'wantokism': being corrupt and hypocritical, lenient on matters of law. Given such a view, it is quite widespread in the Highlands, why should the government and its institutions have any authority except that backed by force? Even the police force is becoming increasingly ineffective. Clearly, it can be argued that people pay blood money in the Highlands not because they regard it as right but because of fear, and fear sets the stage for intimidation: if they do not pay they will suffer various reprisals and attacks. The consequences of non or delayed payment are well known: school absenteeism rises, fear and suspicion are rife, and Government and other services are seriously disrupted. Non-payment even affects people living not only in the immediate vicinity, but wantoks throughout Papua New Guinea suffer these psychological effects. The Government cannot control blood money prices anymore. It has lost the ability to do so.

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