

‘E ĀGATONU Ā MANU’A ‘O FESILI:

**Investigating the Attitudes of an Auckland Samoan Population toward the
New Zealand Criminal Justice System**

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Attestation of Authorship

“I hereby declare that this thesis is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), no material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.”

DEDICATION

This thesis is dedicated to a number of very close and important people. First, to my dear wife Judy, my beloved children Ali'iovavega, Fitiuta, Salutioata, Justin and Kinerita, I sincerely hope that this work will do justice, and be *talafeagai* in terms of reciprocating the love, patience and prayers that you all have shared with me during my constant absence from your lives, especially during those crucial formative years of your developments my dear children. I cannot thank you enough, and this thesis is yours!

I also dedicate this work to my sisters and brothers and their families, nieces and grandnieces, nephews and grandnephews with the hope that it will spark a passion in your hearts to be successful in whatever you do in life. Thank you sincerely for your prayers, thoughts and support. *Fa'afetai tapua'i.*

The *TAUALUGA* of this dedication is a tribute to my dear parents; Monika Fa'aopega Pualau (nee La'amalefolasa Maua), and my late father Leu¹ Fata Tunufa'i Pualau, upon whose resilience and vision I always find safety, direction, identity and destiny. *Fa'amālō fa'afetai mo le tapua'iga!*

This thesis is my personal pledge, that I will continually honour the legacy of my progenitors, guard and defend the knowledge of my family and people, and share this knowledge only in a manner that will bring benefits to the wider community and honour to my God.

¹ Leu from the village of Safotu (Savai'i Island) rather than from Afega village

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Fa’afetai, fa’afetai, fa’afetai tele lava!

ABSTRACT

The purpose of this study was to investigate the attitudes of Samoans to the New Zealand criminal justice system. This also involved exploring Samoan people's process of knowledge production and how this shapes their reactions to crime. The researcher's interest in this topic emanated from working as an interpreter in the New Zealand criminal courts and the recognition that Pacific peoples, of whom Samoan people comprise 49.3% (131,103), are over-represented in violent crime rather than total crime (Families Commission, 2009, pp. 16-17). While the 53 participants for this study from throughout the Auckland region are not representative, especially in terms of randomness, of the total New Zealand Samoan population, they do reflect certain important elements of the Samoan population in Auckland like geographic concentration, employment status, gender, age group and country of birth. The study employed a mixed method approach where a short survey was filled in individually by each participant before personal in-depth individual interviews began. In addition, two focus groups (Appendix B) were organised; one for the older youth group (18 to 25 years of age) and one for the adults group (aged over 25 years). A combination of Pacific and migrant-specific approaches like *Fonofale*, *Talanoa*, *Fa'afaletui* and *Kakala*, and mainstream methodologies like Grounded Theory and Thematic Analysis, informed the collection and analysis of participants' 'shared knowledge'. Theoretically, ideas from cultural criminology, labelling approaches, and general strain theory underpinned this investigation.

Results of the pre-interview survey show very high support for judges, lawyers and police with judges receiving the highest support at 92% which underlines the (somewhat paradoxical) high level of respect Samoans have in relation to the criminal justice system. The thesis presents six key findings that provide deeper understandings of various aspects of Samoan attitudes to crime; 1) prisons are counter-productive to rehabilitation, 2) access to information and knowledge about the criminal justice system is of prime importance, 3) crime is permanent, 4) the notion of family is central, 5) sentencing is too light for rape and murder, and 6) the process of knowledge production for Samoan people is important. Theme number six presents the main argument that the involvement of Samoan people in criminal activities follows the same process of Samoan knowledge production that one takes in order to learn, practise and acquire a *faiva* – vocation. Albeit negative as it sounds, crime commission is undeniably a *faiva*. This finding is important in terms of

understanding why Samoan people over-represent in violent crime, as well as in terms of the development of any subsequent policies and programmes that are partly informed and underpinned by cultural notions.

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CHAPTER ONE: INTRODUCTION

1.1 Introduction

Pacific peoples in New Zealand, including Samoan people, are no longer a dominantly migrant population, as 60% of the Pacific population were born in New Zealand (Statistics New Zealand & Ministry of Pacific Island Affairs, 2010, p. 12; Tanielu & Johnson, 2013). People of Samoan origin make up about 49.3% (131,103) of the Pacific population (266,000) in New Zealand, and only around 3% of the total New Zealand population. The involvement or representation of Pacific Island people in crime however, especially in violent crime, is disproportionate to their total numbers. For example, in 2006, 76% of people convicted of assaulting a child were men (Families Commission, 2009, pp. 16-17). Of this number, 29% were New Zealand Europeans, 47% were Maori, and 19% were Pacific Islanders. Further, the same report revealed that 4,285 men in total were prosecuted for male-assault-female crimes. Of this number, 29% were New Zealand Europeans, 53% were Maori, and 12% were Pacific Islanders. The point is, while people of Pacific origin make up only around 6% of the total population of New Zealand, the figures of 19% and 12% for the crimes of assault on child and assault on female respectively, show a clear over-representation - triple and double – the percentage of these people in violent crimes. This could mean that Pacific island peoples, including Samoans, are either very violent people or that the New Zealand criminal justice system is too criminogenic and criminalising. Or are there other reasons to be explored, such as cultural understandings of crime, education processes, and issues facing families? Whatever the case, the pressing reality is that this over-representation needs to be properly analysed and understood. This is one of the main reasons why the current research project was proposed. Relatedly, one of the most logical places from which to launch an investigation into this issue is to research two key areas: 1) Samoan people's perceptions of and attitudes toward crime and the New Zealand criminal justice system; and 2) to explore

Samoan people's process of knowledge production and how this shapes their reactions to crime. These two areas combined, are the central questions of this research project. Additionally, other questions, including the following, were necessary to properly contextualise and guide the investigation:

1. Why are Samoan people over-represented in violent crime rather than in total New Zealand crime statistics?
2. Which segment of the total Samoan population in New Zealand contributes more to this over-representation and what might some mitigating factors be?
3. Are New Zealand laws and prosecution processes accessible and comprehensible to Samoan people?
4. How do Samoan people interpret New Zealand laws and the criminal justice system?
5. Are Samoan people's interpretations of New Zealand laws consistent with the intentions of such laws?
6. Are Samoan people's law-keeping practices enhanced by law enforcement practices in New Zealand?
7. How have Samoan people experienced law and order practices in New Zealand?
8. Do Samoan people have the same or similar views of the criminal justice system irrespective of birth places, gender and age differences?

While it would have been ideal to investigate the attitudes of Samoan people around the world toward their respective country of residences' criminal justice systems, and to compare them to the New Zealand situation, practical and financial realities, together with constraints related to the scope of this thesis project, would not allow for such a venture at this stage. Nevertheless, starting with a sample from the Samoan population in Auckland would still contribute towards examining the issue at hand, with the hope that as more money and

resources become available, the investigation can again continue to another phase. The investigation of Samoan people's attitudes toward the criminal justice system is therefore a progressive exercise.

1.2 Explanation of the Title of the Thesis

The Samoan expression '*E āgatonu ā Manu'a o fesili*' is a formal and very respectful way of precluding a request for clarification or confirmation of an issue or topic about which the enquirers are not clear, if not totally ignorant (*O Alaga'upu fa'aSamoa*, 1958). Popular view contends that the origin of this expression is Tui Manu'a² (La'amalefolasa Agafili La'au Tuitolova'a, personal communication, 15 July 2010). Thus the story goes as follows.

Tui Manu'a had a group of *tautua*³ - service renderer(s). One day, Tui Manu'a noticed a new man who appeared to have outwitted and outperformed all of Tui Manu'a's other *tautua*. This stranger was rendering quantity, quality and timely service (*tautua*) within the village in general and to Tui Manu'a specifically. He therefore asked his *tautua*, "*Se e āgatonu ā Manu'a o fesili; ae o ai ea si ali'i sia?*" – "(Tui) Manu'a would act justly through enquiries but who is that gentleman?" One *tulāfale* replied, "The gentleman is *Muli'aga* from (the island of) *Savai'i*. He is the husband of your daughter '*Ie'iē*.'" Perhaps surprised at his

² The title Tui Manu'a means the King of Manu'a (island group). This group of islands is the eastern-most part of the Samoan archipelago. The Manu'a group, together with the Tutuila group of islands, form the US Territory of American Samoa.

³ The term *tautua* is a personal pro-noun in this context. It means the person(s) who renders service to a *matai*, but it does not mean servant. The closest English equivalent to the concept of *tautua* is apprentice. This is because the rendering of service is part of learning how to become a *matai* in the future. This is supported by the common Samoan expression, "*O le ala i le pule o le tautua*" – service is the road to a title (Marsack, 1958, p. 11). Further, the term *tautua* (same spelling) is also a noun in the sense of doing the act of service. Its verb form also has the same spelling but means to serve.

ignorance of the whereabouts of his daughter, the king was overwhelmed with joy that his son-in-law was a fine and hard-working man. The king consequently treated Muli'aga favourably and with much respect.

Muli'aga, by the way, came to the island of Manu'a with his wife with the intention of obtaining (*sa'ili mālō*) from Tui Manu'a a *ao* – 'head'⁴ – for his government in Savai'i. Muli'aga kept to his *faiva*⁵ of *tautua* and continued to excel in every aspect of it. One day, Muli'aga and 'Ie'iē decided to return to Savai'i. They therefore informed king Tui Manu'a about their plans. With a heavy heart, the king reluctantly agreed and therefore arranged a collection of *toōga*⁶ (fine mats) which he presented as his parting gift for his daughter and son-in-law. Immediately, the king noticed that Muli'aga looked very sad and appeared unimpressed, albeit having now in his possession a good wealth of *toōga*. The king then asked Muli'aga, "Are you not satisfied with my gifts? Have I fallen short and not properly reciprocated your hard service?" Muli'aga replied, "*E le o lenā, auā o lo o matua'i tele na'uā fo'i 'ie toōga i Salāfai*⁷. *O a'u na 'ou sau ou te sa'ili mālō*", which can be translated to mean, 'It is not that, because 'ie *tōga* are also found in abundance in *Salāfai*. I came here in search of a 'head' for my government'. Understanding the situation better, Tui Manu'a therefore bestowed the title '*Muli'agatele*' upon Muli'aga. This title translates literally as

⁴ Muli'aga was in search of a royal title. This is important in terms of acquiring royal connections which may subsequently result in the strengthening of his rule.

⁵ Faiva in this proverbial context means vocation, employment or occupation (Fraser, 1896; Stair, 1896, p. 55) but not fishing, as it is understood in its everyday context.

⁶ This thesis adopts the view that the spelling *toōga* instead of *tōga* or the highly problematic rendition *toga*. The latest often gives the mistaken understanding that the '*ie toga* came from Tonga.

⁷ *Salāfai* is the other name, perhaps the more formal one, for the island of Savai'i, which is also the biggest island in the Samoan archipelago.

‘Great Muli’aga’, which has the connotation that the title Muli’agatele is paramount and is therefore now superior to the title Muli’aga. It is also noteworthy that it was during this occasion, specifically Tui Manu’a’s remarks, that also gave rise to another well-known Samoan expression, “*O le ala i le pule o le tautua*”, which means that the road to ‘rulership’ (title) is service (Marsack, 1958, p. 11).

For the purpose of the current study therefore, the expression, ‘*E āgatonu ā Manu’a ‘o fesili*’, is adopted to emphasise the proposal that the essence of the Samoan culture of asking and responding to questions is crucial to gaining a rich, meaningful and an informed understanding of the Samoan people’s knowledge on any topic. More importantly, the exercise of asking Samoan people is more than just holding a personal interview or a group discussion with them. It requires an understanding of certain important issues like being conversant with various processes that Samoan people follow when they seek new knowledge. It also seeks to examine how Samoan people go about in discussing matters that are significant to them. This approach is not only relevant to the way I have investigated this topic but also to my findings.

1.3 Positioning the ‘I’ within the Thesis

This section aims to achieve two goals: (a) to contextualise and position the researcher within the current study and (b), to answer the question of ‘why this research’, which provides the rationale for this investigation. This is crucial because it provides the reader with information about the researcher’s role and approach to this study.

The first goal relates to how the researcher positions himself in the thesis. The researcher takes an insider-outsider approach, which purports that the researcher is an active agent to combine the perspectives of the participants with those of his own (Bartunek, 1992; Brown &

Gaventa, 2009, p. 8). However, the researcher's role is strictly restricted to probing and providing the participants with alternative scenarios to generate more discussion. Given this, the term or title researcher is used interchangeably with 'I', 'my' and 'me'. The researcher is an 'insider' in the sense that he is of Samoan descent, but in terms of experience in criminal matters, the researcher is an 'outsider'.

My quest for further understanding of Samoan people's knowledge of the New Zealand criminal justice system emanated from my involvement as a Samoan interpreter and translator within the health, education and criminal justice services throughout the Auckland region. Within the justice services, I worked mostly with Samoan parents and their young people. In many cases, specifically within the justice system, a clear lack of understanding and misinterpretation of legal requirements were the key contributing factors to any breach of such requirements. I witnessed and listened to the reasoning and thinking of a lot of these dear people and marvelled at the high level of ignorance about the criminal justice system and its processes that a lot of Samoan people demonstrated. Further, there was also a degree of misunderstanding by justice professionals of Samoan people's ways of doing things. Being passionate about young people therefore aroused my interest to pursue the investigation that culminated in this thesis. I believe more studies similar to the current one are long overdue given the limited attention social researchers have dedicated to research on Samoan-specific attitudes towards the New Zealand criminal justice system and knowledge of crime.

1.4 Demographic Profile of Samoan people in Auckland

*After a brief introduction to Auckland Samoan people and the Samoan ‘Roles and Responsibilities in Reproduction’ study, we discuss our theoretical ⁸approach to social and cultural reproduction in this context of a **formerly migrant community now producing its third generation in Auckland, while maintaining transnational kinship ties**⁹ (Park & Morris, 2004, p. 228).*

Having set the personal and cultural context of my study, I will now begin to sketch the Auckland community context with which it is concerned. According to the latest available figures (Statistics New Zealand, 2010a), Samoan people make up around 3.3 percent (131,103) of the total New Zealand population, and around 49.3 percent of the total Pacific population in New Zealand. Due to the size of the Samoan group in comparison to other Pacific groups, it “has a substantial impact on the characteristics of the Pacific population as a whole” (p.10). Between 1996 and 2006, Samoan people increased by 64,800 people, or 98 percent compared to 23.4 percent by which the total New Zealand population grew during the same period. The only Pacific group that recorded a faster growth rate than the Samoans was the Tongan group, which increased from 13,600 to over 50,500 people, a 371 percent growth.

Another significant change to the New Zealand Samoan population is that it is no longer a dominantly migrant population. In 1986 there was a fifty-fifty split between island-born and New Zealand-born Samoans residing in New Zealand. In subsequent years however, the figures changed to show 41 and 59 percent of Samoa-born and New Zealand-born Samoans respectively (Statistics New Zealand, 2007, 2010a). The average age of the Samoan

⁸ Italicized section in original text

⁹ Author’s emphasis

population is 20.9 years compared to the New Zealand overall average of 35.9 years (Statistics New Zealand, 2009a), which is indicative of the fact that the Samoan population is youthful and therefore with a much higher reproductive probability (Park & Morris, 2004).

The 18 percent difference between Samoa-born and New Zealand-born Samoans also ‘impacted dramatically’ on both the usage and comprehension of the Samoan language by both groups. In fact, in 2001, 92 percent of Samoa-born Samoans and 48 percent of New Zealand-born Samoans could hold a conversation in the Samoan language (Statistics New Zealand, 2002). Unfortunately, especially in terms of the survival of the Samoan language in New Zealand, those numbers decreased in 2006, and showed that 90 percent of Samoa-born Samoans and 44 percent of New Zealand-born Samoans could converse in and understand Samoan. However, given that this “formerly migrant community is now producing its third generation in Auckland, while maintaining transnational kinship ties” (Park & Morris, 2004, p. 228), it is perhaps fair to conclude that the impact of Samoan notions on the New Zealand Samoan community in general, irrespective of the ratios of their places of birth, will still be evident through many more years to come.

1.5 *Chapters Overview*

The research journey contained in this thesis is divided into eight chapters. The current chapter introduces the study and provides the rationale for taking up this investigation. Chapter Two sets the tone of this research in terms of providing a literature review on attitude studies toward the criminal justice system, description of previous related research, and explains further the rationale for this study, based on gaps in the literature. The review identified the area of cultural awareness about how to understand Samoan offenders as an area in which urgent further research is needed. Chapter Three discusses criminological theories from which this project drew. Given that no one criminological perspective could

single-handedly explain the complexity of the criminal justice system, several theories were chosen and explained in the chapter. These included Cultural Criminology, Labelling Theory, and General Strain Theory. Chapter Four discusses traditional Samoan law-making and law-enforcement concepts and processes. Some key contributions of the current project to knowledge accumulation are presented in this chapter, like for example the discussion of the foundations of the concepts of fairness and justice within Samoan people's epistemological framework. Chapter Five explores the methodological perspectives of the study. It also explains the research tools that the researcher employed to select participants for the study, and also to gather and analyse participants' knowledge for the writing of this thesis. The researcher decided to combine mainstream methodologies like Grounded Theory (Glaser & Strauss, 1967b; Wells, 1995) and Thematic Analysis (Braun & Clarke, 2006a; Byrne, 2001a), with migrant and Pacific-specific perspectives (Ministry of Health, 1997; Pulotu-Endemann, 2009; 2009; Tamasese, Peteru, Waldegrave, & Bush, 2005; Vaiolleti, 2011) in the process of obtaining and analysing the respondents' shared knowledge. In Chapters Six and Seven the researcher brings to life the participants' narratives in the form of six themes or findings. Chapter Six, specifically, discusses these findings, and it is in this chapter also that the researcher uses examples from the narratives to illustrate the selected themes. Further, results of the mini survey that precluded the individual in-depth interview are also discussed in chapter six. Chapter Seven on the other hand discusses the study's final theme which argues that, in general, crime involvement or commission is a *faiva* - vocation, occupation or skill that is acquired by following the same process of knowledge production that Samoan people employ to learn, practise and acquire a positive *faiva*. It needs to be noted here that the manner in which participants treated and referred to concepts that led to the formation of the *faiva* theme, were somewhat superficial and general. For instance, older Samoa-born participants often use the phrase, "*E le sesē a 'upu a le akugu'u*" – which means

customary expressions are not wrong, to prelude their answers and reasoning. Unfortunately, further and deeper investigation revealed that most of these speakers did not possess proper understanding of the origin and deeper cultural knowledge of the proverbs that they were using. This consequently made it necessary for the researcher to travel to Samoa where he interviewed six *matai* of notable standing and a wealth of epistemological and etiological understanding of the Samoan language, specifically the Samoan formal and proverbial language. Four other highly regarded matai were also interviewed in New Zealand. The original data therefore pointed out the concept of *faiva*, but the extra data from the *matai* interviews enriched the theme to its final phase. Chapter Eight is the conclusion chapter in which three key important areas are explained. The first is the summary of all the findings in relation to the research questions. This summary also includes reflections on theoretical standpoints that underpinned this research, as well as reflections on the methodologies that were adopted in terms of participant selection, data collection, data analysis and results dissemination. The second is a discussion which elucidates how this project has answered the overall research question(s). The third is an explanation of the limitations of the current study and recommendations for further research.

CHAPTER TWO: LITERATURE REVIEW

Habits die hard: Our secret ambition is to produce the kind of understanding that might even, some day, turn into wisdom (Margaret A. Miller).

2.1 Introduction

This review of the literature aims to achieve two objectives. The first is to present a clear picture of what research has been done in terms of investigating public attitudes toward the criminal justice system both in New Zealand and internationally. Secondly, the review also aims to provide the background or the context within which the current study is situated. That is, an understanding of the literature will help in the identification of the problem(s) that the current project will then address since the attitude studies are limited. The key areas upon which this review will focus and examine are; 1) the importance and salience of attitude studies in general, 2) studies on public attitudes toward the criminal justice system, which will also include attitudes towards the police, judges and criminal lawyers, 3) research on attitudes toward domestic violence, 4) studies regarding attitudes toward sentencing and punishment, and 5) previous studies related to crime and Samoan people.

2.2 Importance of Attitude Studies in general and in relation to crime

Attitude studies have covered a variety of areas ranging from technology and motor mechanics (Afetermarket Business World, 2012), to cognitive and social psychology (Petty, Fazio, & Briñol, 2009), to business and occupational psychology (U.S. Chamber Survey Centre, 1980; Wood, 2011), to religion (Astley, Francis, & Robbins, 2012; Lebedev, 2009), as well as criminology and the criminal justice system (Freiberg & Moore, 2009) to name a few. Within criminology and studies of the criminal justice system, understanding public opinion about crime occurrence and crime control is always an important exercise both nationally and internationally (Paulin, Searle, & Knaggs, 2003). This is because the

relevance and functioning of the criminal justice system is strongly contingent upon public support and public participation (Roberts, 1992). Similarly, positive public confidence in the criminal justice system will result in the reporting of crucial crimes to the relevant agencies (Morris, Reilly, Berry, & Ransom, 2003, pp. 99-100). Further, public confidence in the criminal justice system bespeaks believing that such a system will do its job in terms of delivering justice (Turner, 2008). Conversely, an 'unwanted culture' of non-reporting of crime bespeaks a lack of public confidence in the criminal justice system. Given therefore that criminal justice policies are constructed to benefit the public, it is sensible to argue that such policies should be informed, at least in part, by public knowledge and contribution. This contention is supported by studies which suggested that public views regarding issues like the death penalty, prison reform, and insanity, often change subject to the amount of education and information the public receives about policy issues that affect them (Mandrachia, Shaw, & Morgan, 2013, p. 95).

2.3 Attitudes toward the criminal justice system

Research about the public's knowledge of the criminal justice system is an area to which social scientists have not given enough attention generally (Searle, Knaggs, & Simonsen, 2003). These types of studies, however, are important for the simple reason that public understanding of the criminal justice system and how it deals with justice issues are vital components of any justice system, especially in the area of policy making and programme formulation (Freiberg & Moore, 2009; St Amand & Zamble, 2001; Statistics New Zealand, 2009b; Van Kesteren, 2009b). Such research is even more vital for New Zealand given that its criminal justice policies have been informed, not just by local and national studies, but also to a large degree by international research (Ministry of Justice, 1996). Nevertheless, small and more localised studies (Shirley et al., 1998) and theses (Bratcher, 1997; Lyon, 1990, as cited in Paulin, Searle, & Knaggs, 2003) were also recently conducted to examine

specific aspects of crime like law and order and offence seriousness. On the basis of the above understanding, this section of the review aims to discuss the following issues – public confidence in the criminal justice system, crime definition, and discussion and examples of the importance of crime statistics to the criminal justice system.

It is vital that the public has confidence in the criminal justice system, a topic that is a policy priority in most Western countries (Roberts, 2007). To build and maintain such confidence or belief, it is important that the public is amply informed about how the criminal justice system works and what it does in terms of administering justice (Warner, Davis, Walter, Bradfield, & Vermey, 2009). Research found that information and evidence-based practice within the criminal justice system enhances public confidence (Chapman, Mirrlees-Black, & Brwon, 2002). Furthermore, a criminal justice system that is devoid of the trust and confidence of the very public that it is meant to help may prove ineffective in terms of serving justice to the victims of crime, to the wider community and even to perpetrators (Hough & Roberts, 2004). Where public confidence in the criminal justice system is lacking, the reporting of crime and subsequent prosecutions may also become severely affected.

Another issue within the criminal justice system is related to confusions in terms of the definitions of certain crimes like, for example, hate crimes, organised crimes and crimes of aggression. It has been argued that definitions for hate crimes have been “overextended and vague” (Levin, 1999, p. 8). Furthermore, definitional problems have also contributed to how police and courts have differed in their treatments of hate crime, as it has been reported in Sweden (Tiby, 2007). That is, where the Swedish police have been more inclusive of more acts that would have made many people victims of hate crimes, Swedish courts have referred to hate crimes more as crimes against homosexuals. Similarly, providing unanimous and less complicated definitions for “just what organized crime is, has been a continuing problem for

both research and policy” (Finckenauer, 2005, p. 63). Furthermore, definitions of the crime of aggression in international law is also proving difficult (Solera, 2010). All these difficulties could be explained by the fact that definitions of crime are historically and spatially contingent (Garside, 2011). That is, they change from time to time in the history of human beings, and also from place to place. Thus while some acts may have taken on a new status – criminal, like rape within marriage which became a criminal act in 1991 in the UK, others may enjoy a legalised status like homosexuality. All in all, the only definition that really matters in terms of legitimising punishment by the state is that which considers criminal actions as “those proscribed by law and those for which courts can impose punishments” (Kurtz, 2008).

Moreover, “contemporary debates about crime, whether in politics or popular culture, the academy or policy making, are also a species of mythmaking and mystification” (Garside, 2011, p. 18). For instance, Berry, Philo, Tiripelli, Docherty & Macpherson’s (2012) study of the media’s reporting of serious crimes against children, found that at times, the media is selective in that “important information regarding sentencing rationale is sidelined in favour of moral condemnation and criticism of the judiciary” (p. 567). This has subsequently contributed to public confusion regarding sentencing and penal policy in this area, as well as causing negative attitudes toward the criminal justice system.

Despite the above, the complexity and definition issues are very much evident in how different ethnic groups in New Zealand ranked the severity of crimes. For example, in the first ever New Zealand national study of public attitudes to crime and punishment (Paulin, Searle, & Knaggs, 2003), a randomly selected sample of 1506 participants from 19 ethnic

groups were given as their first question to arrange six¹⁰ different crimes in order of seriousness. The study found the crimes of burglary with a weapon and importing heroin as the most serious of the crimes (p. 30). In fact more than half of the respondents rated these crimes as either most serious or second-most serious. Further, participants of New Zealand European, Maori, English, Australian, Scottish, Chinese, Tongan, Fijian and Samoan ancestry were more likely to rank burglary with a weapon as the most or the second most serious crime.

Additionally, thirty percent of Samoan participants and 27.33% of Tongan participants ranked burglary with a weapon both as the most serious and the second most serious crimes. Further, 31.13% and 42% of Samoan and Tongan participants respectively, also equally ranked fraud as the least serious of the six crimes. Conversely, 41% of Maori participants and 38.5% of New Zealand European participants ranked importation of heroin as the most serious crime, a phenomenon which Samoan participants did not rank even as the least important. Further, both Maori and European participants also equally ranked the possession of marijuana as the least serious crime, similar to the Samoans who ranked marijuana at number five. The point in here is that the ranking of crime by Samoan people is indicative of their definition of crime in general and understanding of the criminal justice system in particular. For example, the crime burglary with a weapon was ranked the most, second and third serious by Samoan participants. Further, the crime male assaults female was not ranked which is indicative of the fact that such an act might not even be considered a crime by Samoan people outside of Samoa (Magnussen, Shoultz, Hansen, Sapolu, & Samifua, 2008, p. 390), including New Zealand. In fact, Magnussen et al (2008) explain that corporal

¹⁰ 1) Drunk driving; 2) Possession of marijuana; 3) Importing Heroin; 4) Fraud; 5) Male assaults female; 6) Burglary with a weapon

punishment within *fa'aSamoa* is not reserved for just the children but that “if wives do not ‘obey’ they, too, may be punished in this way” (p. 390). While this contention is debatable, it does support the suggestion that “further research is required to ascertain the nature of domestic violence for Samoan women in New Zealand” (Crichton-Hill, 2001, p. 203).

The final issue with the criminal justice system relates to the management and dissemination of crime statistics both within the New Zealand criminal justice system and also for ‘public’ edification (Statistics New Zealand, 2011, p. 6). Crime statistics are important because without them, it would be difficult, let alone impossible, to “monitor the nature and extent of criminal activity...and its impacts on the safety and well-being of individuals and families; oversee the performance of different elements of the justice system and the development of practical interventions to reduce crime” (Statistics New Zealand, 2009b, p. 16). Crime statistics inform us of crime trends and how well the criminal justice system has handled the crime problem both locally and nationally over time. It is on the basis of crime statistics that people can form and shape their attitudes.

However, crime statistics should be ‘handled with care’ because of the following reasons. First, of all the available sources of information about crime incidences, no single source provides a firm basis upon which to draw valid conclusions about crime statistics (Bricknell, 2008; Sims, 1997). As such, it is “impossible to accurately discern the true incidence of crime in New Zealand” (Tolmie, 2007, p. 39). Further, data from self-reports, official records and government statistics all have limitations in terms of producing conclusive accounts of the nature and causes of crime, as well as the kind of programmes that work best to address issues regarding crime control and rehabilitation. Additionally, given that most crime statistical calculations rely completely on police records, which contain only crime that has been reported to police and crime the police have witnessed, it is logical to conclude that

police records do not correctly reflect the true incidence of crime in New Zealand. In terms of crime resolution, police only record crimes that have been resolved up until and including the fourteenth day after the end of the calendar year. This means that “if an offence is resolved 15 days or more after the end of the year it will not appear in the Official Crime Statistics for that or any other year” (New Zealand Police, 2012, p. 1). In summary, the true usefulness of crime statistics will be realised and appreciated only if statistics are used as “constructions rather than complete reflections of reality” (Tolmie, 2007).

For New Zealand, the main sources of crime statistics are the New Zealand Crime and Safety Survey, henceforth NZCASS, the New Zealand Police recorded crime, which is usually reported by Statistics New Zealand (Tolmie, 2007, p. 25) and the conviction and sentencing data from the Ministry of Justice, which also administers NZCASS surveys. These sources complement each other to provide a more reliable picture of crime statistics in New Zealand. For example, police statistics provide “trend information on the incidence and circumstances of an offence: severity, time (month), location at the national and subnational level (publicly available by police district and area; and station by request), location (scene) of the occurrence, and whether a weapon was involved (for violence offences, by the type of weapon)” (Statistics New Zealand, 2009b, p. 25). On the other hand, NZCASS, among other variables of crime, goes further to record and therefore provide a picture of both reported and unreported crime which yields a richer context from the victim’s perspective (Mayhew & Reilly, 2007).

Recorded crime in New Zealand “doubled between 1970 and 2000, with the offence rate peaking at 1,322 per 10,000 population in 1992” (Statistics New Zealand, 2006, p. 2). But it subsequently dropped to 994 per 10,000 of population in 2005. It continued to drop in regions like Counties Manukau where an 11.3% reduction was recorded during 2004 (New

Zealand Police, 2005, p. n.p.). The specific area of drop in recorded crime in Counties Manukau was ‘in burglary and motor vehicle crime’ but the single largest category of crime was dishonesty. The year 2011 showed the lowest in recorded number of crimes in New Zealand over the previous thirty years (Ministry of Justice, 2012). Further, an 11 percent drop in the ‘number of new criminal summary court cases’ was also evident between 2010/2011 and 2011/2012 (ibid).

The downward trend in recorded crime is not specific to New Zealand as international studies also show similar trends. For example, crime figures in the US show a downward trend in the 1990s to about the same level as the 1960s (Rosenfeld & Messner, 2009). While the above facts are the official statistics about recorded crime in New Zealand, the public thought that crime rate was increasing (Paulin, Searle & Knaggs, 2003). In fact, 51 percent thought there was a lot more crime and 66 percent thought that 50 percent of reported crimes were violent. Only 4 percent and 5 percent were correct that crime rate was going down and that 20 percent of reported crimes were violent respectively.

However, the inconsistency between official recordings and public attitude is partly due to methodology and recording practices. For instance, there is “no evidence of the increase in crime that is suggested by police crime statistics for the 2005/2006 year” (Axist Consulting, 2006, p. 2). Further, New Zealand crime figures are not fully reliable as the sole basis for establishing crime trends. This is because such figures were collected under different sets of methodologies in the three (1996, 2001, 2006), which were prior to the latest (2009), New Zealand Crime and Safety Surveys upon which crime rates are based (Statistics New Zealand, 2009b, pp. 25-27). Consequently, Statistics New Zealand recommends that NZCASS surveys need to be stabilized in order to have a better measure of crime trends.

As a solution option, it may not be practical or even necessary to change the justice or legal system in order to meet public expectations, but rather provide legal education and edification for the public (St Amand & Zamble, 2001, p. 517). This, in the opinion of the current researcher, is an area where there is a need and where this research project would make a positive contribution.

In the final analysis, while crime statistics are useful in terms of calculating numerical pictures and representations of crime occurrences and control, they need to be used with caution because the sourcing of statistical information are usually ‘diversely-purposed’ related (Bricknell, 2008). For example, Bricknell states that statistics from surveys that recruit victims of violence differ from those that may be exclusive of victims of violent crimes but inclusive of perpetrators. That is, victim-based surveys reveal a lot more experiential information but in general surveys such as Crime and Safety Surveys (CSS), such information are usually not forthcoming.

2.3.1 Attitudes toward the Police and policing

The police, out of all criminal justice professionals, have been the target of much research on public attitudes over the past three decades (Hurst, 2007; Paulin, Searle & Knaggs, 2003; Scaglione & Condon, 1980). This is mainly because of its close involvement with crime control within the community (Sims, Hooper & Peterson, 2002) and also its domination of the prosecution process (McGongle, 1996, p. 163). In fact and in most cases, the police have the jurisdiction to decide on what charges to execute and all other aspects of the charges. Additionally, public input is necessary so that police ratings of themselves, which are “significantly more positive than the public’s ratings of the police” could be compared with public perception (Singer & Jonas, 1985, pp. 51, 53). Further, public input is also vital

because the community could be “an important policing partner in dealing with the problem of fear of crime” (Sims, Hooper, & Peterson, 2002, p. 458).

Understanding public knowledge about the safety needs of the community may also produce a clear picture of the public’s general assessment of and their satisfaction level concerning the police and their policing methods (Trojanowicz & Bucqueroux, 1998). Sims, Hooper, and Peterson (2002) argue that improving the public’s attitude toward police is really contingent upon the nature of police contact with the community. Given therefore that police self-perception are often high, albeit the police’s awareness that their ratings by the community are usually low, it is important for the public to have a fair knowledge of what the police actually do and why they perform in such a way. Essentially, public assessment of police work can have a positive impact on both police performance and public policy (O'Connor, 2008, p. 578; Tufts, 2000).

Earlier research in New Zealand showed that the “general public possesses favourable attitudes towards the police” (p. 23). But more recent studies showed a decrease in public confidence in police around the early 1980s (Singer & Jonas, 1985) and also between the years 1999 and 2006 (Mayhew & Reilly, 2007). In the latter study, the New Zealand public’s support for police dropped from 74 percent in 1999 to 60 percent in 2006. Ironically, police still received the highest support compared to other criminal justice groups in Mayhew and Reilly’s (2007) survey, with the 60 plus age group showing the highest support for police at 74 percent. But Mayhew and Reilly also found that the Maori group, which features a consistent overrepresentation in crime statistics, shows the lowest support for the police. Maori victims of crime reported having “to wait an unreasonable amount of time” for police assistance and thought of police as being disrespectful. Many complainants feel that police take too long to resolve a complaint and do not properly inform victims about their cases

(Waters & Brown, 2000, p. 617). This, for the police, seems to be counter-productive given the perceived aim of police work to build a good rapport with the public by being more 'victim-focused' (New Zealand Police, 2007).

The drop in public support for police could have resulted from factors like socio-demographics, gender and ethnic-related issues, and other general factors. For example, research found that the race and ethnicity variables have major impact on public perceptions of the police (Chandek, 1999 as cited in O'Connor, 2008). In fact, some research in the United States of America reveal that whites, rather than blacks, show more negative attitudes toward police (Sims, Hooper, & Peterson, 2002). Similarly, the British black and Asian public thought that they were often discriminated against by the police (Britton, 2000). Consequently, such ethnic groups have tended to be less favourable of police/policing and the criminal justice system than have white British residents.

There are also socio-demographic factors that influence people's perceptions of the police. Moreover, the gender factor also contributes to how the public view the police, although research in this particular area shows mixed findings. For instance, males were found to be more confident than females around the police (Correia, Reisig, & Lovrich, 1996). Conversely, Nofziger and Williams (2005) found that females, rather than males, show more confidence in police, although females of colour have been found to be less favourable of law enforcement authorities (Orenstein, 1994 as cited in Hurst, McDermott, & Thomas, 2005, p. 580). In fact, less than thirty percent of African American girls thought that American police were likable, trusting or performing in a satisfactory manner. In addition to gender factors, other variables like levels of education and income (Frank, Smith, & Novak, 2005), nature or reason for police contact – whether to seek help or was stopped at a checkpoint (Hurst et al., 2005) and similar reasons, all contribute to the public's varying attitudes toward the police.

Cao's (2001) study which compared the favourableness of the German police and the US police by their respective public found that both public have low confidence of their police forces.

2.3.2 Attitudes toward the Judges and Lawyers

Judges and lawyers play a pivotal role within the criminal justice system, especially in terms of determining the factual guilt or factual innocence of an offender (Nobles & Schiff, 2009). As such, they have often borne the brunt of public cries for foul play or miscarriage of justice. Research often shows low public support for judges and lawyers. For example, the first New Zealand national survey on attitudes toward the criminal justice system (Paulin, Searle & Knaggs, 2003) revealed that judges and criminal lawyers received ratings of 42% and 45% respectively for performing excellently, such being the second and third lowest scores. These ratings, compared with those received by community groups like Women's Refuge, Rape Crisis and Victim Support, that very closely affiliate with the criminal justice system, and received the highest (86%) support from the public for performing excellently, do not make judges and criminal lawyers look good. The police and juries came next at 74% and 73% respectively. The only group which scored lower than judges and criminal lawyers were prison services. The point is, the public's low scoring of the judges and criminal lawyers could be indicative of the fact that the miscarriage of justice is related to the production of verdicts (Nobles & Schiff, 2009).

2.4 Attitudes toward domestic violence

Domestic violence is a high priority area for the New Zealand government (Ministry of Justice, 2007). In fact, the Ministry of Justice's website shows family violence and child abuse as the number one priority area in its 2001 Crime Reduction Strategy (CRS)¹¹ list of

¹¹ The 2001 Crime Reduction Strategy replaced the 1994 Crime Prevention Strategy (Ministry of Justice, n.d.)

seven “priority areas”. The rest are as follow; 2) other community violence and sexual violence; 3) burglary; 4) theft of and from cars; 5) organised crime; 6) serious traffic offending and 7) youth offending and re-offending (Ministry of Justice, 2007). Studies in the Netherlands also found that violent crime is a political priority although much of the hype about violent crime is often media-related (Wittebrood & Junger, 2002, p. 153)

Family violence, undoubtedly, is a social and economic drain on the New Zealand state, which loses an estimated NZ\$22.9 million to NZ\$1.2 billion per annum due to family-related types of crime (Johnson, 2005). Similar findings have been reported in the US where “the costs of IPV¹² exceed \$5.8¹³ billion each year with \$4.1 billion of that amount providing direct medical and mental health care services” (Max, Rice, Golding & Pinderhughes, 1999 as cited in Magnussen et al., 2008, p. 390). Consequently, and also due to the unique nature of family violence, it gets treated differently within the New Zealand criminal justice system. Judge David Mather (2005 as cited in Johnson, 2005, p. 1) presents the following six reasons why domestic violence should be treated very differently from other forms of violence:

- a) Complainant and defendant are often in an ongoing relationship.
- b) If the parties are living apart at the time, statistically there is a high likelihood they will reconcile in the future.
- c) Pressure and even threats by some defendants distort victims’ views at various stages of the Court process.
- d) The interests of children often have to be considered.
- e) There may be concurrent Family Court proceedings.
- f) The family context often prevents both victims and defendants from being objective – there are likely to be other agendas.

In the US, furthermore, domestic-related violence has seen a new level of aggression where law enforcement officials arrest suspects on the presumption of guilt, and then just leave it to the court system to decide (Henning & Feder, 2005). Britain, likewise, has also given

¹² IPV stands for Intimate Partner Violence

¹³ US dollars

domestic violence a new level of seriousness whereby offenders' sentences have been extended (Bettinson, 2009). This is partly because with family violence, perpetrators often re-victimise their victims by making them feel guilty and therefore feel responsible for the perpetrator's time in prison or other forms of punishment. Victims then often feel obliged to write letters of support feeling that the perpetrator has realized that this is an opportunity for an early release and is perhaps counting on the victim to seize this opportunity. In recognising these facts about family violence, the New Zealand government passed the Domestic Violence Act 1995 with, among other objectives, one urgent aim; to provide the Family and District courts with the necessary power to attend to domestic violence in a manner that is "speedy, inexpensive, and simple as is consistent with justice" ("Domestic Violence Act 1995," 2011, p. s.5). Again in 2001, the New Zealand government also replaced the 1994 Crime Prevention Strategy with the 2001 Crime Reduction Strategy (Ministry of Justice, 2007).

In terms of statistics, 66% of the New Zealand public incorrectly thought that 50% or more of all reported crime was violent¹⁴ (Paulin et al., 2003, pp. 9-10), including domestic violence. Conversely, official records reveal that less than 20% of total recorded crime is violent in nature (Paulin et al., 2003). Thus considering that the knowledge that the majority of New Zealanders hold about the nature of crime is severely deficient, it becomes a challenge therefore for the criminal justice system to 'bridge the gap' and regain public confidence in its ability to serve justice.

However, despite reports of decreases in current overall recorded crimes (New Zealand Police, 2012; Statistics New Zealand, 2011), certain crimes or groups of crime, including

¹⁴ Official records show that under 20% of reported crime are violent in nature (Paulin et al., 2003).

family-related crimes like domestic violence, have shown consistent increases in the recent past (Families Commission, 2009, pp. 12, 15). For example, “the total number of men prosecuted for male-assaults-female offences rose from 3,307 cases in 2000 to 4,285 cases in 2006, an increase of 30 percent” (p. 16). Furthermore, of all family violence recorded in 2006, serious assault was the highest contributing factor to the increase, and therefore “accounted for 55% of all family violence” (p. 12).

Another crucial element related to the domestic violence phenomenon is the issue of reporting crime to the New Zealand Police. Victims of crime report crime to the police for different reasons including doing so just to obtain police reports for medical and insurance purposes (Statistics New Zealand, n.d.) rather than to show support for police in general. Nevertheless, the reporting of crime is important because it engages the public, especially victims and concerned residents, in the fight against crime. It also informs us of the ‘types of crime that are not usually reported to the Police’ and “can potentially contribute to enhancements to crime reporting procedures” (Ministry of Justice, 2010, p. 43).

The most recent New Zealand Crime and Safety Survey 2009, henceforth NZCSS 2009, revealed that participants did not make known to the police 66% of crimes that they reported in the survey. Sexual offences experienced the lowest reporting rate (p. 45). But participants who were victims of crime reported to the police only about 32% of what they disclosed to the researchers. This shows a huge drop from 84% of all recorded victimisation that were reported to the Police during the initial New Zealand National Survey of Crime Victims in 1996 (Young, Morris, Cameron, & Haslett, 1997). They are also very high compared to 41% of British victims who declared disclosing crimes to the Police (Home Office, 2007, p. 25). The NZCSS 2009 findings, however, resonate with findings by Crichton-Hill (2001) that Samoa-born women who reside in New Zealand were less willing to report crime to the

police, compared to their New Zealand-born counterparts. This is due to two factors. The first relates to the level of understanding of the process of reporting and the second relates to the level of confidence, trust and respect in cultural and familial processes to solve domestic problems. For example, in a study of 2,855 women aged between 18 and 64 years from Auckland and one rural region in North Waikato, Pacific and Asian women were found to be more accepting of violence toward women as part of being a good wife irrespective of whether the wife agrees with the husband or not (Fanslow, Robinson, Crengle, & Perese, 2010). “Less than 0.5% of women across all ethnicities considered it acceptable for a man to hit his partner if she does not complete her household work to his satisfaction, she disobeys him, she refuses sex with him, or she asks if he has other girlfriends” (Ibid, p. 819). Other studies which included Samoan women also reported similar findings (Magnussen et al., 2008; Shoultz, Phillion, Noone, & Tanner, 2002). The reporting of crime in this kind of situation would therefore be either minimal or altogether non-existent. Nevertheless, the challenge remains to put in place more robust systems to make the public feel safe to report their experiences of crime (Bricknell, 2008).

2.5 Attitudes toward sentencing and punishment

Dealing fairly with offenders is a public concern (Statistics New Zealand, 2009b, p. 67) irrespective of the contention that modern forms of punishment are ‘emotive and ostentatious’ (Pratt, 2000). Public opinion about sentencing is important for at least three reasons. The first and second reasons are; public attitudes to sentencing contribute to “public confidence in the criminal justice system”, and that “perceptions of public opinion can force changes to the law” respectively (Warner et al., 2009, p. 1). Third, “sentencing policy and practice should be responsive to public opinion” (p. 1).

Internationally, public penal attitudes often portray a strong sense of dissatisfaction, stating that the courts have been too lenient in the kinds of punishments that they accord to criminal offenders (Berry et al., 2012; Demker, Towns, Duus-Otterstrom, & Sebring, 2008; Doob & Roberts, 1984; Sprott & Doob, 1997). Relatedly, public opinion also blames parole boards of being “too liberal in granting early release” (St Amand & Zamble, 2001, p. 515). The British and Welsh public think “sentencers are too soft, that judges and magistrates are out of touch, (and) that the courts are unlikely to use prison for serious crimes” (Hough & Jacobson, 2008, p. 31). Similar findings have been reported in America, Australia and New Zealand as well (Australian Bureau of Statistics, 2005; Jones & Weatherburn, 2010; Paulin, Searle & Knaggs, 2003; Sotirovic, 2003). Further, the first ever comparative study of the attitudes of Chinese, Japanese and US college students toward capital punishment found that all three groups of students were supportive of the death penalty (Jiang, Lambert, Wang, Saito, & Pilot, 2010). While Japanese and Chinese students decided on the basis of deterrence, the US students’ views were more retributively motivated. In essence, these findings suggest that the public is demanding penalties which are more severe both temporally and spatially (Van Kesteren, 2009a).

On the contrary, studies in Europe reveal that respondents from countries like Sweden overwhelmingly prefer prevention programmes over more punitive ones (Von Hofer, 2005). In fact 85% of the Swedish respondents thought prevention, rather than “tougher jail sentences” (European Commission, 2003, as cited in Von Hofer, 2005, p. 320) would reduce crime. Other studies have also revealed similar findings and suggested that “an overreliance on incarceration as a formal control may hinder the ability of some communities to foster other forms of control because they weaken family and community structures” (Rose & Clear, 1998, p. 441).

Despite raging debates about punitiveness and punishment goals in the recent past, no clear consensus is in sight regarding whether punitiveness should be crime-severity related or restorative oriented (Hammer, Widmer, & Robert, 2009). That is, while on one extreme we find proponents of the capital punishment promoting and elucidating its merits (Kury & Ferdinand, 1999), the other extreme is increasingly occupied by those who argue for alternatives, like restorative justice, to incarceration (Braithwaite, 2002; Braithwaite & Strang, 2001; Gromet & Darley, 2006; Roberts & Stalans, 2004; Robinson, 2003).

Interestingly though, when the public were given the opportunity to mock sentence cases similar to those that were decided by the courts, it was found that the public were either equally lenient or more lenient (Roberts & Doob, 1989 as cited in St Amand & Zamble, 2001, p. 516). Further, the public also underestimated the maximum imprisonment period for certain offences. In the case of Canada for example, sixty three percent of respondents suggested one to five years imprisonment for theft over \$200 but the Criminal Code of Canada sets a ten year statutory maximum imprisonment for such an offence (Roberts & Doob, 1989, p. 496, as cited in St Amand & Zamble, 2001). Further, the public's misconception about the performances of the criminal justice professionals does not suggest that the public is pushing for harsher penalties of which the sentencers are incapable of administering. On the contrary, Hough and Jacobson (2008) found that when the public is adequately informed about all that is involved with each criminal case, and of the sentencing options available for each case, they then often suggest punishments that are more lenient than there would have been if they were not properly informed.

Further, the inconsistency of the respondents' attitudes toward the courts' decisions and the respondents' subsequent mock sentencing could also be explained by the fact that opinion polls often ask questions that are too general which consequently attract summary-type

responses (Ibid). This suggests that public attitudes could be more aligned with the justice system's records if the public were given specific questions and also provided ample information of the system's decision-making process concerning criminals.

Moreover, people's perceptions of the type and severity of punishment for specific crimes are subject to experience. Similarly, Olson and Huth (1998) found that people with criminal experience thought of fairness as important while people without experience thought that confidence in the government was important. Also as in the case of the New Zealand public, Searle, Knaggs and Simonsen (2003) found that people who had experienced a term in prison thought of monetary penalties as tougher than going to prison. On the other hand, people who had not experienced prison life thought that a prison term is harsher than a fine. Furthermore, other studies (Haghighi & Lopez, 1998) found that women, more than men, do not support parole or early release of prisoners who committed serious crimes like murder. However, the same study also found that women overwhelmingly support the rehabilitation in prison of serious offenders.

2.6 Conclusion

Public opinion often over-estimates crime rates and punitive levels within the criminal justice system. However, public perception of the said system is a crucial element in the process of crime understanding and control (Olson & Huth, 1998) for at least two reasons. One, it could be used as a pragmatic tool to assess the appropriateness and effectiveness of public policies and their enforcement respectively (Trojanowicz & Bucqueroux, 1998). Public knowledge about crime is important because the public, who is the intended recipient of policy and policing, is a very important component of penal policies, as is seen in countries like USA, England, Australia, and New Zealand in matters like the surveillance and scrutiny of released sex criminals (Pratt, 2000, p. 419; Statistics New Zealand, 2009b). Public perspectives of the

justice system are good indicators of the level of support from the community of programmes that are meant to control crime (Richardson & Walker, 1974). Two, any subsequent affirmation or amendment of current policies would be educative and informative for both the public and the state, especially in terms of understanding true nature of the public's fear of crime (Weinrath, Clarke, & Forde, 2007).

The gaps in the literature that the current research aims to contribute towards is the furtherance of our understanding of why Pacific, including Samoan young people, are over-represented in violent crime (Hansen, 2008; Suaalii-Sauni, 2006, p. 31). For example, overseas studies found that Samoan young people's "employment of and appreciation for violence are rooted not only in their gender performance, but in their economic and gendered positions within the social structure of their daily lives" (Mayeda & Pasko, 2011, pp. 133-134). Important as this study might be, it does not shed light on New Zealand Samoans' perception of violence. Another study which researched violence among Pacific island people including Samoans, investigated the relationship between maternal childhood abuse and intimate partner violence (Paterson, Fairbairn-Dunlop, Cowley-Malcom, & Schluter, 2007, p. 482) found that male dominance in childhood disciplinary practices was a contributing factor in the victimisation of mothers later in life. But this study did not look into the perceptions of violent crime among Samoan people.

Furthermore, cultural awareness and culturally sensitive approaches, especially in terms of dealing with Pacific people who offend and are subsequently prosecuted, are not amply addressed in research on attitudes toward the criminal justice system. While the scope and space of the current research do not cover all that is wanting in terms of understanding Samoan people's views of and reactions toward the criminal justice system, it is anticipated that some key areas like comprehending the process of Samoan knowledge production will be

achieved, as such an understanding is crucial in the construction of relevant and meaningful programmes to assist Samoan offenders as well as professionals who work with such offenders. Findings from this research (Chapters 6 and 7) contribute to addressing some of the above concerns with the understanding that while attitudes are subjective and surface phenomena, they still play a role in many areas including understanding the criminal justice system.

CHAPTER THREE: THEORETICAL UNDERPINNINGS

“If we don’t know where we’re going, we will never know when we have gotten there” (Mark Twain as cited in Imig & Imig, 2007, p. 95).

3.1 Introduction

Crime has been the object of much research historically (Coleman & Norries, 2000, p. 47). This is unlikely to diminish in the foreseeable future given obvious factors like the commitment of certain state agencies to put in place different measures for crime control. This is evident in activities such as the building of more prison facilities¹⁵ (Morris, 2004, p. 243), sponsoring of new criminological degree courses at universities, funding of numerous crime control programmes in the community, and recruiting more police in selected areas (TVNZ, 2010). For example, one of Prime Minister John Key’s speeches to a National Party Conference and to the New Zealand parliament included the following statements; “We’ve put more police on the streets...255 new frontline police officers in the Counties-Manukau district....We’re hiring more Police and we are putting more of them on the street” (TVNZ, 2010). As a result of so many years of voluminous research on crime many different and diverse crime theories have subsequently been suggested to define the meaning(s) of crime, to identify its possible causes, to suggest the best possible methods for its control, and also to propose the fairest and most humane treatments that would best suit both the perpetrators and victims of crime. However, despite the existence of these criminological theories, identifying a single theoretical perspective from which one could comprehensibly explain the attitudes of Samoan people toward crime, especially in the context of the New Zealand criminal justice system, is difficult for at least two reasons. First, attitudes of Samoan people toward the New

¹⁵ One of the New Zealand National Government’s major attempts at addressing crime is to build new prisons.

Zealand criminal justice system are parts of a topic on which there is a dearth¹⁶ of research information (Paulin et al., 2003). This lack indicates that initial attempts in applying certain theories of crime to explain this phenomenon would be a matter of trial and error, which thus requires patience and an open-minded attitude on the parts of the researcher, the community under study, and the general New Zealand public. The second reason relates to the difficulty that criminologists face in trying to construct a theory of crime that could single-handedly address the varied and diverse categories of crime (Coleman & Norries, 2000; Downs, 1999). This is in addition to the issue of not having a single definition of crime that could fully explain what crime really is. This dilemma narrows the theoretical focus of this study down to two main objectives. One, to contribute towards a possible start (if not the actual beginning) of the process of applying established crime theories to the explanation of Samoan people's understanding of crime, including their attitudes toward the New Zealand criminal justice system. Two, to generate new and alternative perspectives through which to better understand the attitudes of Samoan people in Auckland toward the New Zealand criminal justice system. Ultimately, these perspectives should also facilitate an understanding of the possible factors that may have contributed to the formation of Samoan people's views of crime in New Zealand.

This chapter provides an overview of criminological theories, and explores those theories related to culture and to youth in the urban context. Samoan communities in New Zealand comprise a distinct group, and are a predominantly youthful population, first and second generation migrants, and are mainly working class from area generally considered to be of low socio-economic status. It is important to understand how Samoan people interpret

¹⁶See chapter two for a more detailed discussion.

justice, crime and the New Zealand criminal justice system. This is because there is a dearth of research information in this area for policy making.

Some criminological theories that are most useful in exploring the experiences of minority groups, especially in relation to cultural differences, conflicts around power, urban contexts and youthful populations are Cultural Criminology, Labelling Theory and General Strain Theory. These theories have the most relevance to this thesis subject although other approaches do allow an analysis of related aspects as well. For instance, a Marxist analysis could have explored the links between social class and the state response to Samoan people as working class offenders or people who belong to the 'ruled' class. That is, according to a Marxist analysis, people from lower socio-economic backgrounds "create substantial amounts of crime, often of the most violent sort, as a result of the contradictions that are inherent in the structure of social relations that emanate from the capitalist system" (Chambliss, 1975, p. 150). However, given that the focus of this study is not on the economic relationships between classes or groups in New Zealand society, but a focus on the interpretations of crime and criminal justice at the personal, familial and cultural level, the researcher therefore decided to focus on cultural criminology, labelling theory and general strain theory for the current investigation.

3.2 *Cultural Criminology*

Cultural criminology is a new paradigm shift or a "new kid on the intellectual block" (O'Brien, 2005, p. 599) and a 'hybrid orientation' (Ferrell, 1999, p. 395) within the overall study of crime. Cultural criminology is 'quintessentially late modern' (Hayward & Young, 2004) for at least two reasons. First, it demonstrates an 'extraordinary emphasis' on modern transformations in human subjectivity. Second, it is a clear reflection of sociology's new interest in cultural matters during and since the mid-1970s. Its development or emergence as

a specific perspective is accredited to Ferrell and Sanders (Ferrell, 1999, pp. 395-396) although its broader usage, as a concept, is also evident elsewhere like in the works of Redhead (1995) and Kane (1998, as cited in Hayward and Young, 2004). The following discussion will firstly elaborate two areas of cultural criminology; foundations and core arguments. It will also discuss the limitations of this perspective and also how it contributes to the current study in terms of theoretical understanding.

3.2.1 Foundations of Cultural Criminology

Cultural criminology is claimed to be a hybrid orientation that draws on the intellectual insights of various areas of study (Ferrell, 1999; Marsh, 2005). Albert Cohen (2009) conducted an early research on youth and subcultures in the 1950s in the USA. That approach identified that youths form subcultures as a reaction to status frustration with mainstream society. The field has also developed elsewhere. These include, for example, the British/Birmingham School of cultural studies, the British ‘new criminology’, postmodernism, sociology of deviance (particularly Becker’s interactionist approach), and critical traditions (Ferrell, 1999), the latter drawing much of its ideas from Marxist criminology. Additionally, the amalgamation of cultural studies with contemporary criminology occurs not as a result of these two areas having similar interests, but as an attempt to enlighten criminological studies with insights from cultural studies. It needs to be noted, however, that although Ferrell connects the lineage of cultural criminology to postmodernism, interactionism and critical criminology, it barely escapes the observation that it is mainly based on the scholarships of the British/Birmingham school of cultural studies and the British new criminology. This observation is also noted by Cohen (1996) who criticises as superfluous and obstructing the claims that cultural criminology is “a new synthesis...which ‘blends and reworks existing sociological and criminological approaches into a new theoretical amalgam’” (p. 738). Cohen purports that such an argument detracts the

reader from the subject matter and real focus of cultural criminology. Based on these observations, analysis shall now turn toward a brief discussion of the British/Birmingham School of cultural studies and also a brief discussion of the new criminology of Taylor et al (1973).

The British/Birmingham School is a reference to the Centre for Contemporary Cultural Studies (henceforth CCCS) at Birmingham University. CCCS was founded in 1964 and headed by Richard Hoggart but closed in 1991 to allow for the formation of the new Department of Cultural Studies and Sociology (CSS). However, CSS also suffered the fate of CCCS, especially when CSS became terminated in 2002 to make way for yet another new Department of Sociology which opened in 2004 (University of Birmingham, 2008). CCCS's emphasis on developing and promoting cultural studies, which by then was a rather new field of study, made it world-renowned, especially with regard to engaging well-known theorists like Gramsci, Althusser and Derrida in "developing conceptual terms such as conjuncture, interpellation, difference, and articulation" (Webster, 2004, pp. 852-853). From its inception, CCCS, through Hoggart's inaugural speech, proposed the type of research path that the centre would pursue. This proposal had two main components; one the object of research which includes youth culture, popular media and music, and two the manner in which the research is to be carried out which is a collective approach or working in teams (Webster, 2004). Proposing collective research is a surprisingly bold move by Hoggart. This is especially so given his affiliation with the "traditions of English literary criticism...and as a Professor of Modern English Literature at the University of Birmingham" (p. 853), a discipline which engages in, and encourages individualistic and isolated analysis rather than collective criticism.

In this context, Hoggart's proposal for collective criticism is a radical one. This is because collective criticism could be a prelude to an interpretive approach which emphasises the importance of people's lived experiences and the meanings they assign to such experiences. This, however, is in stark contrast to Birmingham's emphasis on positivist or quantitative research tradition which emphasises objectivity. Subsequently, under the guise of collaborative research, Hoggart managed to publish in his books and articles ideas from students whose theses could not be submitted on time (Webster, 2004, p. 853). It follows logically that much of these writings reflected Marxist ideas of class analysis as promoted by the influential Gramsci who was held revered at the Birmingham Centre of Cultural Studies (Marsh, 2005, p. 389). Thus, when researching youth culture, media, popular music, and other similar topics Hoggart presented the perspectives and meanings of the underclass in a manner that challenged the political powers and authorities both in Britain and also in Europe regarding social issues. It is therefore against this background that we should understand Ferrell's claim that 'cultural criminology' takes the Birmingham School of Cultural Studies as one of its founding pillars.

The second pillar upon which cultural criminology is founded is Taylor et al's (1975) notion of new criminology (Ferrell, 1999) which purports that "crime is not a marginal, exceptional phenomenon but something that is widespread in society" (Young, 1998, p. 27). Taylor et al's two publications¹⁷ in the 1970s focused on a critique of positivism in terms of its marginalisation of certain behaviour and therefore a certain group of people within society. Further, it also critiqued classism in terms of the labelling which led to the process of criminalisation (Taylor, 1999). That is, by emphasising the importance and relevance of the current capitalistic mode of production, more and more areas of social services will be

¹⁷ *The New Criminology*, published in 1973 and *Critical Criminology*, published in 1975

professionalised, which will then result in more segregation of society, and where the non-professionals will end up as being in further need of control (Taylor, 1973, p. 269).

3.2.2 Core Arguments of Cultural Criminology

Overall, Cultural Criminology proposes three main hypotheses in the study of crime and crime control (Hayward & Young, 2004). First, crime and crime control are cultural phenomenon. Second, the interaction between crime and crime control, especially in light of “constructions upwards and constructions downwards” (p. 259), continuously generate an array of meanings for crime and crime control. Third, mass media plays a vital role in both the construction of contemporary understanding of crime, as well as in the formation of new methods of control (Ferrell, 1999). These hypotheses will be discussed in this order respectively.

3.2.2.1 Crime and crime control as cultural phenomenon

Cultural criminology is first and foremost “the placing of crime and its control in the context of culture; that is, viewing both crime and the agencies of control as cultural products – as creative constructs” (Hayward & Young, 2004, p. 259). As such, cultural criminology shifts its focus of analysis from the modernist approach of separating form and content. Rather, it argues that “form is content, that style is substance, that meaning thus resides in presentation and re-presentation” (Ferrell, 1999, p. 397). Crime is embedded in culture (Presdee, 2000) in the sense that its existence is always the product either of human activity (crime of commission) or of human inactivity (crime of omission). Criminal behaviour is the expression of the lived experiences of people and cannot therefore survive on its own. As such, the concepts of act and crime are therefore inseparable. However, Presdee (2000) points out that only cultural forms that “contain within them resistant themes or oppositional

formations that are an affront to the dominant processes of power...must become defined as criminal” (p. 17).

By placing crime and crime control in this cultural framework, cultural criminology demands that crime should be understood in relation to the environment in which crime occurs. This is because different forms of activities will take on different meanings contingent upon the context in which they happen and the manner in which crimes are dealt with by the controlling agencies. Furthermore, as laws are constructed and deconstructed, so will new relevant behaviour in terms of adhering to such laws or breaking them, as well as monitoring their observance or non-observance. The nature of these changes, especially in terms of continuous interactions between crime and crime control, influence how we determine the meanings we give to such activities.

3.2.2.2 Interactions between crime and crime control generate meanings for crime and crime control

Central to the notion of meaning generation here is the concept of interpretation, which renders cultural criminology as an interpretive enterprise. That is, we can understand the meaning of social actions through a ‘deep reading of culture’. However, given the difficulty or perhaps the impossibility of translating one culture into another (Garland, 2006), even in terms of the simplest forms of language, one may find it very difficult, if not impossible, to grasp the real meanings within this world of symbolism.

Miller (1995) argues that the practice by crime control agents of displaying in their offices some confiscated gang badges, constructs the same meaning of gang symbolism as do gang members themselves. On a similar vein Ferrell (1999) contends that graffiti writers display a symbol that is only as criminal as the perceptions of the crime control agents. He further

states that style is the “tissue connecting cultural and criminal practices...sub-cultural style shapes not only aesthetic communities, but official and unofficial reactions to sub-cultural identity” (p. 404).

3.2.2.3 Media plays a vital role in these constructions

Cultural criminology acknowledges a new trend within criminological studies in which the interactions between crime and crime control are constantly analysed by the mass media (Ferrell, 1999). The mass media becomes instrumental in constructing new meanings of crime and deviance by vividly portraying every facet of crime in a new and different way. Consequently, cultural criminology now sees it important to acknowledge “symbolism and style in shaping sub-cultural meaning and identity” (p. 396).

Presdee (2000) illustrates this point by referring to the taking of another person’s life and argues that how this act will become either criminal or non-criminal is contingent on whether the cultural discourses of the powerful would decide for or against the criminality of such an act. For instance, while the state has a law forbidding the killing of other people, it may not need to uphold such laws in times when it needs to go to war. This is because during such times, the state will appeal to a different set of rules based on the safety of its citizens and the security of its economic interests, to justify going to war despite the huge possibility of human lives being lost. The act of killing, therefore, could become either illegal or legal, depending on the decision of the people in power.

Hayward and Young also argue that cultural criminology is naturalistic because of the amount of emphasis it places on the cultural nature of crime and crime control. This goes to show that cultural criminology had also taken the cultural turn of the mid-seventies that is evident across the human sciences (Garland, 2006, p. 420).

Another important aspect of cultural criminology is what Hayward and Young (2004) refer to as 'creativity'. That is, people are creative beings and are therefore highly capable of creating their own meanings out of the respective activities in which they are involved. People invent and circulate their actions (Fraser 1995, as cited in Ferrell, 1999), regardless of whether such actions are criminal or non-criminal. Furthermore, this creativity is coupled with individualism through which the effects or meanings of such actions are enhanced and proliferated by mass media to create moral panics. Thus the meanings of actions that we perceive as deviant and criminal are constructed collectively by more than one human actor. Further, this criminal behaviour is most of the times just simply subcultural behaviour (Ferrell, 1999, p. 398). Consequently, deviant subcultures were both created by the actors involved, and mediated by the impact of the mass media and the interventions of the powerful (Hayward & Young, 2004, p. 261).

Cultural criminology offers yet another perspective in its attempt to analyse crime and deviance as suggested by the notion of edgework (Lyng, 2004b) or voluntary risk taking. Edgework is an embodied approach which considers the role of the body (skin), in terms of 'criminal pleasures and 'erotics'. It focuses on the role and motive of voluntary risk taking in the commission of some crimes. Lyng (2004b) found that "many of the pleasures, erotics and aesthetics residing in certain criminal activities are associated with the hyper-reality of edgework" (p. 360). That is, the high risk nature of some criminal activities motivates their commission. At such times when true edgework is creating novel situations for the criminal, and that there is no time to rehearse criminal acts, the criminal then becomes immersed in the act of crime without 'reflective consciousness' (p. 362). The fear of the consequences becomes submerged and overwhelmed by the excitement of the act.

Moreover, the existence of edgework in crime commission exposes another important element, which is style or body style (Lyng, 2004b). That is, criminals are disciplined and calculating and their bodies go through certain phases as they contemplate the edge, whether it is criminal or non-criminal. By successfully approaching the edge, the disciplined body translates into the becoming body that is transformed by the chaotic nature of the anticipated act, and is therefore transcended to become the dominating body that is resistant to fear and violence (p. 369). The dominating body finds satisfaction in committing crime, and that leaving behind traces of such crime becomes his/her style. According to Ferrell (1999), criminals invent and own their distinctive styles (p. 404). Furthermore, these styles are usually class-based cultural and political resistance. Ferrell, in his intensive study of graffiti writers, points out that style matters and that the stylistic expression of graffiti writers is perhaps their crime (in Lyng, 2004, p. 371).

3.2.3 Limitations of Cultural Criminology

Several criticisms have been levelled at cultural criminology. First, it is limited in its responsibility toward the maintenance of social cohesion. That is, instead of analysing the antisocial nature of criminal activities, it tends to promote a nuance that excuses violence as art that is therapeutic (Schoenecke, 1996). This argument purports that cultural criminology applauds deviant activities and their actors but denies the negative effects of such acts on the victims and the general public. Cultural criminology also overemphasises the edgework of “interesting but marginal subcultures at the expense of an examination of the lethal and catastrophic edgework of the state” (Hallsworth, 2006, p. 149). Furthermore, cultural criminology is also politically selective by not including control theory and routine activities theory which, despite their ‘rational’ and ‘conservative’ focus, share very similar, if not the same, analysis of criminal activities (O'Brien, 2005). This selectivity is also evident in the imbalance given to the topic of doing graffiti, which of course, is the area of study which

formed the founding concepts of cultural criminology (Ferrell, 1996). While Ferrell went into minute details explaining the doing of graffiti, he barely made mention of the act of cleaning graffiti; the time, cost and the tools the cleaners used (O'Brien, 2005, p. 603). More importantly, O'Brien strongly points to the fact that cultural criminology is theoretically contradictory and confusing. That is, it fails to clarify what culture really means and what it represents. Thus, in the empirical sense, it is a misrepresentation or misunderstanding of the ethnographic approach.

However, despite the above concerns, the current study will take cultural criminology's overarching theme, which is, meaning is contextually generated, as one way to contribute to the planned strategy in exploring how Samoan people perceive and comprehend what constitutes criminal activities like assaults. Two other aspects of cultural criminology that will be useful in this investigation are adventure/creativity and risk-taking, as evident in the discussion of the notion of '*vasa*' or ocean (Salesa, n.d.). While these appear to be either similar or the same in terms of concepts, they do vary in relation to how they explain different motives and purposes of different activities. For instance, adventure is often motivated by ordained fun and for the purpose of finding more pleasurable and acceptable fun within the realm of accepted boundaries. Risk-taking, on the other hand, is motivated more by latent and concealed 'dangerous' fun which is not usually acknowledged by society except for those who may be involved in it. Furthermore, while an adventure could be deemed either risky or not risky, or that any risky activity could be an adventure in itself, adventure and risk-taking, from a Samoan perspective, differ majorly in terms of public endorsement. It also differs from the risk factors framework. That is adventure is often carried out subject to receiving approval from the elders in terms of *fa'amanuiaga* (blessing). Obtaining such approval ensures subsequent support; physical support like the provision of

food and spiritual support in terms of well-wishing prayers (*tapua'iga*)¹⁸. For example, Franco (1991) remarks that Samoan fishing involved “elements of adventure and play” despite some forms of Samoan fishing, like groping through the lagoon rocks (*noanoa*) and shark catching (*tiugā malie*) which are very risky and dangerous (p. 92).

Thus, given Ferrell's (1999) contention that cultural criminology has become more theoretically aligned with interactionist criminology such as labelling approaches (Becker, 1973; Lemert, 1967), I now turn to a brief discussion of the labelling perspective.

3.3 The Labelling Approach

The labelling theory of deviant behaviour (Becker, 1973), otherwise known as ‘the social reaction approach’ (Taylor, Walton, & Young, 1973, p. 139), gained extensive popularity during the period between the 1960s and the 1970s, and subsequently suffered severe criticism by the early 1980s. It was eventually pronounced dead in 1985 (De Venanzi, 2008; Paternoster & Iovanni, 1989). However in subsequent years, increased research based on certain aspect of labelling theory's analysis, especially in the area of juvenile delinquency, became indicative of renewed interests in its importance and relevance to criminological studies (Adams, Robertson, Gray-Ray, & Ray, 2003; Bernburg & Krohn, 2003). It needs to be noted though, that this apparent revival is not an authentication of the originally proposed theory of labelling but of its modified version. This was done in accordance with two critical theoretical demands; one to explain the processes that lead logically to a deviant career, and two to provide “testable propositions regarding the consequences of deviant labelling

¹⁸ The notion of *tapua'iga* involves the idea of worship or religion(s), especially in its contemporary usage. In its traditional sense, it explains the act of wishing and hoping that the party of workers, travellers, fishers, hunters, sportsmen, etcetera, will be spared any mishaps during the process of engaging in whichever task they set out to fulfil.

(Bernburg & Krohn, 2003, p. 1288). It has been argued that its “rejection may have been unjustified...that critics have understood the labelling perspective poorly and, as a result, have dismissed it prematurely” (Paternoster & Iovanni, 1989, pp. 359-360, 387).

Henceforth in this thesis, the terms labelling approach and labelling perspective will be used interchangeably, rather than the term labelling theory. This decision is based on the observation in the literature that a ‘formalized monolithic’ theory of labelling is absent and that there are at least three variants of this approach (Beirne & Messerschmidt, 1995; Davis & Tanner, 2003). The discussion that ensues will therefore concentrate on three key areas; theoretical origin, main arguments, and limitations.

3.3.1 Origin of the Labelling approach

Theoretically, the origin(s) of the labelling approach could be traced to two orientations; conflict theory and symbolic interactionism (Paternoster & Iovanni, 1989). Conflict theory, which has its roots with Blalock (1967), argues that dominant groups fear the possibility of being overtaken by minority groups. Jackson (1979, as cited in Sharp, 2006, p. 293) refers to this as the threat of “losing dominance to a culturally dissimilar group” (p.5). As such, dominant groups enforce the law in a manner that will consequently dispel such a possibility.

From this viewpoint, the notion of law enforcement becomes inseparable from the notion of law making, especially in the sense that they tend to indicate which group is in power. It is also in relation to this power that Becker (1973) thought it critical for any theory of deviance to carefully consider the question of law making and law enforcement. Schur (1971, as cited in Paternoster & Iovanni, 1989, pp. 361-362) argues that the power to make rules is manifested at three levels. One, when more powerful groups make rules to outlaw any behaviour that they do not endorse, that gives rise to conflict at the level of collective rule-

making. Second, conflict also exists at the organizational level when less powerful groups become singled out as easy targets for deviant activities. Finally, conflict also becomes manifest at the interpersonal-relations level like encounters between the blind and the sighted. Sharp (2006) also identified three aspects of the conflict theory in a study of the sizes of police forces in urban America. The first aspect is racial threat, in which the increasing magnitude of minority groups becomes threatening to majority groups. Similarly, minority group mobilizations or racial disturbance also pose a threat to dominant groups. Finally, conflict theory contends that inequality, like economic and educational inequality, also causes conflicts between the “haves” and the “have-nots” (p. 294). Such conflicts become intensified by heightened policing in areas “where economic disparities between racial groups are greater” (p. 294).

The second theoretical orientation to which the labelling perspective could be traced is symbolic interactionism (De Venanzi, 2008, p. 198), especially in relation to the notion of secondary deviance (Adams et al., 2003), which refers to a person’s reaction “as a means of defense, attack, or adjustment to the covert problems created by the consequent societal reaction to him” (Lemert, 1995, p. 112). Lemert also emphasises that it is rare that someone reacts this way to minimal provocation. Symbolic interactionism also postulates that how we see ourselves is the result of how we have been socially constructed (Lindgren, 2005). In this line of analysis proponents of the labelling approach “examine the consequences of rule enforcement for those at whom labels are directed” (Paternoster & Iovanni, 1989, p. 362). One of their major concerns is how social control will have adverse effects in that the labelled groups will start to alter their self-concept (Bernburg & Krohn, 2003) and therefore develop long term deviant behaviours that are consistent with the socially constructed labels.

3.3.2 Core Teachings of the Labelling Approach

The main ideas or assumptions offered by the labelling perspective, in terms of explaining deviant behaviour, could be summarised into two hypotheses; the status characteristics hypothesis and the secondary deviance hypothesis (Paternoster & Iovanni, 1989, pp. 359, 363, 375). The status characteristics hypothesis refers to the argument that “groups with less power and prestige are more likely to be processed officially (labelled) than those who occupy more privileged positions” (p. 364). As such, the values and interests of the more powerful groups become the accepted norm, which may be partially or totally exclusive of the values and interests of groups with less power. Excluded behaviour, which is now neither in line with the norm, nor endorsing of it, becomes reacted to negatively because it is a violation of the norm. As such, “social groups create deviance by making the rules whose infraction constitutes deviance...and deviant behaviour is behaviour that people so label” (Becker, 1963, p. 9), which means that one’s criminality is often a reaction to social constructions rather than any possible inherent and problematic behaviour.

Schrag (1971, as cited in Wellford, 1975, p. 333) identifies nine basic assumptions of the labelling perspective as follow:

- 1) No act is intrinsically criminal; 2) criminal definitions are enforced in the interest of the powerful; 3) a person does not become a criminal by violation of the law but only by the designation of criminality by authorities; 4) due to the fact that everyone conforms and deviates people should not be dichotomized into criminal and non-criminal categories; 5) the act of ‘getting caught’ begins the labelling process; 6) ‘getting caught’ and the decision-making in the criminal justice system are a function of offender as opposed to offense characteristics; 7) age, socioeconomic class, and race are the major offender characteristics that establish patterns of differential criminal justice decision-making; 8) the criminal justice system is established on a freewill perspective that allows for the condemnation and rejection of the identified offender; and 9) labelling is a

process that produces, eventually, identification with a deviant image and subculture, and a resulting 'rejection of the rejectors'.

Thus the assumption that no action is intrinsically criminal promotes the idea of relativism in the sense that the antisocial nature of an action is contingent upon the subsequent reactions of the controlling powers of the society concerned.

Furthermore, the labelling approach could be considered a reaction or an objection to positivistic¹⁹ conceptions of deviant behaviour. It criticizes positivist criminology's analysis of deviant behaviour as one-sided in that its emphasis is solely on pathological biological factors (Becker, 1963). Becker, who is the main proponent of the labelling approach, argues that environmental factors should also be considered when analysing deviancy. That is, the criminality of any act is subject to a combination of factors that are related to both the nature of the act as well as the activities of the people surrounding the actor (De Venanzi, 2008). In this sense onlookers may consider the act non-problematic and therefore ignore it. On the other hand they may see it as offensive and therefore condemn it. Furthermore, the condemned may experience that the same act has gone un-condemned after it was committed by a different group of people. In this second case therefore, it would be necessary to protest against inconsistent treatment.

3.3.3 Limitations of the Labelling Approach

The labelling approach is not without limitations. For example, it has been suggested that it cannot fully explain criminology (Wellford, 1975) especially in the sense that its assumptions do not stand up to serious analysis. For example, Lemert and Becker's focus on external

¹⁹ Positivistic criminology is based on two assumptions of the scientific tradition; that the universe is *ordered* in a way that phenomena are *patterned*, and that the causes knowable (McIntyre, 2005).

labelling and the assumption that 'no act is intrinsically criminal' are dispelling of the reality of individual responsibility and accountability. These also deny the possibility of perpetrators being aware of the meanings of their actions. Similarly, labelling perspective also falls short in terms of "its failure to explain the social forms and patterns of individual behaviour prior to label and sanction application" (Colvin & Pauly, 1983, p. 520).

In the final analysis, the labelling approach could be seen as a clear by-product of Marx's class analysis. The emphasis of the labelling perspective on the distinction between the powerful and the powerless groups is a vivid rendition of Marx's construction of the conflict between the bourgeoisie and the proletariat in a capitalist society. So while labelling has been useful to the criminological inquiry in certain areas like its critique of pathological explanations of anti-social behaviour, its inadequacy in terms of verifying primary and secondary deviances, which is due to its "ahistorical, astructural preoccupation with the immediate sanction-application milieu and its role-reorganizing effects on the offender" (Colvin & Pauly, pp. 520, 521) provides caution for its usage as a sole underpinning theory within any criminological enquiry.

Nevertheless, the notion of secondary deviance may prove useful in this investigation, especially in terms of gaining an understanding of how Samoan people react to provocation and other labels like 'fobs', coconuts, PIs and so on.

3.4 *General Strain Theory*

General Strain Theory (henceforth GST) is the outcome of Robert Agnew's (1992) analysis of both the criticisms levelled at strain theory with its different variations, as well as of the multiple facets of strain theory itself. Agnew contends that "strain theory has a central role to play in explanations of crime/delinquency" (p. 47). He also proposes that strain theory

needed to be 'substantially revised' if it was to be effective in explaining crime. Accordingly, Agnew suggests that the first step in such a revision is to explore new directions toward which strain theory could develop. This is because much of the scholarship using strain theory were still very much based on Merton's model (Agnew, 1992; Coleman & Norries, 2000) to which the discussion will now turn.

Merton "postulates the existence of a social structural disjuncture between socially desired goals...and the means for achieving those goals" (Colvin & Pauly, 1983, p. 517). Having borrowed and modified the notion of anomie from Emile Durkheim, Merton begins his departure from the then dominant tradition of attributing the sources of deviant behaviour to "man's imperious biological drives or original nature" (Merton, 1938, p. 672). He argues that the biological approach is limited in the sense that it does not consider non-biological or environmental conditions for man's anti-social behaviour. He contends that any attempt to understand criminal behaviour should also consider environmental factors rather than just issues surrounding the biological pathologies of individuals. In other words, people do not deviate from social norms only on the basis of 'imperious biological drives' but also because of societal and cultural factors, and other external influences. Merton bases his investigation(s) on the question of why there is a consistent inconsistency in the rates of deviant behaviour between societies and also amongst a multitude of groups within the same society.

For Merton, anomie means a discontinuity between cultural goals and the accepted methods available for reaching them. As such, Merton appears to address only one type of strain – that which blocks goal achievement (Agnew, 1992; Piquero & Sealock, 2010). Strain in this respect comes from the failure to achieve positively valued goals for both the individual and the individual's family. Merton argues that crimes (infringements of social codes) are

committed as a 'normal response' (Merton, 1938) to the circumstances created by the structure of human culture and society. This structure revolves around two important elements; the culturally defined goals of society and the institutionally legitimate means to realize these goals. When citizens become restrained or blocked from achieving goals, they will then develop a strain towards anomie or normlessness. This is because they still feel the pressure to achieve the goals despite the unavailability of legitimate means to realize them. Subsequently, such people adopt alternative measures to alleviate the strain. This is more probable given that these alternative measures are often more technically efficient, compared to institutionally approved means, in achieving societal goals. It is then no longer a question of legitimacy and societal norm but a question of efficiency in goal achievement. Let us take the goal of monetary success as an example in which, ideally, every individual should be successful. However, due to the reality of our differential exposures or accesses to the same or equal opportunities for monetary success, we do not eventually all become equally successful. This creates a situation where two classes of people will begin to emerge; namely the successful versus the unsuccessful, the latter being what Merton refers to as people "from lower social strata" (cited in Coleman & Norries, 2000, p. 62).

With these elements explained, Merton (1938. p. 676) suggests that three types of social orders will subsequently occur. The first type arises due to over-emphasising certain goals such as accumulation of wealth, specifically in designating it as a symbol of success. The use of the term fortune, argues Merton, is a clear evidence of this practice. This over-emphasis generates a negative impact upon any system of institutionally ordained means of gaining success. Thus when one fails to achieve societal goals through such means s/he will then turn towards unconventional and illegitimate methods that may be otherwise more efficient to achieve the same goals. In this sense, moral values and social norms become subservient to goal attainment. Ironically, it becomes insignificant to ask how goals are achieved, so long as

they are achieved. Conversely, the second type of social order arises when the legitimacy of the means of goal achieving is considered more important than the goals themselves. Merton reasons that this often happens when people become ritualistic and highly conservative. That is, they conform to institutionally ordained 'conduct' in a manner that shows total commitment towards guarding against transmuting these social norms. Further, such conservatism is indicative of the need to maintain stability and status rather than achieving goals. Subsequently, guarding institutionally prescribed means becomes a goal in itself. The least ideal social order is the balance between the above two polar types, and is concerned with maintaining equilibrium between cultural goals and institutionally prescribed means whereby the level of satisfaction from goal achievement is equal to the level of satisfaction from institutionally ordained modes of achieving goals.

In the final analysis, traditional strain theories disproportionately place too much emphasis on the causal relationship between strain and delinquency. Further, their almost exclusive focus on a rather limited scope, which is urban crime by members of the lower class, makes it incapable of addressing the kinds of strains that do not lead to crime (Broidy, 2001). It is at this point that Agnew's GST extends, rather than completely dispels, the criminological analysis of strain theories. His emphasis is to explore other types of strain and whether they result in criminal or non-criminal activities.

According to Agnew (1992), GST involves three major types of strain; "(1) strain as the actual or anticipated failure to achieve positively valued goals, (2) strain as the actual or anticipated removal of positively valued stimuli, and (3) strain as the actual or anticipated presentation of negatively valued stimuli" (p. 47). The first strain is the classic strain as understood by Merton and others but the two latter types are unique to GST (Piquero & Sealock, 2010). Under the first category, there are three further types of strain which are

described to be “strain as the disjunction between (1) aspirations and expectations/actual achievements, (2) expectations and actual achievements, and (3) just/fair outcomes and actual outcomes” (p. 56). Agnew has, since the initial presentation of GST, revised and re-clarified his original theory. He thus explains that not all strains would be related to delinquency. In fact, the kind of strainful experiences that are more likely to lead to crime include such that are considered to be unjust, high in magnitude, have a causal relationship to low social control, and strains that would be conducive for delinquent activities (Agnew, 2001).

3.4.1 Limitations

Similar to other criminological theories, there are also exceptions in terms of GST’s ability to provide an all encompassing explanation for crime. The first noted limitation of GST is related to the fact that it is still incomplete and undeveloped as a theory of delinquency (Coleman & Norries, 2000). For instance, GST does not “fully account for different outcomes: why do some still conform when experiencing acutely the disjunction? How do we account for different kinds of deviant behaviour adopted?” (p. 63). The mere presence of strain(s) in an individual’s life does not necessarily mean that such an individual will automatically commit an antisocial act. To such an individual, even the presentation of negative stimuli may still be inadequate motivation to turn him/her towards criminal activities.

Moreover, studies of school bullying found that not all students who were victims of bullying turned out to be bullies themselves (Moon, Morash, & McCluskey, 2010). In fact, such students did not use their strainful experiences and subsequent anger to reciprocate the treatment they endured. Similarly, other research (Mazerolle, Piquero, & Capowich, 2003; Moon, Hays, & Blurton, 2009) has also found evidence that emotions that emanate from stressful situations sometimes result in depression more than having links to deviance.

However, GST was helpful on the other hand, enabled the researcher to frame the investigation to gain an understanding of how social and structural systems have either enabled or constrained Samoan people's dreams for success (Va'a, 2001) in New Zealand

3.5 Conclusion

In the final analysis, available criminological theories view crime and criminal justice very differently. No single theory could exhaustively explain crime in its totality. Thus while theories have their limitations, they also have valuable contributions in terms of understanding certain aspects of crime. For example, cultural criminology postulates that crime is socially constructed. While this line of thinking resonates with the central tenets of labelling theory, and also propagates elements of Marxist criminology, especially in terms of class analysis, and therefore beneficial to a certain extent in terms of explaining stereotypical conventions about South Auckland as the 'hub' of criminal activities in New Zealand, it falls short of explaining crimes that are committed outside of these culturally-oriented situations. Labelling theory condemns politicization and criminalization processes for the creation of criminal labels to which perpetrators react but subsequently adopt in defiance. General strain theory emphasises that crime is the outcome of giving in to certain pressures in one's life, especially in terms of failing to achieve goals.

While each of the above theoretical perspectives has its own limitations, each contributes an element of understanding that was beneficial to this study. For example, cultural criminology and the labelling approach contributed to the investigation in terms of formulating questions that explored Samoan people's perceptions of criminal justice in New Zealand, their understanding of what constitutes a crime, and also how Samoan people react to provocation in this country. General strain theory, on the other hand, enabled the researcher to frame the investigation to gain an understanding of how social and structural systems have either

enabled or constrained Samoan people's dreams for success (Va'a, 2001) in New Zealand. In the final chapter, I will return to assess the lessons learned in this study from attempting to apply these various theories.

CHAPTER FOUR: TRADITIONAL SAMOAN JURISPRUDENCE

These heathen natives (Samoans) have a keen sense of justice....and are governed by well-understood laws (Turner, 1884, pp. 178, 197).

4.1 Introduction

Any attempt at obtaining a nuanced understanding of how Samoan people in New Zealand act, in relation to law and order, is incomplete and futile if it is devoid of an analysis of certain components of the ‘traditional Samoan philosophy of justice’²⁰, which is incorporated into what is generally known as *fa’aSamoa*²¹. This is because both Samoa-born and New Zealand-born Samoans have been influenced, in one way or another, large or small, by the various enactments of the *fa’aSamoa* here in New Zealand. For example, it has been argued that the type of *fa’aSamoa* that New Zealand-born Samoans have constructed for themselves is strongly influenced by their experience of having to give money and having to unquestioningly serve their elders (Anae, 2001, pp. 91-102; Tiatia, 1998). *Fa’aSamoa* in this instance has impacted negatively on New Zealand-born Samoans, as well as on Samoa-born Samoans who have lived in New Zealand for the most part of their lives (Tamasese et al., 2005, pp. 305-306). Conversely, parental *fa’aSamoa*, which was learnt within the village setting (Tuagalu, 2008, p. 120), is practised in a way that resembles how it would have been carried out in the environment of a Samoan village. It is therefore undeniable that these two

²⁰ In this work, the term ‘traditional Samoan philosophy of justice’ refers to the system of justice that informs and governs Samoan village polity rather than the introduced Western legal system by which the Samoan government controls the legal affairs of the independent state of Samoa. Some Samoan customary laws and traditional punishments get challenged in the national legal court(s) because they often conflict with laws made by the legislative assembly, with the latter rather than the former, being always enforced by the police.

²¹ The notion of *fa’aSamoa* is used in this work to mean a way of life, a worldview, and a sacred trust which forms “the basis of the Samoan claim to autochthony within the islands and, indeed, within the Pacific” (Turner, 1983 as cited in Macpherson, 2004, p. 165).

groups of Samoans would have had a differential perception and interpretation of *fa'aSamoa* and the Samoan sense of justice to which early writers from 19th Century Samoan society referred. For example, one such writer was George Turner (1884), a missionary from the London Missionary Society, and he observed “that these heathen natives have a keen sense of justice²²” (p. 197). As it will be demonstrated in the discussion that ensues, this Samoan sense of justice or philosophy of justice is perhaps different in some significant ways from the sense of justice that resides within the New Zealand criminal justice system. Thus an exploration of *fa'aSamoa* will be a gateway towards an understanding of how the central tenets of this Samoan sense of justice have influenced the culture, identity, and histories of social organisation in Samoan communities. Further, this exploration will also provide a reference point from which to expand our knowledge of how the participants of this study may be expressing or interpreting a Samoan world-view of justice. Importantly, this thesis will also demonstrate that Samoan people’s conceptualisation of social organisation, crime, and justice, differ in key areas to the criminological approaches described in the previous chapter (to be explored more fully later in the thesis).

This chapter begins with an exposition of four distinctive but related concepts that are salient to the traditional Samoan philosophy of justice. It also draws upon two sources: the existing literature as well as personal discussions with some Samoan *matai* who are well respected as credible guardians of the knowledge of *fa'aSamoa*. The concepts to be considered are law making, law breaking, the notion of *talafeagai* - fairness, and conflict resolution. The discussion focuses on explicating Samoan words, phrases and proverbs that relate to each of the above headings, especially in terms of how these concepts are understood in the context

²² Turner is here commenting on the murder of the crew of the La Perouse at Tutuila in 1787, after one Samoan man was killed by some members of the same exploration.

of Samoan law-making within village polity, rather than from the perspective of *palagi* law-making that is exercised and portrayed within the legislative mandates of the State of Samoa. This is because it is often within the context of the former that Samoan people live and construct their daily worldview of justice (Linkels, 1995, p. 19; Tuagalu, 2008, p. 120) both in and outside of Samoa.

Furthermore, there is a mismatch or ‘clash’ between certain aspects of the traditional Samoan philosophy of justice (and its subsequent laws), and the form of justice that is upheld by the mandates of the mostly Western-influenced Samoan legislative assembly (Epati, 2008). Turner’s (1884, p. 197) remarks about Samoan people’s ‘sense of justice’ suggest at least two possibilities; one that this ‘sense of justice’ underpins the formation of traditional Samoan spoken laws and two, that this sense of justice bears a stronger impact on the way Samoan people deal with conflict than it is generally understood. That is, Samoan people’s continued and consistent practice of the *fa’aSamoa* within village polity maintains constant and consistent contact and adherence to the spirit and precepts of justice, in its traditional sense, rather than that which is exemplified in the Eurocentric system(s) of legislating in Samoa. After all, most village people cannot comprehend most of the state laws without the assistance of a lawyer, who also comes with a very hefty price. Law, in this sense is external to the Samoan individual who is effectively detached from the process of law-making, albeit being able to cast a vote in a ‘so called’ democratic election. On the contrary, village laws and the principles embodied in them are more readily understood by the village residents. They own the process of law-making and are instantly familiar with the rationale behind their laws. Consequently, most Samoans who migrate to other countries, including New Zealand, take with them a sense of justice that is more traditionally informed and therefore less inclined towards Western conceptions of justice.

The first section, law making, explores two subsections; *tūlāfono* or law, and law makers in Samoa. The second section, law breaking or offending and punishments, discusses the experience or the notion of law breaking within the Samoan framework of justice and the subsequent punishments it attracts. As in the first section, an explanation of the Samoan terms for offence(s) will precede a discussion of the concept of punishment. The third section, *talafeagai* – fairness, explores and demonstrates how the notion of *talafeagai* is crucial to Samoan people’s multiple relationships, including their relationships to justice. The final section, conflict resolution, examines ways by which Samoan people bring to resolve their differences.

Samoan proverbs will be used extensively throughout the chapter. This is because the proverbs will help illustrate some of the arguments. Second, they will reveal the principles that impact on different relationships among the Samoan people. Realistically, Samoan proverbs are succinct but precise summaries of Samoan people’s philosophy of life. They reflect Samoan people’s experiences and belief systems. “In Samoan oral tradition there is no surer guide to the Samoan soul, Samoan vision, values, ethics and morals than through an analysis of *muāgagana* or Samoan proverbs” (Tui Atua, 2007c, p. 12).

4.2 *Samoan Traditional Law Making*

Law making in Samoa is an ancient tradition. Before European contact Samoan people were very capable of judging between right and wrong (Sunia, 2002, p. 185). They were governed by “well-understood laws” (Turner, 1884, p. 178) even well before the establishment of the Commission of Justice in 1903 (Meleisea, 1995, pp. 64-65; Tavale, 1999, p. 28) and even long before the arrival of the Europeans. As it will be demonstrated in the following discussion of words and concepts that Samoan people employ in relation to justice, this thesis argues that Samoan people’s sense of justice was built upon many principles including

communal respect and honour. Any behaviour that could potentially devalue or diminish respect and honour is detrimental to maintaining peace and harmony within the Samoan society. Consequently, Samoan *tūlāfono* are constructed to reflect, promote and guard these very principles.

4.2.1 Tūlāfono

The word *tūlāfono* is defined simply as ‘law’ (Milner, 1966, p. 285) or ‘a law’ (Pratt, 1893, p. 326). Milner also provides the following two Samoan phrases to illustrate further the meaning and usage of the word *tūlāfono*: “*I luma o le tūlāfono* – before the law” and “*o le fonofono fai tūlāfono* – the legislative assembly.” Ironically, both these examples convey an understanding or construction that is both Western, very contemporary and therefore foreign to Samoan law-making. It is alien to the traditional Samoan understanding of the concept *tūlāfono*. For instance, the phrase ‘*i luma o le tūlāfono*’ is commonly used and understood as a specific reference to the act of appearing before a European/Victorian-type legal court where formally trained and qualified judges and lawyers operate. It is unheard of that this phrase is used to refer to anyone appearing in front of the *matai* council, which is the body that is responsible for law-making in the Samoan village. Similarly, the second phrase, ‘*fonofono fai tūlāfono*’, is also a modern nuance as it is a specific and direct reference to the meeting of parliamentarians in the Eurocentric sense. This form of meeting is unlike the traditionally Samoan-ordained system in which although the *matai* are the rightful/designated members of the *fono*, they are not necessarily the only participants at the *fono*. In fact, all members of the village are allowed to solemnly listen in, although not to contribute, while the *fono* is in session. Further, other bodies within the village could make submissions to the *fono* of the

matai (Pualau²³, personal communication, 20 August 2008). In this sense, the Samoan concept of *fono* is more representative and therefore more ‘democratic’ or inclusive than the parliamentary *fono*. It should be noted, however, that the legislative assembly of Samoa adopted a similar title “*Fono a Faipule*”²⁴ which could be translated literally as the meeting or council of the rule-makers’. Theoretically, therefore, the only two phrases suggested by Milner (1966) as illustrations of the meaning(s) of the word *tūlāfono* emphatically deny the traditional meaning(s) of the word *tūlāfono*. While modern nuances are important in terms of understanding parliamentary legislations, it is equally or even more important to also know how the term *tūlāfono* is understood at the village level. This is because, more than often, it is within the context of the latter that Samoan people mostly find contact with the demands, effects, and benefits of the *tūlāfono* (Sunia, 2002). Village *tūlāfono* have immediate, constant and more effective impact on the lives and relationship of the residents (Tavale, 1999, pp. 28-29). In most cases, deviant behaviours are dealt with more effectively at the village level than they are within Samoa’s Westminster-modeled judicial system. Better still, an arrangement where village rule and the state justice system collaborate to maintain peace and harmony might be more beneficial than each entity doing it alone. For example, a recent riot in 2011 in the capital of Apia was resolved more effectively only after the matai councils of the two fighting villages (Apia and Mataūtu-Apia) met with the Minister and Commissioner of Police and Prisons and other representatives from the Ministry of Justice. In this meeting, the Minister, Hon. Salā Fata Pinati, reportedly acknowledged that the “solution to the

²³ Mr. Pualau, a Samoan matai with the title Setali, taught Samoan and Mathematics in both state and private colleges in Samoa. Mr. Pualau currently resides in New Zealand.

²⁴ The term *faipule* traditionally refers to *matai* who are not *ali’i*. Since the introduction of European forms of parliament and the division of Samoa into electoral districts, the term *faipule* has thus taken up the added meaning of elected members of parliament.

situation and way forward is, ‘to use and re-enforce Samoa’s customary village protocols with the support of police....The village councils help the police protect our national peace and harmony. I am very confident that what happened in the weekend will not happen again in Apia’” (Tauafiafi, 2011, no pages).

A further nuance of the term *tūlāfono* could be realized by unpacking the meanings of its root words; *tula* and *fono*. *Tula* means head or top (Tui Atua, 2007c; Tuiatua, 1994, p. 66). For example, the Samoan proverb, “*ua tu tula le lupe*” means the pigeon perches at its place, usually at the top of a pole. Further, *tula* as head, especially in relation to the head of the *matai*, conveys the notion of *tapu* – taboo or divine. This is evident in the traditional understanding that it is a serious offence to touch the *matai*’s head. “The divinity of the head gives rise to the Samoan saying: ‘*o le faiva o mafaufau o le faatonutonu*...(the function and purpose of the mind is to discern evidence and make good judgements)’” (Tuiatua, 2007, p. 2). Therefore, *tula* as head or top in terms of *tūlāfono* conveys the idea that the meeting of the *matai*, in which *tūlāfono* are made, is the highest decision-making body within the traditional Samoan social and judicial structures. These decisions are held in high regard by both village residents (Samoan) and visitors or outsiders alike.

The word *fono*, on the other hand, refers to the village’s formal meeting(s), which include the meeting of the *matai*, the meeting of the *faletua ma tausi* – wives of the *matai*, the meeting of the ‘*aumaga* – the untitled men’s guild, and the meeting of the *aualuma* – the village girls and women’s guild. Turner (1884) contends that the *matai*’s meeting is often legislative in nature, but for Samoan people, it is a complete system of justice for both the village residents as well as the visitors. Thus while the *fono* does make and enforce laws (Sunia, 2002, pp. 184-193), its function also includes other important roles like putting in place developmental and organisational strategies for the success of the village as a whole.

The *fono*, in its traditional sense, has at least six important dimensions (Tui Atua, 2007c, pp. 11-12). The first dimension is *tūvao fono* which could be translated literally as to stand in the forest, but meaningfully connotes stepping in to begin; it is the formal commencement of the meeting (Duranti, 1981, p. 365). *Tūvao fono* is the prerogative of a few selected matai. The term is indicative of the notions of being cautious and of breaking new ground. The forest, being the sacred territory of the hunters, is always entered into with much respect. This is because while the forest is the source of entertainment and sustenance for hunters, cultivators and planters, it also poses the risk of death because most hunters face the unknown when they enter the forest. Thus in relation to the meeting of the matai, *tūvao fono* implies being careful while entering new grounds in the decision-making process and all deliberations. It is usually the first aim of the *fono* to divulge and analyse new ideas that will positively contribute towards the construction of useful *tūlāfono*. The second dimension is *lo'u fono* – bending *fono*. This is a metaphor that comes from the act of bending a tree or its branch in the sense of redirecting or ‘redestinining’. In the context of the *fono*, it refers to the right that certain *matai* hold to appraise the decisions of the *fono*. Then there is the *lāūga tōgia* which refers to the special role that certain *matai* have to make interventions during the course of the *fono*. Another dimension is the *fa'ai'u fono* – those who end or conclude the *fono*. The other dimension is *faaola fono* – to save *fono*. This special and solemn role is performed only by the *tamāali'i* in difficult cases. The *faaola fono* may propose either total forgiveness or that the penalty be reduced. The final dimension is *tulāfono* – law. *Tūlāfono*, as the final product, is the culmination of a process where ‘new grounds’ were broken and entered into, analysed, and collectively agreed upon.

Given the above understanding, *tūlāfono*, therefore, could be translated literally “to mean the head of a *fono*. In this sense, laws emerge from the coming together and the synthesising of wisdom from the ‘heads of a *fono*....*Tulāfono* are not abstract principles, rules or regulations

devoid of feeling or emotion. They are...governed by recognition of the importance of both the mind and soul to the exercise of law-making” (Tui Atua, 2007c, pp. 2, 11). The term *tūlāfono* is indicative of the notion that decisions of the *fono* are of paramount importance and that the keeping of them would assure peaceful living in the village. As such, they demand first of all the respect of every member of the community concerned and secondly of people external to the village. “*E ao i tagata uma ona fa’amalumalu i tulafono a le afio’aga ‘auā o le ‘olo lea o lo’o malu ai i latou uma*” (Tavale, 1999, p. 165). (All people should adhere to the laws of the village because these laws are the fortress by which they all get protected). It is generally accepted by Samoan people that respecting the *tulafono* of any village that they visit is not a question of why or why not but a question of what, where, when and how.

4.2.1.1 Tulāfono as ‘Aulape (Agreement) or Finagalo (Desire)

In the context of traditional Samoan law-making, the word *tūlāfono* is sometimes used synonymously with other Samoan terms which add nuanced understanding in terms of emphasising different aspects of the concept *tūlāfono*. For example, words like ‘*aulape*’ (Sunia, 2002) - agreement (Milner, 1966) and *finagalo*²⁵ - desire or will (Pratt, 1893), whenever they are used in relation to *tulāfono*, often convey the notions of consensus, unity and harmony. Given that Samoan decision-making is based upon consensus rather than majority rule, it is therefore the ultimate aim of the *fono* that actions which contribute to the maintenance of peace and harmony are unanimously agreed upon. However, in recent times, greed and state political interferences have invalidated this coherency within some villages in Samoa. Nevertheless, choosing not to adhere to the will of the *fono* that was unanimously

²⁵ Finagalo is also used to refer to the activities of the mind (Sunia, 2002, p. 163).

agreed upon is an attempt to dishonour the *fono* and therefore shatter peace and coherency in the village (Sunia, 2002, p. 185).

4.2.1.2 Tulāfono as Sa, Vavao or Tapu

Traditional Samoan *tulāfono* also reflect the notion of boundaries as indicated by its usage synonymously with words like *sā* – ban or interdict (Meleisea, 1995, p. 9), *vavao* – stoppage, and *tapu* – be forbidden or sacred. In this context, *tulāfono* expresses the two related concepts of *tuā’oi* – boundary or how far one can go, and *vā* – space between or the actual or abstract distance between two objects. These two concepts form or contribute to the theoretical framework from which the principle of *fa’aaloalo* – respect, is derived (Tuagalu, 2008). *Fa’aaloalo*, subsequently, is a foundation pillar of fa’a-Samoa. It is for this reason that fa’a-Samoa and *fa’aaloalo* are inseparable. However, the relatedness between *tuā’oi* and *vā* in relation to *tulāfono* should not be taken to mean that they could be treated as one. Hence, the notions of *tuā’oi* and *vā* will be explored further in this order respectively.

4.2.1.2.1 Tuā’oi

This discussion of *tuā’oi* draws extensively from Tuiatua (2007c) although it also considers other authors and sources. Traditionally, *tuā’oi* refers first of all to land boundaries which at most times, are poorly defined and therefore not clearly visible (Tuagalu, 2008). Nevertheless, village residents grow up knowing exactly where the boundary is in relation to sections of land owned by other families or villages. The Samoan saying, “*Aua le si’i tuā’oi*” – do not shift boundaries, implies that land demarcation from generations of old should not be tampered with, as land is part of the family’s identity, designation and inheritance (Sunia, 2002, p. 11). In reference to Samoan people’s identity, Refiti (2008, p. 99) argues that “knowing/placing who you are involves the understanding that your body, your being is

woven flesh²⁶, a gene-archaeological matter made of ancestors/land/community/family. Therefore your body does not necessarily belong to you as an individual...you are woven from the flesh of the dead, your body belongs to the ancestors, to your *fanua*²⁷ the place of birth, and to the community that shaped and cared for you.” People who encroach on the *tuā’oi*, therefore, also encroach on the identity, inheritance and dignity of other people.

Tuā’oi also refers to invisible boundaries that relate to and affect people’s relationships. Traditionally, all Samoan people are expected to know and function according to such invisible *tuā’oi*. For example, there are *tuā’oi* between people and other people, between people and the environment, and between people and the spirit world (Tui Atua, 2008). *Tuā’oi* between people include *tuā’oi* between parents and children, brother and sister²⁸, family members and the *matai*, family and the village, residents and the village pastor(s), and the list can go on. Violations of *tuā’oi* between people impinge on peace and harmony and will always attract negative repercussions both for the perpetrator(s) as well as for their families and villages (Sunia, 2002).

Tuā’oi between people and the environment indicates a unique relationship that is duly considered ‘sacred’ (Tui Atua, 2007a, p. 3). This understanding is strongly implicated by the fact that the names of some parts or organs of the Samoan human body are identical to some names in the physical world. For instance, “the Samoan term ‘*ele’ele*, meaning earth, and

²⁶ The notion of ‘woven flesh’ is drawn from a verse in Albert Wendt’s poem. The verse says, “Inside me the dead, woven into my flesh like the music, presented of bone flutes” (cited in Refiti, 2008, p. 98).

²⁷ Land

²⁸ The *tuā’oi* between brother and sister is called ‘*feagaiga*’ – covenant, and is considered *pa’ia* - sacred (Henry, 1958, p. 67).

palapala, meaning mud²⁹, are also the words for human blood. *Fatu*, meaning rock, is also the word for heart. *Fanua*, meaning *land*, is also the word for *placenta*³⁰. Papa (rock) and eleele (earth) are the names of the two main progenitors of man...*Lagi* which is the term for the heavens...is also the honorific term for the head” (Ibid pp. 4, 9). Moreover, Samoan people also practise the ritual of burying the *fanua* (placenta) and *pute* (umbilical cord) on their ancestral section of land, or what Tuiatua refers to as ‘designation’. This custom signifies belonging, identity, and ownership. During informal debates and family disputes over identity issues, Samoan people often loosely appeal to the fact that their *pute* were buried at a certain place, in order to justify their claim to that particular section of land. Further, in the event of disputes between family members in which one may tell the other to leave the land, the latter may refer, and rightfully so, to the Samoan expression, “*Tama a le ‘ele’ele*” – child of the earth, to suggest that their identity is tied up with the land and that the land under dispute is also their designation.

Tuā’oi between people and the spirit world is a reference to Samoa’s indigenous religion which includes ancestral worship and the worship of other Samoan gods like the *fe’e* – octopus and *lulu* - owl (Tui Atua, 2007a). In most cases, this may just occur unconsciously as some of these practices are just part and parcel of normal daily activities. For example, in some villages this *tuā’oi* is evident in the residents’³¹ treatment of and relationship to certain birds which are considered to be the worldly manifestations of family or village gods, as in

²⁹ Palapala also means soil or dirt (Milner, 1966, p. 172).

³⁰ The phrase here in italics was rearranged by the author of this study to maintain a consistency order of ideas.

³¹ People who visit these villages from other places in Samoa also show respect and adhere to these beliefs although sometimes it may be out of superstitious fear.

the case of the owl in the village of *Sale'imoa* and the sea heron to the people from the island of *Manono* (see Appendix P). These birds have divine significance and are therefore treated with utmost respect in the places mentioned above (Ibid p. 4). Similarly, the districts of *A'ana*³² and *Vaimauga*³³ also have a war god in the *Fe'e* - octopus (Henry, 1958, p. 46). The people of Vaimauga built a temple out of rocks for the *Fe'e* god. This temple, known as the '*Fale o le Fe'e*' – House of the *Fe'e*, is situated about 10 miles inland from Apia³⁴. In recent Samoan history, a particular group of leading *matai* of the *A'ana* district offered food sacrifices to the *Fe'e* when their king, *Tuia'ana Tamalelagi*, declared war on king *Malietoa* (Henry, 1958, pp. 54-58). Undoubtedly, those who still adhere to these beliefs often behave cautiously and worshipfully in the presence of these 'family/village gods'.

Further, given that many Samoan people still follow and subscribe to the *taulāsea* practice – which is Samoan traditional healing, it is feasible to argue that Samoan people's beliefs in the relevance of their traditional religions, or at least some forms of them, to contemporary living, will continue to survive notwithstanding the advent of Christianity (Macpherson & Macpherson, 1990). It will still play a significant part in the way they relate to the supernatural. "In religion...the old pagan gods (*aītu*) have been replaced by the Christian god though some basic beliefs and practices of the old religion form part of the new religion" (Va'a, 2001, p. 70). Pualau (Personal communication, 20 August, 2008) suggests that the continuous practising of Samoan witch-craft among Samoan communities outside of Samoa, and the usage by some *taulāsea* – Samoan traditional healer, of the Christian Bible in their

³² The district of A'ana is the western-most part of the island of Upolu. Samoa's international airport, Faleolo, is situated in this district.

³³ The Vaimauga district is that of which Apia is part.

³⁴ Apia is the commercial capital of the nation of Samoa.

practices, are indicative of the creativity of the Samoan people in fusing together different and differing religiosities. It implicates, again, that Samoan people in general are not ready to part with certain aspects of the traditional nuances of their worldview and environment.

Moreover, the common Samoan expression, “*E sui faiga ae tūmau fa’avae*” – practices change but foundational principles remain the same, strongly suggests that the elements of Samoan beliefs that are pragmatically relevant to the sustenance of a harmonious society, at least from a Samoan perspective, will be retained at all costs. One such belief is that which venerates the reality of interactions between the supernatural and the world of human beings as the following examples will illustrate. One, Samoan people, despite their monotheistic worship and veneration of the Hebrew Deity, still follow their ancient practice of ceremonially uttering salutations to the ten heavens (See Appendix N) of *Tagaloa*, the traditional Samoan Absolute God, during funerals of kings and *matai* of very high status (Tui Atua, 2007c, pp. 2-3; 2009b, p. 155). Such practice is indicative of the fact that there is an undeniable willingness of Samoan people either to incorporate³⁵ elements of their traditional religion into Christianity, or to have both forms of religion co-exist in places where there is no serious theological or moral antagonism between the two systems.

The second example refers to the notions of *tōfā*³⁶ and *moe*³⁷ especially in relation to the concept of *moe manatunatu* – sleep dialogue (Tui Atua, 2007a). “It is in the *tōfā* and *moe* of

³⁵ The Samoan Catholic church currently incorporates the *ifoga* ritual as an integral part of their mass. The ritual is used as a readily-understood cultural demonstration of the humility of Christ on the cross and how this humility should permeate the life of the worshiper (Setali, 2008). Some Pentecostal Christian churches incorporate certain forms of the Samoan *siva* – dance, in their praise and worship services.

³⁶ *Tofa*, in this context, refers to both the sleep and the expressed thoughts of the *matai ali’i*

³⁷ *Moe*, in this context, is the sleep or the expressed thoughts of the *matai tulāfale*

the *matai* that they learn about lessons of the past that might be relevant for the present and the future. It seems that in their sleep dialogue, the *matai* is consulting their ancestors about the past and their gods about the future” (So'o, 2009, p. 329). Perhaps it could therefore be argued that changes with regard to Samoan people's relationships with the spirit world are metamorphic in that while Christianity is the accepted form of religion, it still has, to a certain extent, been influenced by certain elements of the *faa-Samoa*, and therefore producing alternative multiple contemporary forms of Christianity or religiosity.

4.2.1.2.2 Vā

Vā simply means space between. As such it denotes distance. The length and width of that distance are contingent upon the strength and status of the relationship(s). However, *vā* as distance is not just an empty space or a meaningless vacuum but relational space (Allen, 1993 as cited in Refiti, 2008, p. 99). It is “not space that separates but space that relates....The meanings change as the relationships/the contexts change” (Wendt, 1996, p. 8). Proper understanding of the notion of *va* is crucial in terms of “successfully extracting...information from a Samoan” (Tagaloa, 2009, p. 90). There are two main types of relationships within which *vā* is often seen to have played itself out; positive relationships and negative relationships. Further, *vā* also has its origins within the context of the Samoan village setting (Tuagalu, 2008). Given this special context, it is crucial that *vā* is understood in terms of how Samoan people live out their lives in their respective families and villages, in other places abroad, and also to the cosmos.

Vā, within the context of positive relationships, suggests orderliness. This notion is strongly implicated or even central within common Samoan expressions like, “*tausi le vā, teu le vā*, or *iloa le va*” –nurture, keep, care for (Wendt, 1996, p. 4), or know the *vā*. *Tausi*, in this sense, is also indicative of other important notions including growth, development, responsibility, and strength. For instance, the word *tausi* is also used to describe the primary role of the

leading or paramount *matai* of the family. S/he would be referred to by family members and others as, “*O ia lea o lo o tausia le ‘āīga*” which translates as, s/he is the one who is nurturing or keeping the family in order. It resonates with the notion of guardianship (Tofaeono, 2000). It is always the aim of *tausia le vā* to promote peace and harmony within the family and also within the village. Some other Samoan terms that likewise connote orderliness include *vā-fealoa’i*, *vā-fetausia’i* and *vā-nonofa* which could be translated literally to mean space between opposite fronts, space between that is kept mutually or reciprocally, and space between seating or residing positions respectively. One of the most sacred *vā* within Samoa’s social framework is called *feagaiga* – governant, which is the *vā* between the brother and the sister (Henry, 1958, p. 62; Stewart-Withers, 2011, pp. 50-52).

Vā is the most significant concept to understanding the complexity of Samoan social interactions between people, church, and the environment. It underpins all epistemologies of participation, obligation, and reciprocation that guide our interactions and continue even as Samoans move abroad. Performance of social responsibilities and obligations prescribed in vā rest on the knowledge of social and genealogical connections that ‘āiga members possess (Lilomaiaava-Doktor, 2009, p. 11).

A further analysis of the concept *vā*, especially in the context of it being a root word of the Samoan word *vasa* – ocean – shows that *vā* also implies the possibility of being able to connect or being connected. That is, *vasa* became for Polynesian navigators and sailors a means of “connection to other places” rather than a barrier (Salesa, n.d.). It is still relational space although it now extends beyond the immediate boundaries of the Samoan archipelago. Samoan people, like their other Polynesian counterparts in Tonga, Hawai’i, Aotearoa and

Fiji, freely sailed the Pacific Ocean, sometimes in search of new land³⁸ and sometimes to trade and visit families (Henry, 1958, pp. 72, 76-80; Krämer, 1995, p. 102). These voyagers eventually returned to their respective island homes. Brown (as cited in Best, 1954, p. 42) writes that the “Samoans...were much more daring navigators....The traditions give the account of voyages to Fiji, Tonga...and many other groups.” Stair (1895a; 1895b, p. 50) and Grimble (1924, p. 101) contend that Samoan people inhabited Rarotonga and the Gilbert Islands respectively, and that there was constant voyages between Rarotonga and Samoa pre-European contact. Stair (1897, pp. 145-146) also writes of the prominence of the Samoan island of Savai’i in voyages to and from New Zealand, and other Oceanic places. This claim is consistent with Hau’ofa’s (1994) contention that the Pacific people, of which the Samoans are part, have in their blood to sail the seas. *Vasa*, for the Samoan people was an agent of enablement rather than disconnection. Barradale (1907) remarks that some Maori legends mention Samoan voyages “for over a thousand miles” (p. 106). Further, this argument also supports the French navigator Louis Antoine de Bougainville’s (as cited in Krämer, 1995, p. 6) observations and testimony about Samoa which say:

...the pirogues we saw moving about everywhere...seemed to indicate that there were other islands in these parts. Thus these lands seemed to form an extended chain at the same meridian; that would be the third group we called the *archipelago of navigators*.

However, there also exists an argument to the contrary which purports that the Samoan people were “quite a domestic people, and rarely venture out of sight of land” (Turner, 1884, p. 166) This, nevertheless, is inconsistent with the same author’s later arguments that the existence of just one dialect and the unanimity of the Samoan culture in terms of *fa’alupega* –

³⁸ “Samoans went as far afield as Tuvalu and Sikaiana (over 1000 miles)” (Grimble, 1924 as cited in Salesa, n.d., p. 3).

honorific(s), throughout the whole Samoan archipelago, are evidences that Samoa exercised a ‘unified’ form of government before the advent of any Western influence. Pragmatically, in order to maintain a unified Samoan dialect and *fa’alupega* throughout the whole Samoan archipelago, Samoan people obviously needed to sail out of sight of land, especially given the fact that the eastern-most islands of Tutuila and Manu’a are out of sight from Upolu and Savai’i islands. The point is that *vasa* to the Samoan people and other Polynesian people, was a means of communication and connecting with other islands, irrespective of whether these islands were in sight or out of sight from other islands.

Conversely, the word *vasa*, within the context of negative relationship(s), could also imply the notion of forbidden or risky space. For example the root words for the word *vasa* are *vā* (space) and *sā* (forbidden or sacred) – thus forbidden space. They form the legitimate Samoan phrases *vā sā* which is synonymous with *vā tapuia*, which both mean space that is forbidden or taboo. So, while *vasa* – ocean, could be considered as a connecting space within which there is freedom of voyage and movement, it could also present itself as a sphere that is restricted – one that needs to be approached or entered into with awe, respect and much diligence. Samoan people are well aware of many family members and friends who have fallen victim to the unsuspecting and unforgiving nature of the *vasa*.

Like the forest, which although it is a major source of livelihood for Samoan people and at the same time demands total respect from those who enter it, the *vasa* also expects the same respect from its visitors. This is because while *vasa* is another major contributor to the sustenance of Samoan life, it is also unsuspectingly fatal. This point is further illustrated by formal metaphorical Samoan expressions like: *faiva i le tai* – vocations that pertain to the sea (ocean), and *faiva i le vao* – vocations that pertain to the forest (Pualau, personal communication, 20 August, 2008). These expressions bespeak speciality and ‘reservedness’.

For example, in the custom of speechifying, a *tūlāfale* – orator, often employs terms such as *vaosā* – forbidden forest, *vao filifili* – entangled forest, and *tai loloto* – deep sea/ocean, to imply that the vocation of speechifying is an art that is serious and difficult to master, just like entering into the unpredictable domains of the *vasa* and forest. As such, *vasa* and forest should therefore be approached with a masterful, but humble, attitude.

Subsequently, the formal terms for the turtle and shark, which are *i’a sā*, and *i’a mai le moana* – sacred/forbidden fish and fish from the ocean respectively, strongly convey the idea of high risk and danger in relation to their capture. Moana or ocean fishing is perhaps contrasted with lagoon and reef fishing which most Samoan people, particularly women and children, usually carry out. Thus, the skill level of the *tautai* – fishers, and the manner in which they approach the *vasa* and its inhabitants, determine their success in capturing sharks and other large voracious fish. Stair (1897, pp. 201-202) describes the Samoan mode of catching sharks – *O le lepagā malie* – literally translated to mean floating to await sharks, as “the most daring” of all modes of fishing that the Samoan people practised. Finally, the Samoan proverb – “*’Ia fili i le tai lē agava’a*”, which could be translated literally as – let the capable or qualified person be chosen at sea, means that the choosing of a leader should be based on performance and merit similar to how the best helmsman is revealed in rough seas (Schultz, 1950b, p. 59; Tui Atua, 2007c, p. 12). These expressions implicate the idea that only specific people who possess special and tested skills, and with the right attitude to assist them in handling the elements of the environment, should be allowed to venture out to face such elements.

To extend the analysis of the notion of *vā*, it is important to consider further the concepts of ‘risk’ and ‘forbidden’ that are also crucial to these concepts. This is because it is here that another glimpse into the nature of Samoan risk-taking could also be seen. While Hau’ofa’s

(as cited in Salesa, n.d., p. 2) contention that *vasa* as a connecting mechanism for Polynesian people has a lot of truth in it, it sheds no light into the dangerous and risky side of *vasa*. And given Salesa's (n.d., p. 3) conclusion that the Pacific "looks radically different if you see the sea as a means of communication and travel, rather than as a barrier" it is clear that Salesa is alluding to the possibility that the sea or *vasa* could also be considered as a 'conditionally' forbidden space.

Undoubtedly, the existence of several Samoan practices in relation to the *vasa* is indicative of obvious barriers or limitations to human activity, and that the possibility of overcoming such barriers is contingent upon certain conditions. Only people who have the proper skills and a purposeful attitude in terms of how to handle the *vasa* could earn the right to have an encounter with the *vasa*, and therefore comfortably venture out into its unpredictable domain and subsequently make it a means of either communicating, entertainment (Stair, 1897) or sustenance. For example, the Samoan proverb cited earlier, '*Ia fili i le tai lē agava'a*'³⁹ (Tui Atua, 2007c, p. 12), is a succinct summary of the experiences of the Samoan people with the ocean. The proverb means that by putting many people out to sea, either for the purpose of handling the canoes against the multidirectional sea currents or for trying out different fishing methods, it would soon be revealed that perhaps only a few people are sea-worthy while many others would have been much better off just staying and working on land.

People whose *faiva* – vocation, is to handle the *vasa* in their own unique, tested and proven ways will therefore view the *vasa* not as a barrier but as an agent of progress, discovery and fulfilment. These people are known in Samoa as *tautai* or *tautai matapālapāla*– master

³⁹ There is another Samoan proverb with a similar meaning, "*E iloa le tautai moni i aso afā*" – the true master fisherman is revealed during stormy days.

fishers. Their willingness and courage to be involved in such risky activities could be explained by the notion of edgework (Lyng, 1990, 2004a, 2004b), which is a concept that exists within cultural criminology (Ferrell, 1999). With edgework, personal satisfaction could be drawn from several factors in relation to the risky activity being taken. For example, one gets satisfaction from being involved in the act, from getting positive results which will benefit the actor and his/her people, and also from outclassing the opposition within the same field.

The notion that *vasa* as a barrier is also the central impetus of an old Samoan form of punishment called *fa'atāfea* (Sunia, 2002) – to be drifted or taken out into the open seas by the currents. This is one of the most severe of many Samoan traditional punishments. It is usually pronounced upon a person or family who have continually shown ultimate disregard and disrespect for the village and its laws. Acting upon the directives of the *matai* council, the *taulele'a* – village untitled men whose role is to serve the village, will put the culprits into an outrigger canoe with limited food supplies, and then set them out into the ocean, beyond the reefs, so that they could never return to land (Filioali'i & Knowles, 1983b, p. 385). While most of these banished people might have died at sea, it is also possible that some of them perhaps made it to new land and settled there (Sharp, 1964, p. 62ff). *Vasa* serves the aim of *fa'atāfea* well by providing a real barrier between the banished people and their former village.

Finally, the term *vā* in the context of barrier also denotes the concepts of rivalry (Refiti, 2008, p. 99), antagonistic distance, or distance that becomes tensely widened by human grievance and animosity. This meaning is clearly implicated within the following Samoan expressions; “*o la e vā si 'auvāēga le la*” – those folks are at rivalry with each other, and “*vā tau*” – warring relationship. The written history of old Samoa records some incidences and events

that illustrate well the *vā tau* between various kings of Samoa for total control of Samoa (Henry, 1958; Meleisea, 1995; Turner, 1884). This *vā tau* can be understood from at least two perspectives. One, that one or more parties believed the *tuā'oi* - boundary, in terms of the physical, social and moral, was encroached upon accidentally or intentionally by the other party or parties. Having a *vā tau* with the encroaching party is justified in this case. Two, given that the possibility of extending political territory and control would be ensured only by venturing into new territory, the risks related to committing oneself to war then become insignificant. Ironically, the simple fact that one has participated in a war does indeed solicit public respect irrespective of whether one has won or lost the war.

To summarise this section, it has been demonstrated that while *tuā'oi* and *vā* could be treated as distinctive concepts they are also inextricably connected in terms of relationships between people and also in terms of human relationships with the environment and the cosmos. Further, that in as far as the construction of traditional Samoan *tulāfono* is concerned, *tuā'oi* and *vā* play a central role. Samoan traditional *tulāfono* exist to enhance and protect relationships that are salient and crucial to human existence.

4.2.2 Law Makers

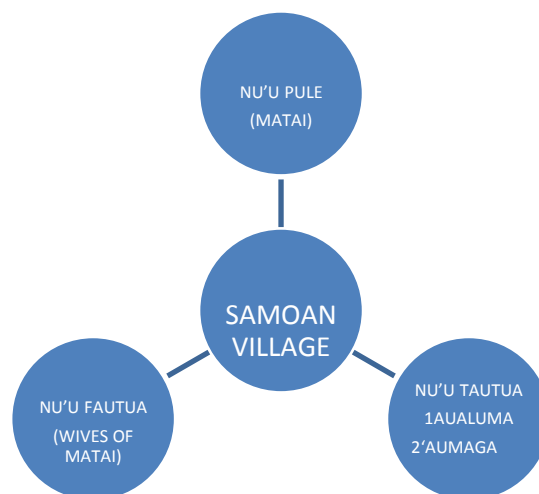
Several views exist regarding the law-making structure of the traditional Samoan village, albeit only two are commonly referred to in discussions of this topic. The first view states that there are three law-making bodies within a typical Samoan village. These are the '*Nu'u*'⁴⁰

⁴⁰ Nu'u literally means village but in this context it means council. The notion of pule or rule emanates from the primary faiva of this council to make rules for the maintenance of coherency within the village (Tavale, 1999, pp. 163-166).

Pule, *Nu'u Fautua*, and *Nu'u Tautua*⁴¹ (Pualau, personal communication, 14 September, 2009). These distinctive entities could be translated literally to mean the Ruling Council, the Counselling/Mediating Council, and the Serving Council. The serving council has two components known as the Women's Guild and the Men's Guild respectively. The second view also has three bodies known as the *Nu'u o Matai* which is the Council of the Matai, the *Nu'u o Ali'i* or the Untitled Men's Guild, and the *Nu'u o Tama'ita'i* which refers to the Guild of the Village Women (Tuitolova'a, personal communication 27 June, 2009). While the above structures have the same number of law-making bodies at three, they differ in terms of what these bodies constitute, as it will be demonstrated in the discussion that ensues.

4.2.2.1 View One: Nu'u Pule, Nu'u Fautua and Nu'u Tautua

Figure 5.1: View 1 of the Law-Making Bodies of a Traditional Samoan Village



⁴¹ This view also suggests that the Nu'u Tautua is further divided into two factions known as the *'Aumaga* and the *Aualuma*.

The *Nu'u Pule*, otherwise known as the *fono a matai* – council of the *matai*, is comprised of all the *matai* of the village⁴² (Turner, 1884). Concerning the origin of the term *matai*, one view suggests that it “comes from ‘*mata i ai*’ which has the connotation of ‘being set apart’ or ‘consecrated’” (Meleisea, 1995, p. 7). However, the lack of support for this view both within the literature as well as within the common Samoan understanding of the term suggests that it needs further verification. Another view suggests that the term *matai* comes from the root word *mata* (Tcherkezoff, 2000, p. 151), which is Samoan for eye. However, based on Proto-Polynesian⁴³ and linguistic comparison between Polynesian languages, Tcherkezoff (2000) claims that “the word *matai* cannot be decomposed, because it is a base in itself, from the beginning of the Polynesian languages” (p. 151).

In any case, the *matai* within the Samoan social and political structure is the link between the family and village polity (Yamamoto, 1994). All *matai* are of equal importance in the sense that they are dignified heads of their respective families (Kramer 1902, p. 479 as cited in Tcherkezoff, 2000, p. 165). In this context, Samoan people often use two formal terms to portray this level of equality; *lautinalaulelei* and *vainalelepa* (Tavale, 1999, p. 55). These terms can be translated literally as the smooth or unbroken leaves of the *ti*⁴⁴ (pronounced tee)

⁴² The standard practice in some villages excludes people who hold *suafa matai* - *matai* titles from other villages, and their wives, from becoming members of the local village councils. People who hold *suafa matai* from other villages are not required to participate in meetings nor contribute towards some major collective enterprises within the village. They are, however, treated as guests in terms of village meetings and other administrative matters.

⁴³ The Proto-Polynesian Lexicon was compiled by Pollex in 1999 (Tcherkezoff, 2000, p. 188).

⁴⁴ Samoan people use the leaves of the *ti* tree for medicinal purposes. There are two types of *ti* trees in Samoa; the *ti vao* which is the wild *ti* and has large green leaves, and the *ti fō ulu* – which is the *ti* for messaging the head literally. The latter has dark red or maroon leaves that are not as big as the leaves of the former.

tree (*Dracaena*) and the stillness or calmness of the lake or pool waters respectively. The absence of lumps on the *ti* leaves and the level surface of pool water implicate sameness, peace and absence of disharmony.

However, there exist clearly and well understood distinctions between and among *matai* types and titles. For example, there are generally two types of *matai*; the *ali'i*⁴⁵ and *tulāfale*⁴⁶ (Linkels, 1995, p. 14). The label *ali'i* refers to titles “which traced sacred origins through genealogies which begin with Tagaloa-a-lagi, the creator, and are linked to major aristocratic lineages. *Tulāfale* had more utilitarian associations, in accordance with their role of rendering service to and oratory on behalf of the *ali'i*” (Meleisea, 1995, p. 8). Every *ali'i* has a main *tulāfale* who orates on his/her behalf plus other *tulāfale* who may, in the meantime, play other supportive roles within the family (Stair, 1897, pp. 84-85). The *matai ali'i* do not usually orate as do the *tulāfale*, but when they do, it becomes necessary then that another *matai ali'i*, rather than a *matai tulāfale*, orates in response. The Samoan expression for this custom is ‘*to'oto'o*⁴⁷ *ali'i*’ which literally means the *ali'i* takes up the talking staff or the right to orate. This should not be confused with the practice in a few villages where certain titles have a dualistic purpose in that holders of such titles could function as *ali'i* or as *tulāfale* depending on the situation at hand. Such *matai* are addressed as *tulāfale-ali'i* (Peteru, 2009, p. 273). For example the title Tofilau from the village of ‘Iva in the island of Savai'i is a

⁴⁵ The term *ali'i* is the short version of the term *tamāli'i*

⁴⁶ Some people argue that there are three types of *matai* in Samoa; *ali'i*, *tulāfale* and *tulāfale-ali'i*. The *tulāfale-ali'i* can sit at the *tala* of the *fale* with the other *ali'i*s and also rightfully join in the *fa'atau*, as a *tulāfale*, to compete in selecting a speaker in formal occasions without breaking any Samoan protocol.

⁴⁷ The *to'oto'o* – talking staff is a symbol of *tulāfale* and therefore speechifying. A *tulāfale* who is conscious of his responsibility and role always keeps a *to'oto'o* and *fue*.

tulāfale-ali'i (Pualau, personal communication, 21 May, 2009). Finally, the speech of the *ali'i* is formally referred to as *saunoaga*, *tuleiga* or *tanoa* but the oration of the *tulāfale* is culturally referred to as the *fetalaiga*, *fa'afale'upoluga*, or *vāgana*.

Another distinction is evident in the *matai's* seating arrangement during the council *fono* or other social gatherings. When the *fono* convenes, the *ali'i* sit at the two *tala* (the two opposite rounded ends of the *fale*), while the *tulāfale* take their positions⁴⁸ at the front and back posts of the *fale*. This seating arrangement acknowledges and emphasises the principle of fairness, justice and equality in terms of the different levels within the Samoan social structure. Additionally, the principle of sameness is also implicated in the common Samoan expression “*O le saunoaga i le saunoaga, o le fetalaiga i le fetalaiga*” (Toluono, personal conversation, 14 May, 2009) which can be translated to mean the *ali'i* responds to the *ali'i* while the *tulāfale* replies to the *tulāfale*. It has been argued that in addition to the Samoan oral tradition as a means of transferring and preserving cultural knowledge, visual objects are also used for this purpose. The Samoan *fale* is one such visual object. Its structure is an object lesson from which a Samoan person should learn of many social values. The Samoan people learn about their culture as they walk past and watch the *fale* and its structure (Aiavao, 2004). Aiavao further observes that:

...e poupou pa'ia o Samoa! Ua sunu'i i le ele'ele le fa'atulagaina o le nonofo o tagata Samoa, e i latou tatou te tupuga mai ai, i lea alalafaga ma alalafaga. Ona fau lea o so latou malu i luga, ina ia nonofo ai, malu ai, potopoto ai, fono ai, tofafa ai, ma soifua ai pea i lea aso ma lea aso, ma manatua ai pea e le Samoa, le mea e nofo ai Pai, ma le

⁴⁸ If there are not enough *tulafale* in attendance to occupy all the posts at the back of the meeting house, senior *taulele'a* are allowed to occupy these posts. Otherwise, the *taulele'a* usually listen into the meeting from under the breadfruit trees and other shady places around the meeting house.

mea e nofo ai Lafai. O ai e nofo i le matuatala, o ai e tafa'i, o ai e pito atu i ai (pp. 103-104).

(...Samoa's sacred designations are posted! The seating arrangement of the Samoan people is embedded in the ground by those from whom we have descended in every village. Then they would build a shelter above (*the posts*) so that they could live there, find shelter, gather at, meet at, sleep at, and live there daily, and a Samoan (person) will always remember, the place where Pai sits, and the place where Lafai sits. Who sits at the end post, who the primary orator of the ali'i is, and who is next to the primary orator).

Understanding the notion of *matai* and the distinctions between *matai ali'i* and *matai tulāfale* has posed several problems for non-Samoans who are either unfamiliar with, or ill-informed about the office of the *matai* within the Samoan social framework. For example, Krämer's (1995, pp. 108-109) simplistic reference to *ali'i* and *tulāfale* as 'chiefs and orators'⁴⁹ could be misleading in terms of the meanings and responsibilities of the office of the *matai*, especially if the reader does not consult Krämer's other writings on Samoa. The same problem also appears in Stair's work in which Stair says, "Each chief had generally a *tulāfale*, who acted as his mouthpiece" (pp. 84-85) and also Susan Hirsh's (1958, p. 269) writings in which Hirsh says, "The *fono* is composed of two kinds of *matai*...the *ali'i* (chief) and the *tulafale* (popularly called "talking chief"). The phrase 'chiefs and orators' implies that orators are not chiefs and chiefs are not orators, although elsewhere Krämer refers to orators as 'orator chiefs' (Krämer, 1994, p. 19). Linkels (1995, p. 14) errs similarly in his treatment of the *matai* concept. For instance, in his statement, "there are two types of *matai*: Chiefs (*ali'i*) and Talking Chiefs...(tulāfale)" Linkels would have maintained some translation consistency

⁴⁹ The same ordering of words – 'chiefs and orators', is also used by Duranti (1981, p. 357) who did an ethnographic study of the *matai* from the village of Falefā in session.

if he translated the phrase ‘Talking Chiefs’ as *ali’i tulei* or *ali’i sāunoa*, albeit such a translation would produce foreign and strange nuances for the office of the *matai tulāfale*.

Additionally, Tcherkezoff’s (2000, p. 161) investigation of the existence of the term *matai* in the earliest literature on Samoa found that only Pratt’s dictionary (1862 edition) had the entry: “MATAI, s. the head of a family”. He further attests that it was not until 1902 when the term *matai* was mentioned, by Krämer who, although gave further details but it was in a manner that confusingly distinguished the term *matai* from the term *ali’i* - ‘title chiefs’. Tcherkezoff thus concludes,

“Without any doubt, in the minds of the older informants of 1927, *the ali’i were not a sub-class of the matai*. Quite the contrary, *matai* were lesser chiefs compared to *ali’i*, at least compared to a certain number of *ali’i*” (p. 158).

From this, Tcherkezoff concludes that such a limited attention given to the *matai* concept is suggestive of the fact that the usage of the term *matai* to refer to the heads of the ‘āiga – families could be a new meaning. Further, Tcherkezoff contends that the grouping of families was often headed by a *ali’i*, which therefore implies that the *matai* was not a *ali’i* and vice versa. Thus again, the practice of differentiating *matai* from *ali’i* continues. On yet another tangent, Tcherkezoff also argues that the existence of another meaning for the word *matai*, which is craft master (p. 175) is suggestive of the fact that the notion of *matai* did not originally have the meaning of title holder. However, the existence in the Samoan language of words that have multiple meanings is not a strange phenomenon. For example, the word ‘*ai* has the following meanings: to eat (verb), food (noun) and score or points as in a game.

Ironically, Tcherkezoff’s claim that “Krämer’s vocabulary is often inconsistent” (p. 165) in terms of understanding the term *matai*, implies that the problem was not necessarily the absence of the concept *matai* from the Samoan people’s social and political structure, but that

the recording practice(s) of the ethnographers were either selective or inept. This is supported by Tcherkezoff's discovery that William Pritchard who lived in Samoa from 1848 to 1858, "wrote in depth on the political and social aspects of 'the chief', but unfortunately he uses only English word and no Samoan words" (p. 168-169). In this case, choosing to find equivalence for Samoan concepts in the languages and perspectives of the ethnographers or researchers has proven detrimental for the Samoan people and their world view because "in some particular aspects of (Samoan) social organization there are long-evolved differences of feeling that cannot be understood by assuming them to be a western equivalent of their outward manifestations" (McKay, 1957, p. 36).

Alas, the practice of translating the term *matai* as chief is potentially incomplete and perhaps disrespectful. It is incomplete because the term chief denotes the ruling and authority aspects of the role of the *matai*, but ignores completely other crucial and more salient elements like custodian, keeper, nurturer, servanthood, consensus and harmony. These nuances are also crucially central to the office of the *matai*. Traditionally, the *matai* usually carries out his/her roles in accordance with the principle of *soalaupule*, which means the sharing of authority (Schultz, 1950c, p. 117). Further, given the observation that the *matai's* house, especially those of the *matai ali'i*, "were recognized sanctuaries (*sulufa'iga*) for criminals" (Ibid, p. 130), the office of the *matai* therefore carries the solemn responsibility of being a saviour and mediator for the whole community, irrespective of whether the people in need are relatives or not.

Similarly, this sense of incompleteness is also evident in the generally accepted practice of translating the term '*matai tulāfale*' mainly as 'orator'. It is worthwhile to notice that the term '*matai tulāfale*' is synonymous with other terms like *fale'upolu o tofiga*, *faipule*, and *failāūga*, which translate literally as the allocators of responsibilities, maker of rule and

maker of speech respectively. All these terms implicate the different types of responsibilities that the office of the *matai tulāfale* carries. The translation orator, therefore, only portrays speechifying but neglects the other meanings.

The practice is also disrespectful because it disregards the solemnity and seriousness of the elaborate Samoan culture and process of choosing the most suitable person to bear the *matai* title and also of the sacredness of the responsibilities attached to the *matai* titles (Yamamoto, 1994, pp. 176-178). In fact, traditionally, the primary responsibility of the *matai* is to keep their *aiga* in tact through careful and loving management of the family. This is implicated by the common Samoan expressions, ‘*tausia le aiga*’, ‘*e alofa i le aiga*’, ‘*e fai aiga leleli*’ which mean the *matai* keeps or nurtures the family, loves the family and takes good care of the family respectively. A good *matai* corresponds and communicates well with his family before s/he goes to the *fono a le nu’u* and after s/he returns from the *fono*. Their families are well informed about issues that are important to them in relation to how to live in the village (Schultz, 1950c).

At this point, it is important to elucidate further the meaning behind this traditional name for the *matai* council - *nu’u pule*. Given that the word *pule* means authority, command or rule (Milner, 1966; Pratt, 1893) it does appear at first glance that the primary role of the *matai* council is to rule in an authoritative and an autocratic manner on matters that relate to law and order within the village. However, *pule* in that sense implicates a ‘top-down’ style of leadership. Ironically, this negative impression or representation of the *matai* system has caused some people to think negatively of the fa’a-Samoa as well (Tiatia, 1998). Ideally, *pule*, in the context of the village council, means looking after and taking care of the family in a way that respectfully reciprocates the honour that was shown by the family in conferring the title upon the bearer. For example, *matai* titles are usually bestowed upon the holders

subsequent to obtaining family consensus. The process of becoming a *matai* is usually an arduous and drawn-out process. Choosing one or two people, over the rest of the rightful and eligible heirs, to become the next holder(s) of the title sometimes takes several months or even years to complete (Peteru, 2009). The showing of agreement is therefore indicative of the fact that family support is guaranteed although this is also contingent upon the future performance of the *matai*. Further, based upon the Samoan expression that “*o le ala i le pule o le tautua*” – service is the road to a title (Marsack, 1958, p. 11), it is generally accepted that chosen candidates have proven their worth not only in terms of their birth right to the title but also in terms of them gaining their experience through genuine service and leadership. Realistically, therefore, they are trustworthy to be the custodians of the family’s title(s) and other traditional designations like land. They are well aware that with the title comes the solemn responsibility of making rules and regulations that would impact positively on all village residents. Being a *matai*, and therefore a member of the *Nu’u Pule*, is an honour and a privilege, not only from the perspective of the family, but also from that of the village. After all, while a title may rightfully belong to a certain family genealogically, it is always the *matai* council that officiates in the bestowal ceremony, blesses and also formally welcomes the new holder(s) of the title into the *fono a matai*. This is actually the rite of passage for the new *matai* to become an official member of the *Nu’u Pule*. It is culturally unacceptable for any family to officiate the bestowal of its own titles. That is the sacred prerogative of the village council.

The *fono a matai* discusses matters that concern village people and promote their welfare. These include constructing *tulāfono* to govern the behaviour of all people within the village in terms of how they relate to each other and also regarding visitors who are brought into the village by certain village members. As custodians of family lands and titles, *matai*, in their *fono*, also regulate on how land is cultivated (Meleisea, 1995). The jurisdiction of the *Nu’u*

Pule is absolutely local. They do not have any direct right or power to preside on matters that pertain to the neighbouring villages. However, under certain circumstances the need may arise for the *matai* council of one village to raise an issue with the council of another, especially the neighbouring village(s). For example, if there is any dispute over border or where members of one village commit an offence against certain members of the other, the villages concerned often call a meeting to discuss the best possible ways to resolve the disputes. Further, when there is a rift among the *matai* of one village, and it is one that appears to threaten unity in the region, the neighbouring villages often send delegations (usually the highest ranking matais) to mediate reconciliation (Stair, 1897, p. 126). Politically, administrative instability in one village may give rise to subsequent negative ramifications in the region.

Moreover, this body is also the judicial commission that presides over matters concerning family or village disputes (Tavale, 1999) and therefore holds penal power in Samoa (Schultz, 1950c, p. 115). In addition to its legislative role, the *matai fono* also functions as the court of appeal (Hirsh, 1958, p. 269) for the village. For example, if there is any quarrel over land boundaries or destruction of plants, trees or food crops around boundary areas, it is the council of *matai* that usually presides over the analysis of such matters. Tavale argues that this is the most logical option given the extensive knowledge of the *matai* about village affairs, norms, taboos and village lands. They know which area of the village was occupied and farmed by which family through generations past. It is therefore easy for the *matai* to resolve these kinds of disputes. This argument points to two factors regarding the importance of knowledge in the process of *matai* selection in Samoa. One, *matai* are selected contingent on their wealth of knowledge which was accumulated through their rich experience of *tautua lelei* (serving the family and the village well). In fact, Samoan people's belief that "*O le ala i le pule o le tautua* - service is the road to a title" (Marsack, 1958, p. 11), means that one's

credentials for selection to be a *matai* depend on the quantity, quality and nature of service that they have rendered to the family and the village (Peteru, 2009, p. 275). Two, they are also chosen pursuant to their being trustworthy in terms of making sound judgements to enhance peaceful and coherent living among family and village members (Sunia, 2002). Consequently, people abide by village laws out of respect and love for their matai. They aspire not to defame their matai in front of the other matai and the whole village (Tavale, 1999, p. 29).

Figure 5.2: Seating arrangement of the Fono a Matai

Note: The author of the current thesis has removed this image for copyright reasons.

The *Nu'u Fautua*, which is comprised of the wives of the matai, is also referred to as the '*fono a faletua ma tausī*' which can be translated as the council of the wives of the *alii* and the wives of the *tulāfale* respectively. According to the first view, one of the primary functions of this council, as implicated by the term *fautua*, which means to mediate or to counsel, is to intercede for reconciliation in cases where the *Nu'u Pule* encounters disputes and irreconcilable frictions among its members. While there is no guarantee that the advocacy of the *Nu'u Fautua* will be heeded by the *Nu'u Pule*, especially in the event of a death or a similar offence, it is generally accepted that the peace-making efforts of the *Nu'u Fautua* is often welcome by the *nu'u pule*.

Unlike the *Nu'u Pule*, the *nu'u fautua* makes *tulāfono* that relate to their specific organization. Such *tulāfono* are purely domestic in nature and while their scope is specific to its membership, their disregard by anyone may necessitate intervention by the matai council to inflict harsher punishment on the culprits (Simanu, 2002, p. 67). The rules and regulations of the *nu'u fautua* relate primarily to the production and acquisition of things like mats, *tōga* (fine mats), *siapo* (tapa), bed sheets, pillows and pillow cases, cooking pots, mosquito nets,

dozens of dinner plates and so on. The women's preoccupation with these household items ensures two things; one, the promotion of household health and welfare improvement and two, to ensure that each household is amply prepared to host family and village visitors who may arrive unexpectedly. This is further exemplified in the construction of a *fale tali mālō* or guest house and the principle of *tali lumāfale* which can be translated literally as accepting in front of the house but simply means to host or accommodate guests. Traditionally, each aiga has a guest house which is always situated in the front-most area of the aiga's group of houses.

The *nu'u fautua* also sees to the training and grooming of the members of the aualuma in terms of their responsibilities to the different departments of the village, of how to entertain visitors and how to perform when there is a village excursion to another village. It is at this level that dignity, in terms of the 'know what' and the 'know how', of each member of the aualuma is analysed and assessed by the council, especially given the general understanding that young women should have been taught initially at home about these matters. The failure of any member to perform in accordance with the accepted norm is clearly indicative of the failure of the mother(s) of such members to have sufficiently and effectively instructed their daughters of the proper protocols (Tuitolova'a, 2009). The *nu'u fautua* may then either impose penalties on the members concerned or reprimand them accordingly. It is a serious matter if they fail to act correctly in front of visitors or in other villages while representing their respective village. This is because one's failure in such circumstances is indicative of the inability of a village's elders to amply and appropriately instruct their members of the fa'a-Samoa.

The *nu'u tautua* has two main sections; the '*aumaga* or *fa'ataulele'a* - untitled men's guild and *aualuma* - young women's guild (Meleisea, Meleisea, Sio, Tavale, & Fitiseanu, 1987,

p. 28). The word *tautua* means to serve or to wait upon. It is therefore the primary responsibility of the 'aumaga and aualuma to serve the village both ceremonially and also in terms of labour during fono times and when hosting guests (Linkels, 1995).

The 'aumaga group is composed of all the *taulele'as* or untitled men of the village (Hirsh, 1958, p. 269). These are those who no longer attend school and are of marriageable age. The 'aumaga are the *malosi o le nu'u* – the strength of the village literally. They cook and serve food for the matai whenever the matai council convenes, and also in other ceremonial occasions in the village (Holmes & Holmes, 1992). Technically, the 'aumaga are the “labour force” (Hirsh, 1958, p. 259) of the village especially in terms of the matai council in session, village trips to other places, and in the occasion of the village hosting quests. In most Samoan villages, the participation of such young men in the 'aumaga is mandatory. The failure of any eligible candidate to join the 'aumaga and therefore participate in its functioning is an offence that is punishable in accordance with the regulations of the matai council. It is usually the matai of the family or household in which the culprit resides that carries the penalty. It is then up to that matai to deal to the culprit in a manner that is in accordance with how the matai rules his family (Tuitolovaa, 2009).

The 'aumaga guild meets on a monthly basis or in between meeting times whenever necessary. The seating arrangement of this council mirrors the seating arrangement of the matai council. Thus if the father of a certain *taule'ale'a* is a *ali'i sili* (paramount chief) and sits at the middle post at either end of the meeting house, his son would also take his position at the corresponding post in the meeting house of the 'aumaga (F. Lemauai, personal communication, June 29, 2009). Given that in some cases, more than one *taule'ale'a* from some families join the 'aumaga, it is then appropriate for the matai to select a *taule'ale'a matua* or senior *taule'ale'a*. The *taule'ale'a matua* represents his *matai* in the 'aumaga

meeting and also speaks on behalf of all the other *taulele'a* of the family. It is neither necessary nor required that a *taule'ale'a matua* is a biological son of the *matai* he represents, but the *taule'ale'a matua* will always be known as a son to the *matai* who chose him. In fact, the *matai* selects someone who is trustworthy in terms of meaningfully contributing to the function and purpose of the *'aumaga* in the village, and therefore ultimately enhancing the honour of the *matai* both within the village and within the district. The *matai* whose *taule'ale'a matua* has proven himself to be worthy of the respect of the village, always receives recognition and praises from other *matai*.

The leadership role within the *'aumaga* always falls upon the son of the *ali'i sili* (Hirsh, 1958) or whichever *taule'ale'a* of the *ali'i sili's* family that the *ali'i sili* chooses to perform the role of being his *taule'ale'a matua*. The son of the *ali'i sili* is usually bestowed with the *manaia*⁵⁰ title. The *manaia* performs his duties being fully aware that he is the image or the picture of his father. This notion of image or picture is impeded in the term *atali'i* which is the Samoan translation of the word son (Tuitolovaa, 2009). The word *atali'i* is short for *'ata o lou ali'i'* which is translated literally as the image or picture of your man or father. Consequently, the taking up of the *manaia* role is an opportunity to be trained up for future participation and leadership responsibilities in the *fono a matai* – council. It also becomes a constant reminder to the holder that he is the living representative of his father in the village. He models good behaviour that is expected of the *ali'i sili* and his household.

The other faction of the *nu'u tautua* is the *aualuma* or the young women's guild. The term *aualuma*, however, could also be used to formally address the young men's guild especially

⁵⁰ The term *manaia* means nice or good. However, in this context, it is an honorific for the office of being the bearer of title that is designated in accordance with the order of seniority (Schultz, 1911, p. 51). Thus the eldest son of the *ali'i sili* is usually bestowed first with the title.

in the event of hosting a group of visitors from another village (Schultz, 1911, p. 48). In this case, the term *aualuma* could also be used to refer to a combination of both groups. Nevertheless, the term *aualuma* is generally used to designate the young women's guild, which is a group that is also referred to as the daughters of the village. Some villages do not distinguish daughters of the village from other women, and so *aualuma* membership eligibility is open to any woman who resides in the village (Tiffany, 1979).

In the old days the *aulauma* took the form of a selected group of young, sexually mature, unmarried women, who served the ceremonial village princess as handmaidens and chaperons. This old function does not exist anymore since the *taupou* is now appointed only for specific occasions and may be a married woman, even with children, instead of a young virgin. Nowadays the *aualuma* consists of unmarried girls or women and widows from all the families of the village, though they are sometimes joined by wives of untitled men (Linkels, 1995, p. 16).

...the *aualuma* is a declining institution in contemporary Samoa. Its significance is waning as the functions of its ceremonial head, the *tāupou* 'village hostess', have eroded...In some villages, the *tāupou* office has been vacant for years, even decades in some cases; and in many villages the *aualuma* has merged with the Women's Committee (Tiffany, 1979, p. 161).

The *aualuma* functions strictly in accordance with the domestic needs of the village. It is usually expected that the members of the *aualuma* work very closely with their mothers. This tradition ensures that important cultural knowledge is effectively passed on from one generation to the next. The benefit of belonging to the *aualuma* is that members get to share skills and also learn off the other members in areas where their knowledge is deficient. Realistically therefore, the *aualuma* are a reflection of their mothers both in terms of behaviour and also in terms of special skills that a Samoan girl is required to possess. This understanding resonates with the explanation that the Samoan word for daughter, which is *afafine*, is short for the phrase –'afa o lou fafine' (Tuitolovaa, 1985), translated literally as

half of your woman or mother. It is shameful for a mother if her daughter lacks certain skills by the time the daughter joins the aualuma. Getting involved with the aualuma prepares a young woman to be able to subsequently “contribute to the common welfare of the village through all kinds of social, economic and ceremonial activities” (Linkels, 1995, p. 16). Traditionally, the “aualuma provides hostesses and entertainers” (Hirsh, 1958, p. 269) for all occasions in which the village becomes involved.

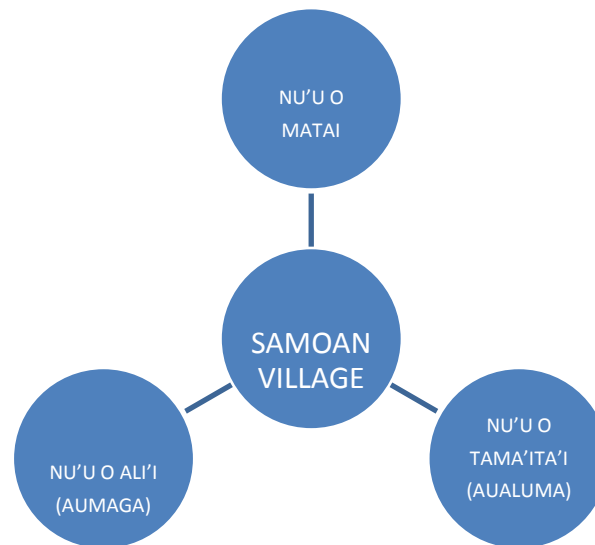
Like the ‘aumaga, the seating arrangement of the aualuma meeting reflects that of the matai (Tuitolovaa, 2009). Their rules and regulations are purely domestic and local. They do not have any jurisdiction over the other groups within the village. However, at times, it is within the rights of the aualuma, or the other two groups, to request the *fono a matai* to endorse and enforce some of the aualuma’s internal rules, especially those that require the support of the whole village. For example, the aualuma may make a ruling that each family will have a flower garden and a stationary rubbish bin shelf on the road-side by a certain date. These rules are for the benefit of the whole village and usually the *fono a matai* endorses the enforcement of penalties for families who do not abide by such rules.

4.2.2.2 View Two: Nu’u o Matai, Nu’u o Ali’i, Nu’u o Tama’ita’i

View two is similar to view one in terms of the number of law-making bodies within a traditional Samoan village – three in each. However, there is a marked difference in terms of what constitutes these two sets of three. While view one presents its law-making bodies as (a) *nu’u pule*, (b) *nu’u fautua* and (c) *nu’u tautua* (‘aumaga and aualuma), view two identifies the following as the law-making bodies: (a) *nu’u o matai* – matai council, (b) *nu’u o ali’i* – men’s guild, and (c) *nu’u o tama’ita’i* – women’s guild (Hirsh, 1958, p. 259; Tuitolovaa, 2009). In view two, *nu’u o matai* corresponds with the *nu’u pule* of view one while *nu’u o ali’i* and *nu’u o tama’ita’i* correspond with the two factions of the *nu’u tautua* in

view one. Consequently, *nu'u fautua* of view one is completely non-existent in view two. So given that *nu'u o matai* is the same as the *nu'u pule*, and *nu'u o ali'i* and *nu'u o tama'ita'i* are the same as *'aumaga* and *auluma*, it is therefore deemed that another discussion of these councils is redundant. Thus the subsequent discussion will focus on two observations; one a discussion of the reasons why view two excludes the *nu'u fautua* from the traditionally recognised councils within a Samoan village and two an exploration of the arguments that support the separation of the *nu'u o ali'i* and the *nu'u o tama'ita'i* in view two.

Figure 5.3: View Two of the Law-making bodies in a Samoan village



According to view two, *nu'u fautua* is a modern introduction which originated with the health department and therefore not an originally recognised body within the traditional structure of the Samoan village. It was initially set up to be known as the Women's Committee and was to be a body that assisted in "health administration" (Hirsh, 1958, p. 270) within the village. It was composed of all the resident mothers in the village irrespective of whether they originated within or outside the village (Tiffany, 1979, p. 160). Pragmatically, this seems to be a very logical and sensible arrangement especially given the fact that mothers are closely involved with the responsibility of caring for the children and families. Further, because health workers were held in high regard within the villages, Women's Committees subsequently became very influential, readily received and highly respected as well. "Within the womanly spheres of village health, maternal and infant care, the Women's Committees of Samoa are probably the most respected institutions in the Pacific. They have great force, and are quickly obeyed" (McKay, 1957, p. 39). However, such committees should not be confused with the *aualuma* guild although in some villages these two groups have been combined for functional and political objectives (Tiffany, 1979).

View two argues that the more contemporary practice of having a ‘*Nu’u Fautua*’ in some villages is an intrusion into the political and social structure of the Samoan village (Tuitolova’a, 2009) for two reasons. One, it undermines the solemnity of the existing structure in which the *auluma* guild is the traditionally recognised forum for the ‘girls of the village’. Combining the *auluma* and the mothers under the umbrella of the women’s committee would mean that the *taupou*⁵¹ –village maiden, would, out of respect, have to give up her post for her mother, who most times, is an outsider. In villages where the women’s committee has replaced the *auluma*, the office of the *taupou* in particular, and the *auluma* institution in general become effectively abolished. The traditional office of the *taupou* is replaced with a Western office called ‘president’ of the women’s committee, and other ranks are replaced by other Western concepts like vice-president, treasurer, secretary, and so on. The second reason relates to the fact that the inception of a *nu’u fautua* interferes with women’s solemn responsibility in the Samoan family, which is to keep the household and nurture the children. Tuitolova’a argues that the mother’s responsibility or role as the nurturer of the family is a sacred one and is therefore a highly honourable one within the Samoan culture. This nurturing caters for the physical, mental, emotional and spiritual wellbeing of the child. It grounds the children to their family, village, and beliefs. Certain Samoan proverbs emanate from this sacred responsibility. For instance, an orator during a *fa’atau* - which is the debate amongst orators for the right to orate – may use the expression, “*O le to’ala fa’a’autama lenei*” (I am the placenta) to indicate that the speaker is the origin or the main stem of the title so it is her/his prerogative to utter the main speech for the occasion.

⁵¹ The *taupou* – village maiden (Schultz, 1911, pp. 53, 58) is the daughter of the high paramount chief. She carries the same amount of honour in the council of the *auluma* as that carried by her father in the *fono* or meeting of the *matai*. Further, *taupou* has a specific title that is also bestowed in accordance with traditional protocols.

The proverb stresses the fact that the most honourable thing to do to show utmost respect for the hosts is to let the progenitor speak on behalf of the guests. The notions of progenitor and placenta are indicative of the fact that a child's origin and nurture are crucial in terms of identity and future success. Nurturing the children is a solemn responsibility which involves the teaching and transference of skills and values from one generation to the next. It is therefore reasoned that when the mothers become involved with women's committee commitments, their solemn role of preparing the young for social engagements becomes either inefficient or totally neglected. Nevertheless, it is observed here that the very nature of the work of the women's committee, which is to promote the health and wellbeing of family members, compels a reconsideration of the traditional village structure and polity. Subsequently, role allocation for women becomes altered. This is again indicative of the fact that Samoan people are willing to adapt and adopt in order to succeed.

4.3 *Law Breaking and Punishments*

Samoan people construct their customary laws with ample and clear warnings regarding the dire consequences that the breakers of such laws will have to face (Sunia, 2002). While these consequences, which are usually in the form of punishments, vary from village to village, all villages are unanimous in the sense that the primary aim of their respective laws is to promote social coherency and harmony within the village. This means that deviant behaviour is neither welcome nor promoted both locally and nationally. Samoan people were very capable of administering justice both within local communities and also throughout the Samoan archipelago (Krämer, 1995, p. 103). This is reflected in the consistency of their *aga'ifanua* and *aganu'u* – which mean actions or behaviour that pertain to each local village and actions that are expected of all Samoan people nationwide respectively (personal communication, Tuitolova'a, 15 March 2010). The current section examines the notions of

solitūlāfono - lawbreaking, and *fa'asalaga* – punishment(s) in relation to the traditional Samoan system of justice.

The term *solitūlāfono* literally means to tread or stomp upon the law. The prefix *solī*, which means “to tread on or trample (Freeman, 1947, p. 73) strongly indicates that lawbreaking in Samoa is a serious matter. This is because the term *solī*, in association with human feet, signifies intrusion, degrading, derogatory, complete disregard and rudeness (Faiumu, 2010). Samoan people consider a person’s feet as symbols of lowliness and insignificance. It is for this reason that as a proper sitting etiquette, Samoan people avoid pointing their feet towards other people. Moreover, whenever the term *solī* is used as a prefix of another Samoan term, it always signifies an unwanted or deviant behaviour. For example, the terms *tōfāga* – sleeping area, *fono* – meeting, *vavao* – curfew, *ālofi* – ‘ava ceremony are positive Samoan concepts. But their meanings change dramatically into antisocial behaviour once they are prefixed by the word *solī*. Hence *solitōfāga* is intruding into one’s sleeping area (rape), *solifono* is to step out of the accepted protocols of the *fono*, *solivavao* is to enter the village during curfew times and *solīālofi* is to unceremoniously enter the meeting house while the *matai* are engaged in the ‘ava ceremony (Krämer, 1994, pp. 42-43). Thus, in view of the fact that Samoan *tūlāfono* are the end product of the coming together of the heads (*matai*) of families in the *fono* (Tui Atua, 2007a), showing disregard for the *tūlāfono* is therefore, metaphorically speaking, stomping on the heads of the lawmakers. Consequently, unlike the English term ‘lawbreaking’, which perhaps implies the concept of destruction, *solitūlāfono* on the other hand signifies the notion of soiling and contaminating which are indicative of one’s showing of total disrespect at the highest level for the authorities concerned. Thus given that *fa’aSamoa* is built upon *fa’aaloalo* – respect – it then becomes very clear why acts of *solitūlāfono* are treated and punished very seriously by the Samoan people.

Given that the Samoan people lived by “well understood laws” (Turner, 1884, p. 178; 1984, p. 285) despite the absence of any form of a written code, it should not be surprising also that the consequences and repercussions for the breach of such laws must also have been widely understood and expected (Sunia, 2002, p. 185). In fact, diverse punishments were accorded to different types of lawbreaking and were usually decided upon by the village *fono* (Hirsh, 1958, p. 269). Stair (1897, p. 91) explains that Samoan punishments fall into two classes; *Sala* and *Tuā*.

Sala refers to the kinds of punishment that are imposed upon a family by either the district or another powerful family. It is well to note, however, that in subsequent years, district rule and authority became non-applicable to local village polity. Their power to inflict punishments consequently drastically dwindled especially in relation to law and order. As a result, the local *fono* took sole control of its own affairs and therefore dish out punishments to its own residents accordingly.

Usually, *sala* affects both the culprit(s) and their whole family including the *matai*. This is based on the principle that the “family is answerable for the actions of its members” (Krämer, 1995, p. 103). Further, severe *sala* may include banishment from the village, destruction of dwellings, seizure of land and partial or complete obliteration of plantations and livestock.

Tuā, on the other hand, refers to personal punishment for first time offenders or for minor offences. These punishments are also imposed by the *fono* and are to be effective immediately. Some forms of these types of punishments include the *fa’afoa* – beating one’s head on a rock until the blood flows freely, *ū o le teve* – biting of a poisonous root which causes swelling in the mouth, *fa’alāina* – lying in the sun with hands and feet all tied up (Stair, 1897, pp. 91-102; Turner, 1884, pp. 95-96), and so on.

Contemporary Samoan village organisation very rarely employs the term *tuā* in their deliberations about punishment any more (F. Fata, personal communication 24 March, 2009). Rather, they now use the terms *fa'asalaga* and *faigāsala* – to punish and making of punishments respectively as general reference to the practice of punishing offenders.

Most of the punishments mentioned above are now obsolete. Nevertheless, it is worth noting that the principle of proportioning punishment(s) in accordance with the types of criminal act committed was well understood and often readily accepted by the Samoan people from long ago. While the fairness of this proportioning act may be difficult to justify on the basis of modern and Western systems of justice, the fact remains that Samoan people grew up in an environment where law and order were of very high importance. Further, while in some cases the recipients of the punishment(s) would put up resistance, it was generally accepted that the rule of the *fono* was just and must be adhered to by the villagers (Krämer, 1995; Turner, 1884, 1984). In modern Samoa, punishments are usually in the form of money, foodstuffs and perhaps expulsion if the crime is very serious (McKay, 1957, p. 40; Tuala-Warren, 2002). The latter, however is treated with less seriousness in many cases these days (Sunia, 2002, p. 191). This is perhaps due to the appeal of the human rights movement and also the intervention of state laws which have made it near impossible to ostracise offenders from their customary lands and plantations. In most cases, banished people remain on their land in the village but their participation in village polity is temporarily suspended. Some people take this as an opportunity to shun family and village commitments, especially in

terms of contributing to *fa'alavelave*⁵², in order to become economically successful and independent (Ibid).

4.3.1 Tālafeagai – Fairness and Balance through Samoan Lenses

An understanding of what constitutes Samoan people's perception of fairness and justice could be achieved by considering the meaning(s) of the Samoan notion of *tālafeagai*. This is because the term *tālafeagai* is one which is often used to declare an act or a decision as either just or unjust. For example, if someone says, "*O lenā ua tālafeagai*", s/he means that something is now fair, proper, right or fitting. Conversely, if someone declares, "*E lē tālafeagai le nā mea*" – which literally translates as, that thing is like two house ends that do not face each other, the meaning implied is inappropriateness or injustice. The discussion that ensues will explore and examine the notion of *tālafeagai*; especially in how the component parts of this concept embody Samoan people's philosophy of justice. The discussion will also explain how an understanding of *tālafeagai* will make sense of how Samoan people view the notion of revenge. This is because "a highly institutionalized characteristic of the Samoan people is a formal dualism that is so pervasive that...all thought is influenced by it. It adds its own element of democracy to Samoan society,...(it) is a system of checks and balances...." (McKay, 1957, p. 39). So gaining an understanding of *tālafeagai* will be achieved by deconstructing the term *tālafeagai* and also by citing Samoan expressions and proverbs which exemplify its usage.

The word *tālafeagai* is defined as "agree, be in accordance or consistent with, be in keeping with or be in harmony" (Milner, 2003, p. 234). There are at least two root words that

⁵² Literally interpreted as interference or hindrance but culturally means an occurrence or event to which family members and some village members need to contribute. Examples of a *fa'alavelave* include a death in the family, a wedding, the dedication of a church building, et cetera.

constitute *tālafeagai* – *tala* and *feagai*. The word *tala* has several meanings but in the context of the notion of *tālafeagai* as harmony and balance, *tala* refers to the two identical rounded ends of the Samoan fale (*ibid*). *Feagai* on the other hand means to face each other or be opposite to each other. *Feagai* also means appropriate, in which sense the meaning of *tālafeagai* thus resonates with the meaning of the term *taugamālie* (Milner, 1961, p. 307) – to fall gently, pleasantly or appropriately on someone’s hearing for example. Thus in the context of the *fale*’s two ends facing each other, *tālafeagai* strongly connotes the ideas of balance, equity, reciprocity, fairness and justice especially in their dualistic connotations where opposite sides that face each other are expected to be matching sides as well (McKay, 1957, p. 39). *Tala* and *feagai* are therefore constituent parts of not just a word or a term but of a concept that closely and strongly informs the Samoan philosophy of justice. For example, in the seating arrangement of the *fono*, the two *tala* of the meeting house are reserved for the *ali’i* while the *tulafale* take their positions at the front and back posts of the fale. Thus *ali’i* sit facing other *ali’i* while *tulafale* face other *tulafale*. It is culturally inappropriate and therefore an indication of imbalance for the *tulafale* to sit opposite *ali’i*, and vice versa, during formal events such as the *matai fono* and other similar ceremonies. The notion of *tālafeagai* unequivocally reveals the kind of a symmetrical duality that permeates the Samoan culture both in the thinking as well as in the practical creativity of the Samoan people (Refiti, 2008, p. 101).

Additionally the carrying out of Samoan hospitality also provides some insight into the notion of *tālafeagai*, especially in relation to the existence of duality within such a culture. For example, every family has a *fale tali mālō* – guest house which usually stands in the very front of the family’s group of houses, and is always available for any visiting party to occupy immediately on arrival. The family also takes care that their *fale tali mālō* is amply furnished and well maintained for hosting purposes. In this tradition, it is known that the provision of a

reasonable accommodation may be rewarded with being accommodated in a similar manner when it is the host family's turn to travel to another village. Further, guests often bring with them gifts for the hosts while the hosts also reciprocate the guests' giving with gifts of about equal value (Linkels, 1995, p. 20). Gifts that are given to the guests should match those that were received from the guests. Furthermore, during the welcoming 'ava ceremony for the visitors, the 'ava is served first to the ali'i of the travelling party then to the ali'i of the hosts, to the leading tūlāfale of the visiting party then to the leading tūlāfale of the hosts, and so on (Samoan Cultural Committee, 1955, p. 4). Crossing between the ali'i and tūlāfale is a grave disrespect and therefore infringes on the solemnity of Samoan fairness and justice. Any such mistake usually brings shame and disrepute to the family of the errant.

Tālafeagai is also a central element within the Samoan culture of speechifying. Orators respond to orators and *ali'i* to *ali'i* (Tavale, 1999, p. 150). It is not proper when an orator requests to respond to an *ali'i* and vice versa during formal speechifying. Finally, the notion of *tālafeagai* is also reflected in Samoan entertainment practices like singing and dancing where opposite parties take turns to sing and dance, but always in a reciprocating manner (Moyle, 1988, pp. 210-211; Samoan Cultural Committee, 1955, p. 11). After the first party presents their item, they usually sing the chorus, "*Ua alu atu le afi*" – the fire is coming over to your side, indicating that it is the other party's turn to match the act that has been performed. It continues on in this manner until the occasion is properly brought to an end with a *taualuga*⁵³ – literally means top covering of the fale but is a reference to the formal ending of an occasion. The *taupou* – village ceremonial maiden who is the daughter of the

⁵³ The *taualuga* is the covering of the top-most ridge of the Samoan fale and is usually the final part that completes the construction of the fale.

leading *ali'i*, or *manaia* – son of the leading *ali'i* (Hirsh, 1958, pp. 269-270), usually performs the *taualuga*.

The importance of the notion of *tālafeagai*, especially in the context of balance and equity, to the Samoan people's philosophy of justice is also reflected in their proverbs and expressions. Several of such proverbs will be cited in this section as illustrations. One, "*Ua feagai Vini ma Tapaga ae feagai Vaga ma Lōlua*" – Vini faces Tapaga while Vaga faces Lōlua respectively. Vini and Tapaga are two villages that face each other in a bay at the south-eastern end of the island of Upolu. In a similar meaning,

"Vana and Lolua are the names of two stones lying [opposite each other] on the bottom of a bathing pool in Samauga, Savai'i. According to legend they were a married couple turned into stone. The section of Samauga lying near the pool is now called Vana; Lolua is the name of the land on which stands the house of the village chief Malaita'i" (Schultz, 1950a, pp. 216-217).

These places have no major cultural significance except for the fact that they are in constant clear view of each other which therefore implicates the fact that these geographically opposite locations are equal in terms of witnessing the events in the bay that is between them. This proverb is usually used by orators when speechifying at an occasion where two sides of similar or equal importance come together. For example, if two churches and their two pastors/ministers come together, the orators may say, "*Ua maualuga le asō o lea ua feagai Vini ma Tapaga i le susū mai o lau susuga Pastor Frances ma le ekalesia a o lea foi e susū atu le feagaiga nei ia Reverend Motusele ma lenei itu o le ekalesia*" – which literally translates as, the day is highly esteemed because Vini now faces Tapaga in the coming of your honourable Pastor Frances and your congregation while Reverend Motusele resides here (to face you) with this side of the church. Other highly formal proverbs that convey the same concept include "*Ua fa'atau ata malama*" and "*Ua fa'afeagai sega'ula*", which translate

literally as ‘the light(s) have cast their shadows’ and the *sega’ula* have come face to face respectively. The former proverb refers to the two main sources of light – sun and moon – in the sense that they are equal in their tasks of providing light. The latter is a reference to an occasion when two parrots face each other. These proverbs are usually reserved for paramount chiefs or royalties when they take their designated positions in the *fono*.

Similarly, another proverb “*E so’o le fau⁵⁴ ma le fau*”, which means an arched purlin (Kramer, 1995, p. 272) is joined to or by another arched purlin, is often used to remind people of the principle of fairness and balance that is implicated by the symmetrical balance of each pair of purlin that form the two symmetrical *tala* – ends, of the Samoan *fale*.

Furthermore, the expression “*Lavea fua Foaga e le’i fai misa*” - Foaga is wounded (undeservedly) but did not partake in the fight (Kini, 2000, p. 111) is usually said of punishments that may be portioned out to someone other than the true culprit. The expression indicates that an injustice has been served and an imbalance has therefore resulted. In view of this injustice, another proverb, “*Ia ifo tonu pea le fuiniu i le lapalapa*” – let the bunch of coconuts hang directly over the stem of the coconut leaf, is often cited to draw attention to doing justice by properly reciprocating acts in a fair manner, irrespective of whether it is positive or negative. Misplaced or disproportionate punishments do not vindicate justice but hamper it.

It is within the above context that an understanding of Turner’s (1884, p. 197) observations of the Samoan people’s “keen sense of justice” can be further realised. That is, in the event of

⁵⁴ Fau or arched purlins are joined together to form the *tala* or rounded ends of the Samoan *fale*. An extended version of this expression is as follows: “*E so’o le fau ma le fau ae le o le fau ma le ogala’au*” – the fau is joined to the fau but not the fau to the log of wood.

the fatal shooting of a Samoan native by a member of the La Perouse in 1787 for an alleged trifling offence, the Samoan people considered the shooting as unmerited. It was disproportionate and unjustified justice especially given the fact that the killing of the Samoan native was based on the inconsistent principle of “life for a tooth” while the equally fatal act of revenge on the part of the relatives and friends of the deceased Samoan was based on the “life for life and tooth for tooth” principle, the latter being more equitable. In essence, the massacre was a justifiable act especially on the basis of Samoan traditions which render murder as the most serious offence in the hierarchy of offences (Sunia, 2002, p. 187). The massacre was justified by the principle that “*E na o le toto e faamalieina ai le toto*” (ibid) - blood alone appeases blood. While, realistically, it is difficult or even impossible to put into practice these kinds of demands in the modern thinking and practice of the Samoan people, it is undeniable that the sense of justice that is embedded within their proverbs still impact the way they conceptualise justice even in settings that are more contemporary and external to the Samoan archipelago, such as the United States of America, Australia and New Zealand.

Subsequently, Samoan people follow what is loosely known as the ‘law of private revenge’ (Epati, 2008; Turner, 1884, p. 91) or *taui ma sui*. The phrase *taui ma sui* means “take vengeance, avenge oneself.” This definition portrays *taui ma sui* as a negative concept that promotes acts of negative revenge. *Taui*, as a noun, means “reward, payment” but in its verb form, it means “to reward, to pay, to revenge” (Pratt, 1893, p. 283). *Ma* is a conjunction that means and, while *sui* means change, alter or substitute. Further, given that *sui* is the root word for *fesui* and *fesuia’i*, which both mean exchange (Milner, 1966), it is reasonable to argue that *sui* also carries the meaning of fair exchange or trade in both positive and negative senses. From this construction, *taui* and *sui* both convey the idea of exchanging reward or revenge in a fair and balanced manner. *Taui ma sui* could therefore mean retaliation or reciprocation for the purpose of balancing out an act or ‘settling a score’.

While village seniors do not openly encourage or endorse *taui ma sui*, yet carrying it out is not discouraged either. It is similar to the old discarded Biblical notion of eye for an eye or tooth for a tooth. Its primary concern is to produce an act or sets of activities that are of equal measure to the original act regardless of whether the act is positive or negative. This unspoken law allows victims to take revenge even to the extreme of death to a perpetrator of a crime. Turner (1884) observed that Samoan people do not consider acts of revenge as wrong. He states that, “as the injured party was at liberty to seek revenge on the brother, son, or any member of the family to which the guilty party belonged, these crimes were all the more dreaded and rare” (p. 178). Epati⁵⁵ (2008) gives the following explanation of the law of revenge, “The villager does not operate by a body of civil law but by a code of honour. If he receives a wrong, he does not seek redress. He wants revenge. The taking of revenge is a virtue in village eyes. A man who does not take revenge is not a man. The revenge-seeker cannot be negotiated with because his intent is bound up with honour. It is an absolute” (p.4). This understanding implicates that the rationale behind Samoan people’s crime commission is perhaps more complicated than its face value. For instance some participants in this study have never been to Samoa but are active members of a gang that is constructed around the notion of Samoan independence in the year 1962. Some of the activities of this gang reflect very strong sentiments of revenge against other gangs and also against certain state institutions and establishments like the police. They also promote ideas that are consistent with the notion of honour in terms of being patriotic and nationalistic.

In the final analysis, the sense of justice from which the Samoan people often operate is strongly embedded in their worldview of life. Its inclusion in the expressions and proverbs

⁵⁵ Hon. A’e’au Semi Epati became the first Samoan and Pacific Islander to hold a Judge’s post in the New Zealand Courts of Justice.

also heightened its probability of being consistently set in the everyday awareness of the Samoan people. Further, the Samoan philosophy of justice is perhaps also presented as the law of revenge which, in reality, is a law of equity and reciprocity in as far as the Samoan people are concerned. Adherents to this law are principled to acknowledge that injustice is detrimental to the sustenance of a peaceful and harmonious society, but justice is not. Further, that revenge as equity maintains the balance of life in terms of giving to one's family as well as receiving from them. To endorse some of the elements of these ideas to the extreme where 'eye for an eye and tooth for a tooth' is sought is detrimental for social harmony, but to underestimate its presence and impact, especially during incidences of racial disturbances and injustice, is fatal.

4.4 *Conflict Resolution – the Samoan Way*

In light of the discussion so far in this chapter, it is undeniable that the aim of Samoa's traditional *tūlāfono* is to ensure a harmonious and peaceful society (Turner, 1884, p. 180). As such, Samoan leaders endeavour to resolve any conflict or any indication thereof so that societal unity is neither threatened nor undermined (Sunia, 2002). This section explores and discusses two elements that are important to Samoan people as they facilitate bringing to resolve most, if not all, of their conflicts. These two elements are 1), foundations of conflict resolution within the Samoan culture and 2), different methods that Samoan people employ to effect conflict resolution. Relevant Samoan proverbs and expressions will also be employed to provide further elucidation.

4.4.1 Foundations of Conflict Resolution Practices within Fa'a-Samoa

There are at least two vital principles upon which the practice of conflict resolution within the Samoan culture rests. These are openness and acceptance. These principles are reflected in the daily activities and general practising of Samoan people's culture. They permeate

through the ways Samoan people relate to other Samoans (relatives and non-relatives) and also to visitors from other places. The following discussion draws upon certain Samoan traditional activities like house building, as well as various ceremonies like presentations and gift giving, to illustrate the centrality of openness and acceptance to the life of the Samoan people.

Foreigners who visit Samoa for the first time are perhaps struck by the open plan of the Samoan people's *fale* - houses. These *fale* have a single apartment which is the family's common room, their dining room, their sleeping quarters and et cetera (Turner, 1884, p. 155). The *fale* may pose a major inconvenience for people who are individualistic and private as there are no secluded rooms except for *pola* – blinds, that are lowered only when it rains or when the wind is too strong (UNESCO, 1992, p. 10). The *fale* are, nevertheless, ideal for a place where the climate is consistently highly humid. But the open plan of the Samoan people's dwellings provides a glimpse into the kind of openness that permeates the lives of these people in terms of social, political and economic encounters.

For instance, an open *fale* means that almost all of the *fale*'s residents' activities are always in public view. People who walk by are able to witness what the residents are doing, some content of the occupants' conversations, or even the type of meal a family may be consuming. In such situations, it is not uncommon for the family elders to call out to passersby and welcome them to partake in the meal. A family that tries to conceal its meals from other people or tries to dine in seclusion are usually referred to '*ai nanā* – hide and dine literally or '*ai 'u'ū* - greedy. This kind of behaviour, while not uncommon, deviates from the core essence and expectations of the fa'a-Samoa which is openness and 'sharing'.

Openness is also central in other customs like presentations of '*ie tōga* - fine mats, *sua* – food for designated people and so on. '*Ie tōga* are usually spread out and displayed to the

recipients who formally voice their approval by saying, “*Sāō fa’alālelei*” – behold it is beautiful. Foodstuffs and other formal gifts are also received and declared in like manner. Upon receiving such items, a representative, usually an untitled young man, from the receiving party would step outside and utter loudly, but ceremoniously, a recital to announce and acknowledge the contents of the received gifts.

This old custom ensures that everyone within earshot will know how generous the hosts have been....This ensures that the generosity of the giver will be matched when he comes to receive gifts in future....The act of giving is always the first half of a reciprocal action, the other half being the receipt of a return gift (Linkels, 1995, p. 20).

Linkels’ assessment of the Samoan people’s custom of publically announcing gifts is simplistic and perhaps erroneous for the following reasons. First, Linkels’ conclusion that Samoans do this in order to ‘ensure’ first the publicity of the hosts’ generosity and second the subsequent receipt of return gifts, fails to take into account various central aspects of Samoan gift giving, especially the rationale behind the giving of such gifts. Linkels’ analysis is undeniably an outsider’s view which misrepresents one of Samoa’s beautiful customs. For example, Sunia (2002) explains that the most important thing is not the material items from the visitors, but the respect for the foreigners who have arrived in the village (p. 152). The discussion that follows will further explicate the concept of openness, as specifically embedded in gift giving, by analysing certain important Samoan activities like *malaga* – trips, and *taligā mālō* – guest hosting.

Samoan people are fond of going on *malaga* as well as hosting *malaga* (Stair, n.d. p. 128; Sunia, 2002, pp.152ff). These *malaga* are always purposeful and well liked by both the travellers and the hosts. *Malaga* are taken when there is a funeral, marriage, house dedication, or just to visit far away families both intra-island and inter-island (Stair, n.d., pp.

128-129). Some *malaga* are taken for social reasons like a *so'o* - literally translated as joint but means fellowship. Traditionally, the *so'o* type of *malaga* was always between two *aualuma* – women's guild (*aualuma o tama'ita'i*) or men's guild (*aualuma o tane*) and was formally known as the '*fesāga'iga a aualuma*' – the meeting (face to face) of the (two) *aualuma*. Some of their informal activities, especially during their night entertainments, prompted "much dissipation and immorality" (Stair 1895a, p. 130) which is perhaps why *so'o* between *aualuma* was discouraged since the establishment of Christianity in Samoa. At around the same time, the *so'o*, however, was taken up by religious youth groups as another means of solidifying religious denominations' presence in as many Samoan villages as possible. With the advent of Christianity also came the inception of another type of *malaga* – the *koneseti* or concert. The *koneseti*, being a foreign concept, became the vessel upon and through which another foreign notion called 'fundraising', which was mainly for the construction of church buildings, was delivered to the Samoan people. Furthermore, unlike the other types of *malaga*, where the duration of which were determined mainly by the nature of the occasion(s) that caused the *malaga*, the *koneseti malaga* was always long as it went from village to village around the island(s). It is perhaps this kind of *malaga* which Stair (1895a) refers to as the one that "fostered lazy and dissolute habits" (p. 130) among Samoan young men.

Most of the *malaga* explained above are usually heralded in advance. Some *malaga*, however, like a family *malaga* to visit distant relatives, or a *malaga* which was destined for another place but have been befallen by darkness or a storm at a certain village along the way, could arrive unexpectedly. Nevertheless, it is part of fa'a-Samoa to expect visitors. This means that both the *malaga* party and the would-be hosts have ample time to make all necessary preparations for the occasion. The host family will make sure that there is enough food for the duration of the visit, ample sleeping mats, and that the house is always in a well

presented state. Usually, all these preparations would indicate to the village that the family is awaiting some guests. Neighbours and other village people may even offer their assistance either by helping with the general cleaning of the family grounds or by offering items like sleeping mats, mosquito nets, and et cetera. The *malaga* party, on the other hand, would also gather together items like fine mats, newly-woven sleeping mats, money, and food, to present as their *ōso* – gift, to the hosts.

Another area in which the notion of openness is expressed is the Samoan custom of *tali mālō* or *tali lumāfale* – which means hosting guests or accommodating (guests) in the front house respectively (Sunia, 2010, p. 152). Traditionally, every Samoan family has a *fale tali mālō* or *fale tele* (Stair, n.d. p. 129) – guest house, which also acts as an unspoken public announcement or open invitation to any traveller or travelling parties to stop by for rest if required. Sunia explains that it is shameful for a family if their guest house remains unentered by visitors for long.

The Samoan culture of *tali mālō* also involves the provision of food, in addition to the provision of accommodation(s), for the visitors. Small visiting parties are usually catered for by just the host family. At times, the neighbours may also contribute to the catering and perhaps other necessities. But if the travelling party is large and is intended for the whole village, or that the visitors have arrived at the high chief's house or at the minister's residence (Tavale, 1999, p.234), then the hosting become the responsibility of the whole village. Subsequently, more formal protocols would be followed to ensure comfort and safety for the visitors. For example, upon arrival, the guests would just move into the *fale tali mālō* and be ready for the formal welcome ceremony which involves the 'ava and oratorical speechifying. Usually the village matai should already be seated in their respective positions before the arrival of the guests, especially if the date and time of the occasion was made known to the

village in advance. It is not a good sign if the guests arrive and be seated into an empty house.

In terms of providing food and other items for the visitors, Samoans use various terms to refer to different types of food and gift presentation, which also indicate the type of group within the village that is giving food or other items. For example, the *matai* of the host village go first with their 'ava sticks to the house where the visitors are accommodated, while their family come later with their contribution in terms of food which is known as *fono o le 'ava* (Sunia, 2002, p.152). This custom is called '*usu*' – which literally means to go in the morning but in this context, it is a formal term for the *matai*'s presentation of food gifts to the visitors. If the *matai* who attended the *usu* were given *lafo* – gifts in the form of fine mats or money or both, by the *malaga*, then the *matai* will need to organize a food presentation known as *laulautasi*, which includes cooked and uncooked foodstuffs, for the *malaga*.

In the case where a royalty is either head or part of the *malaga*, the status of the *laulautasi* will then need to be elevated to what is known as *amo'ulu*, which is a *laulautasi* that now requires bigger and better food items (Sunia, 2002). For instance, the paramount *ali'i* may now need to supply a big roasted pig instead of a three or six pound tin of corned beef, and the rest of the *matai* also increase the value of their contribution from a three pound tin of corned beef to perhaps a whole carton. All of these contributions are collected into one place before they are formally presented to the guests. At the collection site, each *matai*'s name and contribution are read out for the people who are present to hear. This is to ensure accountability in the sense that people are not careless with the carrying out of their communal responsibilities. They belong to the village and the village belongs to them. After the formalities of presenting and accepting gifts, a representative of the *malaga*, usually an untitled young man, would step outside to acknowledge in a loud voice the contents of the

hosts' gifts. This action is not to ensure a similar treatment from the visitors in the future when it is necessary for them to be the hosts, but to confirm that everyone is aware of what was given and taken. It confirms to the hosts that no item had gone missing between the point of collection and the point of presentation to the guests. On the other hand it also confirms to the guests what the contents of the gifts may have been. Finally, the orator on the hosts' side may close by saying, "*Ua matou le aumai ni masei ae tu'u ni lelei*" – we have not brought for you awful and kept the choice food. This is again to assure the visitors that there is no malice trick in the preparation of the food and it is therefore safe to consume it on your way or on arrival at your homes.

If the *malaga* is staying for a few days, the host people usually prepare another collection of gifts known as '*aiavā*'. These gifts are usually in the form of other household goods. It is the women of the village that look after the gathering of the items for the '*aiavā*' (Sunia, 2002, p. 153). The '*aiavā*' is usually presented on the last night of the *malaga's* stay. It is then followed by a feast and entertainment which is usually concluded by a dance from the hosts' *taupou* – daughter of their leading *ali'i*.

In the final analysis, the prevalence of the principle of openness in fa'a-Samoa, as reflected within some prominent Samoan practices like *malaga* and *taligā mālō* is indicative of the fact that Samoan people operate better and relate well to approaches that make allowance for the notions of openness and acceptance to flourish. In fact, openness within the context of Samoan hospitality is, in itself, acceptance (Sunia, 2002, p. 152).

4.4.2 Samoan Approaches to Conflict Resolution

Some observers of the Samoan people and their culture theorise that Samoans are difficult people in terms of maintaining social cohesion. For example, Turner (1884) claims that of the Samoans "the only prayers for injurers and enemies were curses for their hurt and

destruction” (p. 188). Freeman (1984) supports this claim by stating that the “Samoans are characteristically an aggressive, violent people with quarrelsome personalities and a long history of conflict”. Holmes and Holmes (1992) saw otherwise and contended that “Samoans go to extreme to avoid strife and to arrive at peaceful compromises” (p. 142). The ensuing discussion does not deny the fact that Samoan people are probably quarrelsome and probably aggressive, but argues that there were already in place many important culturally approved avenues and agencies to deal with such behaviour and their possible outcomes.

Given the importance of openness and acceptance within fa’a-Samoa, it is fair to argue that most of the Samoan people’s major conflicts and differences, especially those that threaten family or village unity, are best resolved communally and through familial methods. This is specifically true if such conflicts are already of public knowledge. Samoans, being a communally oriented type of people, understand that any conflict will have an impact on people who may be related to the victim(s) and the perpetrator(s). Moreover, lawbreaking by any family member is often considered by the village members as a fault of the family *matai* as well. So it is important that the *matai* is aware of any controversy within the family so that they are attended to and resolved adequately and immediately (Cribb, 1999, p. 53). It is usually the nature and extent of the conflict that are the determining factors of the kind and number of people to be included in any conflict resolution process.

Furthermore, in some villages, if a conflict has broken any village protocols and is of public knowledge, then a *matai* will need to report the matter to the village *fono* (Sunia, 2002, p. 186). Usually, penalties for different types of lawbreaking should already be in place so the *fono* will just pronounce the penalty, if there should be any, accordingly. However, the *matai* of the parties who were involved in a conflict often attempt to bring about some reconciliation prior to the *fono*, and also advocate for leniency and compromise at the *fono*.

The *matai* would try their best to make the village *fono* realise that they are in control of the affairs of their families (Cribb, 1999). In most cases only very serious offending like murder, adultery, rape, and theft, and perhaps repetitive offending, are dealt with by the village *fono*.

Additionally, Samoan conflict resolution is guided by principles like humility and farsightedness. Of the former, whenever Samoan people face conflicts, they often operate in accordance with the principles embodied in the proverb, “*E fofō a e le alamea⁵⁶ le alamea*” – the acanthaster (crown-of-thorn starfish) will cure the acanthaster. “The sting of the *alamea* may be cured by turning over the animal and allowing it to suck out the spines” (Schultz, 1906, p. 157). Samoan people believe that conflicts are resolved by being humble enough to deal with the cause of the problem immediately and collectively. Thus when two parties seek to resolve a conflict, they remind each other that their wounds could be healed by coming together to dialogue and to face the consequences of the error; painful though it may be. This principle also applies to resolving more serious crimes like murder or adultery (Stair, 1897, pp. 96-102) where a *ifoga* becomes one of the most desired and appropriate method for reconciliation, and perhaps the most humiliating as well (Filoiali'i & Knowles, 1983a, p. 386; Holmes & Holmes, 1992; Tuala-Warren, 2002).

When preparing for a *ifoga*, the head *matai* of the perpetrator's family calls his/her family together to arrange the *ifoga*. It is usually during dawn that the *ifoga* party must arrive at the house of the victim, sit outside on the ground with complete silence and heads bowed. The leading *matai* of the family would also bow, but his head, and that of the culprit, are covered with fine mats (Tavale, 1999, pp. 167-169). It is an act of defeat and total humility as the

⁵⁶ The *alamea* is a spiny sea star, or spiny echinoderms (*Acanthaster*) (Macpherson & Macpherson, 1990, p. 29). The spines are poisonous and sometimes fatal, especially if it goes untreated for long.

party puts their safety and destiny into the hands of the victim's family. It indicates genuine remorse. If both sides of the perpetrator's family (maternal and paternal) are represented, that sends a clear message to the victim's family that the *ifoga* has the support of all the people related to the perpetrator (Sunia, 2002, pp. 198-200). The *ifoga* further implies that the sin of one person is also the crime of the whole family including its leading matai (Tuala-Warren, 2002, p. 14). As such, two or more extended families now become involved with conflict resolution and are therefore instrumental in the reaffirmation of existing relationships or perhaps the creation of new ones.

Samoan conflict resolution processes also revolve around the principle of farsightedness. This means that conflicting parties are called to consider decisions that produce benefits for the common good. Many Samoan proverbs, which are often cited during reconciliation processes, embody this principle. One such expression is, "*Afai e sala uta, ia tonu tai*" – which literally translates as if the land has erred, may the sea be just or fair (Tuitolovaa, 1985, p. 70). This means that a decision should be fair in justly addressing the problem as well as being considerate of the wellbeing of all irrespective of which side caused the wrong. Another proverb that is also usually applied in this context is "*'Aua le naunau i le i'a ae manumanu i le 'upega*" which means that the longing for the fish should not override the safety of the fishing net. It is a call to consider the bigger picture. It is unwise to pursue just one fish today in a manner that will cause damage to the fishing net. Given that the creation of such nets was often a laborious task, it is wiser to forget about the fish and save the net. Alternatively, shift the net to another location or if the currents have made it unfavourable to continue fishing, then go home because tomorrow is another day. It is more economical to go home with no or less fish while the net is still intact, than to keep on pursuing one fish which might damage the net or even lose it altogether. In terms of conflict resolution, it becomes a question of which decision is more beneficial; to penalise in order to enjoy temporary

benefits and shatter community harmony or to forgive, which means there is no food for the *fono* today, but such a decision has further enhanced peace and harmony in the village.

4.5 Conclusion

The traditional Samoan philosophy of justice was already in place (Turner, 1884, p. 178), amply understood, and generally revered by the Samoan people before the advent of any form of Western influence (Sunia, 2002, p. 185). Samoan laws were constructed with the understanding that they embodied the wisdom of the guardians of knowledge within the Samoan social and political framework. Further, these laws also emphasise the importance of the Samoan epistemology upon which the Samoan people base their existence and daily engagements. Laws were made to promote peace and harmony within the village (Sunia, 2002). Although several bodies within the Samoan social structure could make laws, especially in respect of their specific role within the village (Simanu, 2002), it is usually the *fono a matai* upon which rested the responsibility to construct laws to govern almost all aspects of the everyday life of the village. Similarly, very clear conditions and provisions were also agreed upon to deal with any incidence of ‘law-tromping’. Furthermore, the process of traditional Samoan jurisprudence also placed much emphasis on the importance of concepts like *talafeagai* – fairness or just, not only with regards to law-making but also in terms of conflict resolution. The notion of *talafeagai* is reflected in many things of importance to the Samoan people. In the context of law making, *talafeagai* is foundational, especially in the sense that the balance between making the right decision on one side, and correctly making the right decision on the other, must be maintained at all costs. Striking this balance rests upon notions of openness and acceptance, which are crucial elements of Samoan people’s relationships with themselves and also with other people and influences. Such elements are also strongly embodied within the Samoans’ *talilumāfale* - hospitality customs (Stair, n.d., pp. 128-131; Sunia, 2002, pp. 152-155). Finally, given how “Samoan

people go to extreme to avoid strife and to arrive at peaceful compromises” (Holmes and Holmes, 1992, p. 142), it is important to realise that many avenues were put in place to facilitate conflict resolution in the best possible manner. One such method was the *ifoga*. The carrying out of which is a very serious occasion as it is an act in which the lives of a group of people, especially those of the perpetrators’, are usually surrendered to the mercy of the victim’s family (Simanu, 2002). The *ifoga* is highly indicative of the fact that remorse and humility are sincere and genuine.

Finally, from the above elucidation, it is clear that Samoan people’s perceptions and understandings of justice are intrinsically linked to *fa’aSamoa*. While Samoan people in New Zealand’s reactions (negative or positive) to *fa’aSamoa* are contingent upon their up-bringing and interpretations, the fact still remains that *fa’aSamoa* and its cultural arrangements still have an impact on both groups. Some of these contentions will be made clearer in the analysis of the participants’ shared knowledge, as the next two chapters will show. More specifically, the next chapter examines the views of the participants in this study of Samoan people in Auckland, exploring the conceptions of justice and crime in a different social context. In some parts, the analysis will examine the extent to which these traditional values still pertain.

CHAPTER FIVE: METHODOLOGICAL FRAMEWORK

“Pacific people are shifting from historically being the subjects of research, to becoming active agents of research. Research has had a chequered history in Pacific communities. Although there have been positive outcomes, there have also been instances where research has resulted in Pacific peoples being presented inaccurately, or...where the benefits of research have not been shared with the research subject population. The path that leads to a new vision of research has been paved with good intentions and some bad practice....There are issues of Pacific peoples feeling over-researched, issues of research not being valued as a useful tool by some members of the community. While there is a legacy of mistrust there is also a new vision that has the energy to propel us into the future” (Health Research Council of New Zealand, 2005, pp. 6-7).

“Thinking methodologically involves describing and analysing the methods used, evaluating their value, detailing the dilemmas their usage causes and exploring the relationship between the methods that we use and how we use them, and the production and presentation of our data – our ‘findings’. Thinking methodologically is theorizing about how we find things out; it is about the relationship between the process and the product of research” (Letherby, 2003, p. 5).

5.1 Introduction

The story of king Tui Manu’a and his son in law Muli’agatele (Chapter One), especially the king’s statement, “*E āgatonu ā Manu’a o fesili*” – (Tui) Manu’a will act justly thorough enquiries - provided some guidelines in terms of certain key decisions in this research project. For example, on the basis that the three key themes in the above proverb are enquiry, edification, and acting justly, the researcher decided that the framing of this research investigation should also reflect these themes. Further, this investigation must also adhere to Samoan protocols in terms of how different people within the Samoan society share information, as it will be elaborated on later in this chapter. The current chapter therefore outlines and explains the methodological underpinnings as well as some key methods or

research tools that guided the major decisions at the different phases of this project. The study drew firstly on a selected number of Pacific⁵⁷ indigenous and migrant research frameworks that were developed both inside and outside of Aotearoa/New Zealand. These frameworks include *Fonofale* (Pulotu-Endemann, 2009), *Talanoa* (S. L. Morrison & Vaioleti, 2011), *Fa'afaletui* (Tamasese et al., 2005), and *Kakala* (Helu-Thaman, 2007, pp. 62-63). These were selected on the basis of what they could contribute collectively to the current research although each of them has its own specific limitations as the discussion will elucidate. The discussion will also elaborate on why it is important to employ these approaches when doing research with Pacific Island people.

Moreover, the project also drew on mainstream methodological perspectives like grounded theory (Dey, 2004, p. 83; Glaser & Strauss, 1967a) and thematic analysis (Braun & Clarke, 2006; Byrne, 2001; Holloway & Todres, 2003) during the analysis phase. While these perspectives are argumentatively portrayed to be different from each other, they, especially in terms of their assumptions regarding the question of whether theory emanates (by itself) or is extracted (by the researcher) from the data, are technically similar in the sense that they both focus on creating theory. The ensuing discussion will elucidate further on this point. Grounded theory and thematic analysis will be explained and discussed in this order respectively and will concentrate on three aspects namely; explanation of the theory or model, reasons why they are useful for the current study, and their potential limitations.

The decision to draw on both Pacific and migrant-specific, and mainstream methodologies and frameworks for the current project is based on three rationales. One, the study is

⁵⁷ The pan-Pacific term Pacific and its various transliteration forms like *Pasefika* and *Pasifika* are used interchangeably throughout this thesis.

conducted in New Zealand and investigates participants' attitudes towards the New Zealand criminal justice system. Two, the key informants who volunteered to share their knowledge for this study all resided in New Zealand, and all identified as Samoans by ethnicity irrespective of their places of birth. These points combined are suggestive of the fact that using Euro-centric methodologies alone might not fully capture the worldviews of the Samoan people, especially those who were born and brought up in Samoa but are now residing in New Zealand. Likewise, using models that are purely Pacific or Samoan may render unimportant the perspectives and experiences of the informants who were born and raised in New Zealand, albeit to parent(s) of Samoan origin. Thus while it is important to employ techniques like grounded theory and thematic analysis that, perhaps, have been theoretically tested within diverse research domains, it is also crucial to consider alternative or supplementary systems of understanding, like *talanoa*, *fa'afaletui* and *kakala*, that are representative of knowledge systems already available within communities like that of the Samoan people. Such systems have impacted on these people's processes of knowledge production and it is therefore important that they get utilized in generating knowledge from this research. These reasons will be made much clearer in the ensuing discussion of each respective framework. Further, the final chapter includes a discussion on the appropriateness of these methodologies in relation to the study, theory and research-site circumstances.

The second major part of this chapter provides an account of the sequence of events, in terms of what was planned to occur during the course of the investigation. That is, it presents a framework of the 'researcher's perspective' (Scammell, 2010) and rationale for the significant decisions taken at different phases of this research project.

5.2 *Pacific-specific Frameworks*

Further to the discussion above, other reasons for employing Pacific research models include the following. One, it allows the current project to contribute constructively to the goal of an initiative by the New Zealand Official Development Assistance (NZODA) in 2003 to include, among other things, Pacific understandings in the analyses of Pacific education (Helu-Thaman, 2007, p. 62), especially in the face of a high percentage of Pacific students who do not get tertiary qualification (Madjar, McKinley, Jensen, & Van Der Merwe, 2009). Two, it is consistent with the Samoan philosophy of knowledge production encapsulated in the Samoan expression “*o le tele o sulu e maua ai figota*” – having many torches⁵⁸ ensures a good catch of shellfish (Tunufa’i, 2005). In this case the many torches is analogous with the combination of Eurocentric or mainstream theoretical paradigms and Pacific-specific and ‘indigenous’⁵⁹ models (Gegeo & Watson-Gegeo, 2001). Finally, in the opinion of the researcher, while each of the selected models is not a ‘one-size-fits-all’ approach, each contains certain elements of understanding that were useful in the collection and analysis of data for the current study. Thus using them together strengthens the tools for the important practice of data collection and data analysis. Each of these models will be explained briefly and critiqued for their usefulness and limitations (internal and external) both to the current project and in terms of their general application to research. This will be an original contribution of this study to knowledge accumulation especially in relation to using Pacific-specific research models to research issues related to Pacific peoples.

⁵⁸ Samoan *sulu* were originally made of dried coconut palm leaves and were used mainly for reef fishing when the tide is out. In these modern days, battery-powered torches dominate night fishing.

⁵⁹ The current study refrains from the use of the notion ‘indigenous’ when Samoan concepts are applied on ‘migrant’ Samoan people in New Zealand. This thesis prefers the term ‘Pacific-specific’ for reasons that the focus, space and scope of this study do not allow for a discussion at this stage.

5.2.1 Fonofale Model

The *Fonofale*⁶⁰ model by Pulotu-Endemann (Ministry of Health, 1997; Pulotu-Endemann, 2009; 2009) is the most commonly used Samoan, and perhaps Pacific, construct within the area of Pacific mental health in New Zealand (Agnew et al., 2004). This may be partly due to its claimed ‘comparatively holistic’ approach as experienced by mental health service providers (Williams, McCreanor, & Barnes, 2003). *Fonofale* emphasises three dimensions of the *fale*, namely the foundation, the posts and the roof. Pulotu-Endemann equates the *fale*’s foundation with the family, which has thus been conceptualised as the ‘foundation’ of the Samoan society, a view that is also shared by other authors (Simanu, 2002; Sunia, 2002). House posts are equated with well-being of which there are four dimensions; the Spiritual which encapsulates all forms of spiritualities to which the Samoan people adhere (but mainly Christianity and Samoan traditional religions⁶¹), the Physical which encompasses the biological well-being, the Mental which involves behaviour and emotions, and Other which includes other aspects like gender, sexuality and socio-economic (Pulotu-Endemann, 2009, p. 3). Similarly, the roof represents Samoan cultural values and beliefs as the overarching or holistic philosophy of life (Pulotu-Endemann, 2009). Finally, *fonofale* is ‘cocooned or encapsulated’ within the inter-relationship of three dimensions; environment, time and context.

The *fonofale* model is useful to the current study for two reasons. One it emphasises the notion of engaging with the Samoan community using a ‘holistic’ approach (Kupa, 2009). In the area of mental health this means respecting as genuine whatever the client is presented

⁶⁰ The Fonofale Model derived its name from the author’s (Fuimaono Pulotu-Endemann) maternal grandmother’s name Fonofale Talauega Pulotu Tivoli McCarthy.

⁶¹ See Tui Atua (2007a, 2008) on Samoan indigenous religion.

with (Robinson et al., 2006), but in the context of the current research, a holistic approach means that the researcher and the participants are essentially in a partnership (Helu-Thaman, 2007) in which they actively collaborate within, and contribute to the progressive process of knowledge production. Two, *fonofale* is also beneficial in the sense that it promotes flexibility, especially given the multiplicity of cultural/ethnic connectedness and affiliations of the Samoan people in New Zealand.

However, this model can have a broader application if it includes the dualistic function(s) of the posts in a Samoan *fale*. Of course the primary and manifest purpose of the posts is to provide structural support and stability. But equally important is their latent, indirect and symbolic function. That is, each post designates the status and cultural significance that the respective *matai* who sits in front of it, holds in the village generally and also during the *fono* – *matai* council ('Aiavao, 2004). Irrespective of whether the house is occupied by people or not, the Samoan people who look at it always have a clear mental picture of the socio-political status that each post represents within the wider social and political structure of Samoan life. For instance, Samoans know that more than often, the *tamali'i sili* – often translated as paramount chief(s) take residence at the *pou matuātala* – the middle post at each of the two *tala* – the two rounded ends of the *fale*. The rest of the *matai tamali'i* take up the remaining posts of the two *tala*. The *matai tulāfale* or *fale'upolu o tofiga*⁶² – often translated as orator chiefs, on the other hand, occupy the *pou talāluma* and *pou talātua* – front and hind posts respectively. Further, the fact that the sitting order or arrangement in the matais' meeting house is mirrored exactly the same in the meeting houses of the *matais'* wives – *faletua ma tausī*, the *aualuma (tama'ita'i)* – young women's guild and the *'aumaga* – young

⁶² The phrase *fale'upolu o tofiga* literally translates as Upolu house of designations but means law or rule-makers.

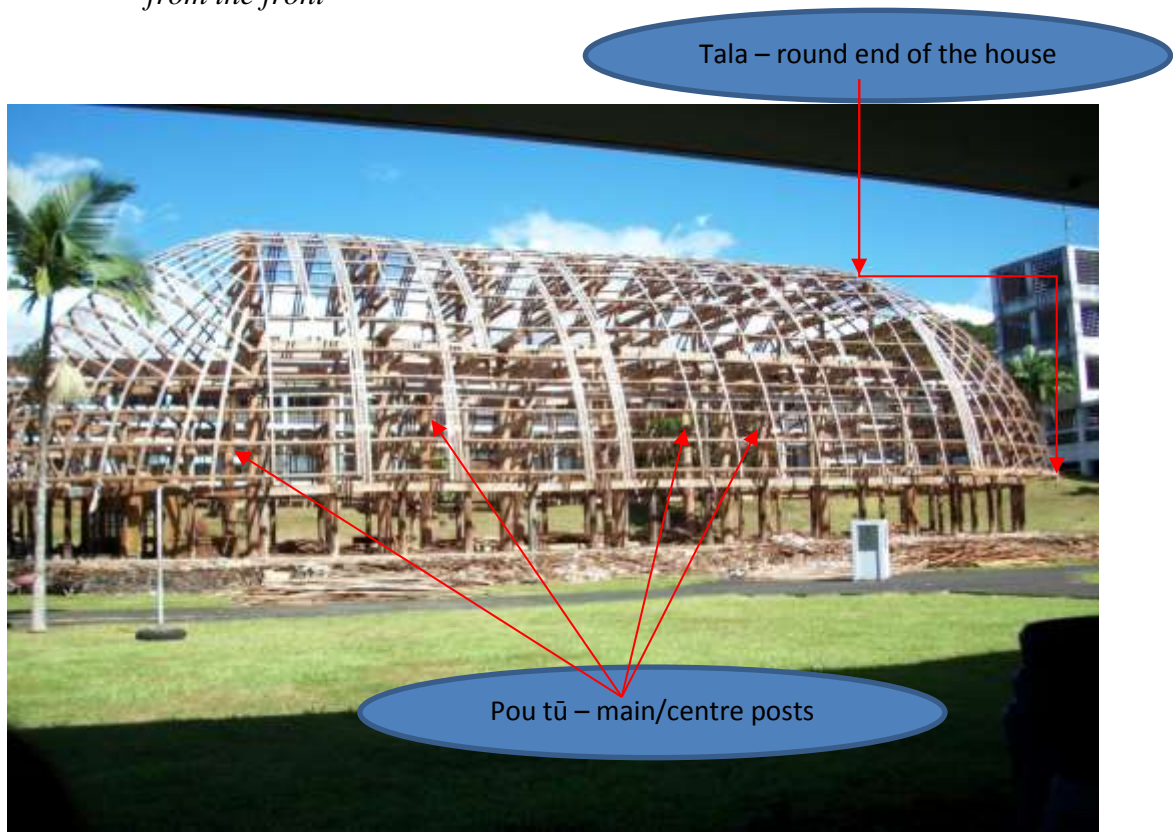
men's guild or even church meetings (La'amalefolasa, personal communication, 28 February 2009), suggests that the Samoan *fale* is a powerful testimony to an all-encompassing social structure around which the Samoan people's lives are organised. To portray the Samoan *fale fono* (meeting house) therefore as a 'four-posted' structure, denies not only the uniqueness of the structural features of the Samoan *fale* but also the meaningful analogy and symbolism (social organisation) that the *fale* represents. The third reason is concerned with the fact that the meeting *fale* usually features two levels of posts⁶³; the *pou tū*⁶⁴ which are the main or inner posts and the *pou lalo* which are the lower or outer posts. The *pou tū*, onto which the main cross beams are attached, hold up the main or the majority of the structure of the *fale* while the *pou lalo* play a supporting role and are in a sense subservient to the *pou tū* albeit without the *pou lalo*, the outer parts of the *fale* would not hold together at all. This relationship between the *pou tū* and the *pou lalo* is encapsulated beautifully in one Samoan proverb, '*A gau le pou tū ua le tali le pou lalo*', which translates literally as – if the post that makes the house stand breaks, the lower posts cannot assist. The *fonofale* model would benefit from an analysis in which the reality of these two levels of posts are acknowledged to demarcate between the main dimensions, which in the case of the *fonofale* model, there are four, and supporting aspects or characteristics of these dimensions as exemplified by the supporting role(s) of the *pou lalo*. Finally, using the *fale* as a model to comprehend the Samoan person, and perhaps Pacific people, limits the analysis to a vertical understanding. That is, the analogy of the family as foundation, four dimensions of the person as the posts,

⁶³ See Figures 5.1 and 5.2.

⁶⁴ *Pou tū* is the huge, tall and strong centre post of the Samoan *fale tele* – guest/meeting house. The number of *pou tu* that a Samoan meeting house features is often contingent upon the needs, social, economic and political statuses, expectations, and resources of the owner. The number of *pou tu* usually ranges from one to six, or even more.

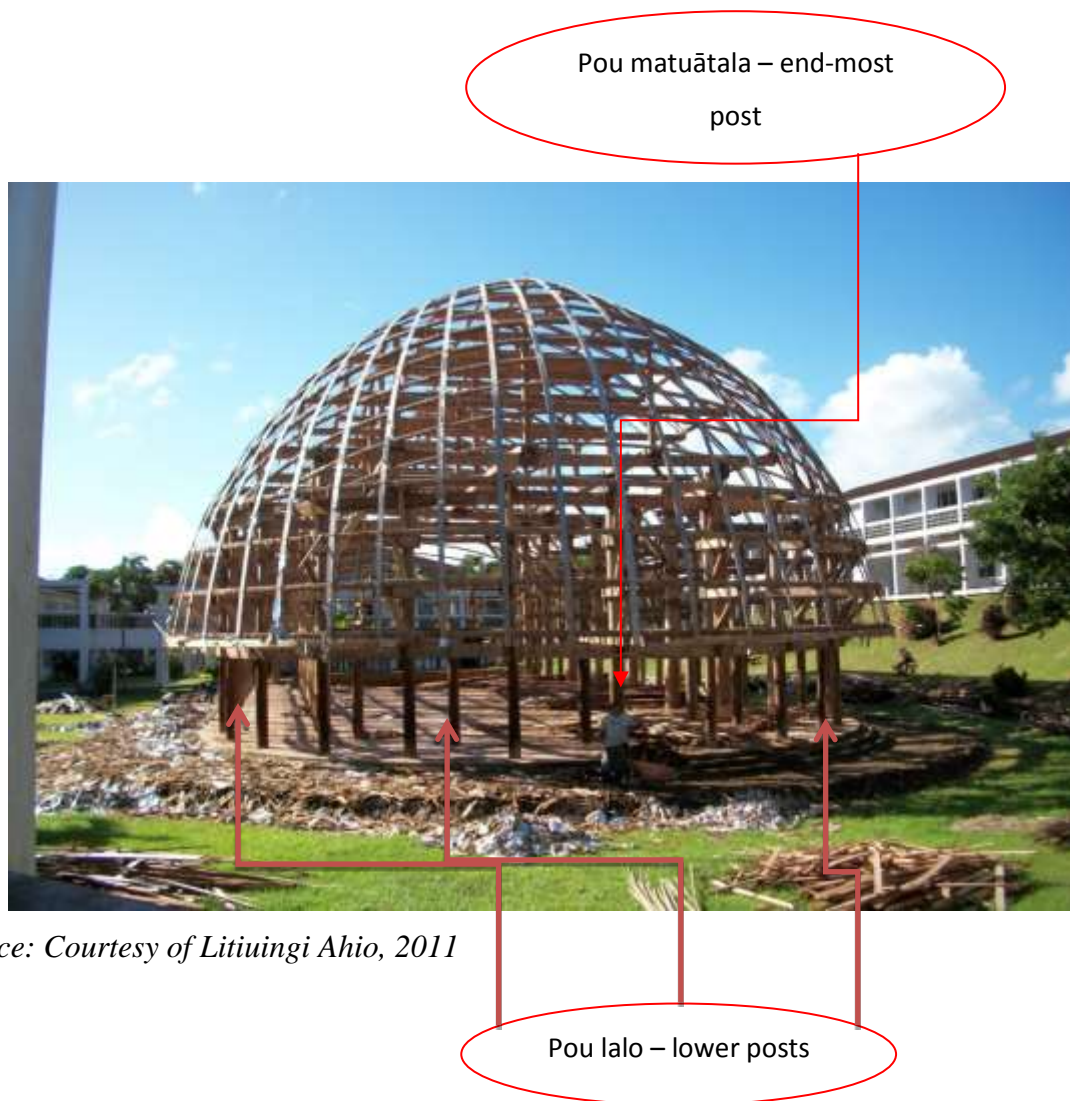
and culture as roof promotes a vertical structure that is devoid of the multiplicity of horizontal support.

Figure 5.1: Architecture of the Samoan fale at the National University of Samoa, viewing from the front



Source: Courtesy of Antonina Savelio, 2011

Figure 5.2: Architecture of the Samoan fale at the National University of Samoa; viewing from the 'tala' – end.



Source: Courtesy of Litiuingi Ahio, 2011

However, in the final analysis, the *Fonofale* model is useful in terms of stressing the argument that the different dimensions of a Samoan individual must be taken into consideration whenever research is done 'on' or 'with' Samoans. In fact, failure to subscribe to these principles would only escalate distrust and participants' unwillingness to cooperate or contribute meaningfully to any future research (Health Research Council of New Zealand, 2005).

5.2.2 Talanoa Model

The *Talanoa* model of research is based on its meanings both in Tongan⁶⁵ and in other Central Pacific languages. Simply, *talanoa* “means to have a conversation, to relate something, or...to 'talk story'” (Ministry of Social Development, 2005, p. 5). The term is a composite of two distinct words; *tala* and *noa*, which also have the same or similar nuances in the languages of the above-mentioned region. *Tala* means tale, relate, story, tell or declare. *Noa*, on the other hand, means “common, old, of no value, without thought, without exertion...” (Vaioleti, 2006, p. 23), nothingness and empty. *Talanoa*, therefore, may mean a non-focused and aimless conversation. There is usually a lot of going backwards and forwards during *talanoa* sessions. This perhaps resonates with the notion of ‘open-endedness’ that is prevalent in other methodologies like grounded theory. The perceived casualness of *talanoa*, however, reveals its real objective and true value, which is to make sense of the unknown, uncertainty and ambiguity that may shroud the understanding of the topic under discussion. Thus irrespective of whether *talanoa* follows a structured or unstructured path, the important point is that participants get to share their views and enhance their understandings within an environment that is non-threatening and not disempowering (Vaioleti, 2003 as cited in Fletcher, Parkhill, Fa'afoi, Taleni, & O'Regan, 2009, p. 26). This ‘cultural-friendly’ environment also encourages robustness, respect, ‘inter-accountability’ for all parties involved and where “continuity, authenticity and cultural integrity” (Fletcher et al., 2009, p. 26) are retained. It enhances the authenticity of information to which researchers avail themselves from Pacific participants (Vaioleti, 2006). As a research approach, “*talanoa* belongs to the phenomenological research family” (p. 25).

⁶⁵ Dr. Timote M. Vaioleti, a researcher of Tongan descent, is generally credited as the person who originally used this ‘Polynesian’ concept and term as an alternative research approach (Morrison, Vaioleti & Vermeulen, 2002 as cited in Vaioleti, 2006, p. 25).

In the Samoan context, the word *talanoa* is a verb and has only one noun form, *talanoaga*. *Talanoaga* refers to a formal gathering to discuss specific issues. Ironically, while the verb form reflects a casual and less purposeful talk, the noun form is indicative of a formal and serious connotation. Further, the verb form is inclusive of all types of meetings whereas the noun counterpart is usually used when referring to a serious meeting of the family, specifically the extended family. Moreover, the term *talanoa* with its synonym *talatalanoa* imply casualness and informality, while their noun form indicates serious business, focus and compulsory participation. However, it is consistent with Samoan culture that participants of formal meetings may use the term *talanoa* to refer to themselves.

Given the above understanding, it is important to know that it is sometimes not proper to use the term *talanoa* or its noun form to refer to the gatherings and deliberations of titled and elderly people, or even people of important status. The more appropriate term for such deliberations is *fa'afaletui*, as the next section will explain.

5.2.3 Fa'afaletui Model

The framing of *Fa'afaletui*, as a model of research is the outcome of a study by Tamasese et al (2005, pp. 300-302) of “Samoan perspectives on mental health and culturally appropriate services and...[it] facilitates the gathering and validation of important knowledge within the culture”. It is a collective approach that emphasises and promotes the viewing of any issue from different possible perspectives. As such, it stands to promote specifically Tui Atua's⁶⁶ (as cited in Tamasese et al., 2005, p. 301) conceptualisation of Samoan perspective(s) as stated below:

⁶⁶ Tui Atua is the current Head of State for the Independent State of Samoa

In Samoan culture there are three perspectives. The perspective of the person at the top of the mountain, the perspective of the person at the top of the tree, and the perspective of the person in the canoe who is close to the school of fish. In any big problem the three perspectives are equally necessary. The person fishing in the canoe may not have the long view of the person at the top of the tree, but they are closer to the school of fish.

The above reasoning of *fa'afaletui* is undoubtedly metaphorical. Further, it is taken from the context of fishing where the school of fish is the object of observation. As such, it is perhaps devoid of the perspective of the school of fish itself, as the discussion later in this section will clarify.

Irrespective of the above observation, *fa'afaletui*, within the context of Samoan knowledge production, is traditionally a very formal and a highly analytical process. Any *fa'afaletui* session has the potential of changing some views and therefore shifting participants' positions. It may also contribute to increasing participants' knowledge on any given topic, although such is often contingent upon the strength of the newly-provided collective understanding. As a research approach, its proponents argue that *fa'afaletui*'s analytical nature "encourages...identification of the beliefs, values, motivations and meaning" of people's beliefs and actions (Tamasese, Parsons, Sullivan, & Waldegrave, 2010a, p. 144).

The notion of *fa'afaletui* is a very formal one within the Samoan frame of reference although ironically, it usually designates a casual meeting or an informal gathering of the Samoan *matai* or, sometimes, *āo sinasina* – the elders of the family/village. Most importantly, such informality may strategically disguise the seriousness, secrecy and solemnity of an issue that the participants of the *fa'afaletui* often converge to discuss. This is because *fa'afaletui* involves "lively discussions" (Krämer, 1995, p. 96) of issues that really matter. Further,

fa'afaletui is a mentoring process that transmits both knowledge and *mana*⁶⁷ (Tui Atua, 2007b, p. 8). *Fa'afaletui*, in this sense, puts much emphasis on the issue of validity and appropriateness not only in terms of the knowledge that is shared, but also the worthiness of the recipients. Where there might be indications that the prospective recipients are possible fraudsters or manipulators, the other *fa'afaletui* participants often become reluctant to share their true knowledge and therefore seek an excuse to physically withdraw from the process of sharing. At worst, they may even intentionally contribute falsified truths and dubious information (Pualau, personal communication, 14 March, 2009) or what Hollander (2004) refers to as 'problematic speech' (pp. 608-611).

Regarding the origin of the term *fa'afaletui*, one tradition accredits it to a gathering, or more the housing of a group of brothers in a cave at a place called 'Anaua in the district of Tuamasaga, Upolu (*O Alaga'upu fa'aSamoa*, 1958). The brothers all had the same name, Tui. This gathering happened when the brothers failed to look after their one and only sister, Sina⁶⁸, who disappeared without the brothers' knowledge. The term could be translated literally to mean 'as the house or housing of the Tui brothers but it connotes the meaning of *fālē* (*far-leh*) - 'housing' a matter or sitting down in the house to discuss the issue and subsequently obtain better understanding (Ibid). In the context of research however, the contemporary usage of the term *fa'afaletui* emphasises discussing issues collectively and analytically. It also promotes the sharing of all necessary viewpoints in order to gain a fuller understanding of the issue under discussion.

⁶⁷ Mana is often translated as power, especially supernatural, but in the context of the Samoan indigenous reference, it encompasses the wisdom and the blessings of the guardians of knowledge.

⁶⁸ *Sina* is a common *taupou* name for Samoan *tamali'i* – paramount chiefs (Va'afusu'aga, personal communication March, 2011).

For the current study, the notion *fa'afaletui* is useful in terms of knowing that Samoan people's perception of the New Zealand criminal justice system may be different from other New Zealanders' understandings. Further, such difference(s) may not be so much because of ignorance but because of the possibility of different groups of people holding totally different perspectives from which they view and interpret the New Zealand criminal justice system. *Fa'afaletui* is also beneficial in the sense that it is an epistemological tool by which Samoan people explore the nature and extent of knowledge and the analysis of such knowledge within the whole process of knowledge production.

Similarly, *fa'afaletui's* emphasis on inclusiveness (Tamasese et al., 2005) and perhaps partnership, especially in the sense that the researcher and informants are all participants or partners in the process of knowledge production rather than on an interviewer-interviewee relationship, resolves the issue of power during research. With *fa'afaletui* all actors contribute to the discussion albeit from different tangents. Any participant in a *fa'afaletui* who does not contribute to the discussion may be regarded as *poto nanā* which literally translates as hiding wisdom but means selfish. Thus in terms of research, for example, while the researcher shares the vision, the rationale and the need to do the research, the informants share their knowledge on the specific issue under consideration. Further, with *fa'afaletui*, the researcher can also contribute to the discussion in terms of exposing and directing the informants to other perspectives with which the informants will either agree or disagree. The researcher's contribution, however, does not form part of the shared knowledge that gets analysed subsequently, but is akin to the idea of prompting and probing or simply facilitating within mainstream interviewing.

The notion of interview, on the other hand, is capable of giving the impression that the role of the interviewee is just to answer a set of questions from the interviewer who plays the role of

controlling the event. Its exclusivity is a barrier to obtaining valuable information from Samoan participants. *Fa'afaletui*, on the other hand, treats as equal all participants in the discussion.

Despite its noted usefulness, the *fa'afaletui* model in its current form needs to be reviewed to resolve some issues that certain research bodies have identified. For example, in the area of mental health, for which the model was initially constructed, it has been noted that *fa'afaletui* requires 'further work' "to ascertain its meaning, metaphoric significance and application as a potential mental health service delivery model" (Agnew et al., 2004, p. 13). Research wise, it does not shed enough light on the issue of results dissemination or what is often understood as reciprocation within the traditional Samoan process of knowledge production. Further, its emphasis on the three perspectives (mountaintop, treetop and canoe) does imply an all observant-centred approach and is perhaps exclusive of the views of the 'school of fish' or the observed. While this might be a matter of interpretation, the fact remains that there is confusion regarding the identity of the observed.

5.2.4 Kakala Model

The *Kakala* (garland) model is based on the Tongan tradition of garland making in which the most appropriate flowers are selected, woven and then presented to the rightful or intended recipients (Helu-Thaman, 2007). It was developed within the field of education to address the absence of Tongan values and principles like reciprocity and sharing within the predominantly Western educational constructs in Tongan education (Helu-Thaman, 1999). Helu-Thaman conceptualised that the three stages in mainstream research (data collection, data analysis/write-up and results dissemination) are embodied more meaningfully for Tongan people in the three phases of the process of *kakala* making. These phases are *tolu*, which refers to the timing and picking/selection of the most appropriate flowers, *tui*, which is

the weaving or stitching of the flowers to form the *kakala*, and *luva*, which refers to the completion and presentation of the garland. More importantly, the meaning(s) and form of the final product are contingent upon traditionally accepted ways of selecting the right flowers, skills of putting the flowers together, and the most culturally appropriate manner by which the garland is presented.

Kakala's usefulness to the current research is in terms of reiterating the importance of reciprocity and collectivism, especially when it comes to investigating meanings and perceptions that are intrinsic to communally-oriented people like the Samoans⁶⁹. However, its limitations may be observed in two areas. One, apart from the fact that it presents for usage and analysis certain Tongan nuances that are perhaps related to the processes of knowledge production and research, it tends to be a 'Tonganised' replica which mimics, perhaps unintentionally or coincidentally, the three main phases⁷⁰ of mainstream research. For example, *tolu* resonates with data collection, *tui* with data analysis and *luva* with results dissemination. This raises the question of whether this process of knowledge production really finishes with *luva* or whether the conceptualisation of the *kakala* as a research model is forced to finish at this phase in order to comply with the results dissemination phase of mainstream research methodology. Such may lead to the second argument which purports

⁶⁹ Based on the Samoan expression, *E maōta tau'ave Samoa* (F. Lemaui, personal communication, 30 June 2009), which literally translates as Samoan people take their abodes or residential dignitaries and their honorific salutations with them, but means Samoans practise their culture anywhere they reside, it is perhaps safe to say that Samoan people's practice of fa'aSamoa outside of Samoa still maintains the essence, rather than the form of their culture. That is, they improvise in environments outside of Samoa so that

⁷⁰ These are data collection, data analysis/write-up, and results dissemination.

that the current state of the *kakala* model is perhaps incomplete (Kailahi⁷¹, 23 March 2011, personal communication). This is because it is exclusive of certain crucial final elements of the whole process of *kakala* making and presentation. These elements are *no'o* – which refers to the picking up and tying of the *kakala* on the intended recipient and *lī* – to gift it on.

No'o is crucial because it signifies acceptance, which is the final analytical aspect of the *kakala*. Additionally, *no'o* also indicates the level of regard or value the recipient(s) give to the *kakala*, especially in the sense that if the *mehekitanga*⁷² steps out to *no'o* the *kakala* on the recipient, it is a public display of approval, total acceptance and oneness. The involvement of the *mehekitanga*, especially in terms of presenting the *kakala* to the royal family, is also a public demonstration that she has come down to the level of the common people to be one with them. Conversely, if the *mehekitanga* refuses to tie the *kakala*, such an act would be indicative of the fact that the *kakala* has not been accepted. This therefore is reflective of the nature and level of the relationships that are important to people who value communal forms of knowledge construction and knowledge sharing. This of course is something that is crucial for researchers to understand and honour.

The final part of the *kakala* process is *lī* – to gift or pass the *kakala* on to the final recipient who is usually the *mehekitanga*. In some cases, especially if the *mehekitanga* is not present,

⁷¹ Vaivai Kailahi was the former Head of the Department of Cultural Studies in the Tonga Ministry of Education. Kailahi taught at the Tonga Teachers' College, and is therefore a credible expert on Tongan culture. Consequently, the late king of Tonga, King Tupou IV, presented Kailahi with the title 'Kato'ietala-pongipongi' to honour the latter for his contribution to the pursuit and guardianship of knowledge within Tongan education.

⁷² *Mehekitanga* is the father's sister (paternal aunt) or father's female cousin. This is considered a very solemn relationship in the Tongan culture. The *mehekitanga*'s decision is also final in most cases (Churchward, 1959, p. 352).

the in-law's sister or aunt is gifted with the *kakala*. This final act signifies the nourishing and continuation of familial and social connectedness.

Essentially therefore, perhaps the process of *kakala* making and presentation becomes complete only after the *no'o* and the *lī* parts are done. Perhaps it does not end with *luva* (presentation). It is one thing to *luva* but it is another thing altogether to know if the *kakala* was accepted (*no'o*) and put to good use (*lī*) so that family relationships are strengthened and maintained. It should be noted also that the author of the *kakala* model, Professor Konai Helu-Thaman, who was invited to be the keynote speaker for the Critiquing Pasifika Education Conference 2011 which was held at the Manukau campus of Auckland University of Technology (AUT University), announced at the said conference that further consultation with Tongan scholars has led to the inclusion of the notions of '*māfana* and *mālie*' at the conclusion of the *kakala* process. However, Kailahi contends that '*māfana* and *mālie*' are not components of the process but 'celebratory feelings that are present throughout the whole process, and not just at its conclusion'. *Māfana* and *mālie* represent the spirit rather than a noticeable phase of the process of *kakala* making and presentation.

In terms of research therefore, it is crucial that the gathered knowledge is respected and properly reciprocated so that the relationships between researchers and the community are well maintained as the notion of continuation is implied in the *lī* phase of *kakala*. This will help resolve the problem of 'over-researching' at which Pacific communities have hinted (HRCNZ, 2005, 2006). Finally, further usefulness of this model to the current study could be seen in terms of emphasising the meaningful dissemination of research findings in a manner that properly acknowledges research participants and perhaps some benefits for them. That is, research should always aim to influence social policies that enhance people's living standards.

To conclude this section, it needs to be emphasised that the above list is not exhaustive in terms of what is available to provide the methodological framework for the current study. Likewise, no single perspective by itself could independently cover all elements that this research aimed to explore. For example, while grounded theory and thematic analysis were useful in terms of looking at themes horizontally, they, by the same token, could concentrate too much on quantitatively coding for words and phrases to construct themes that such words and phrases perhaps become meaningless if they lose their unique connection to their respective contexts. As such, it was therefore crucial to also consider other models like *talanoa*, *fa'afaletui*, *fonofale* and *kakala*, which emphasise collective analysis for meanings and consensual knowledge.

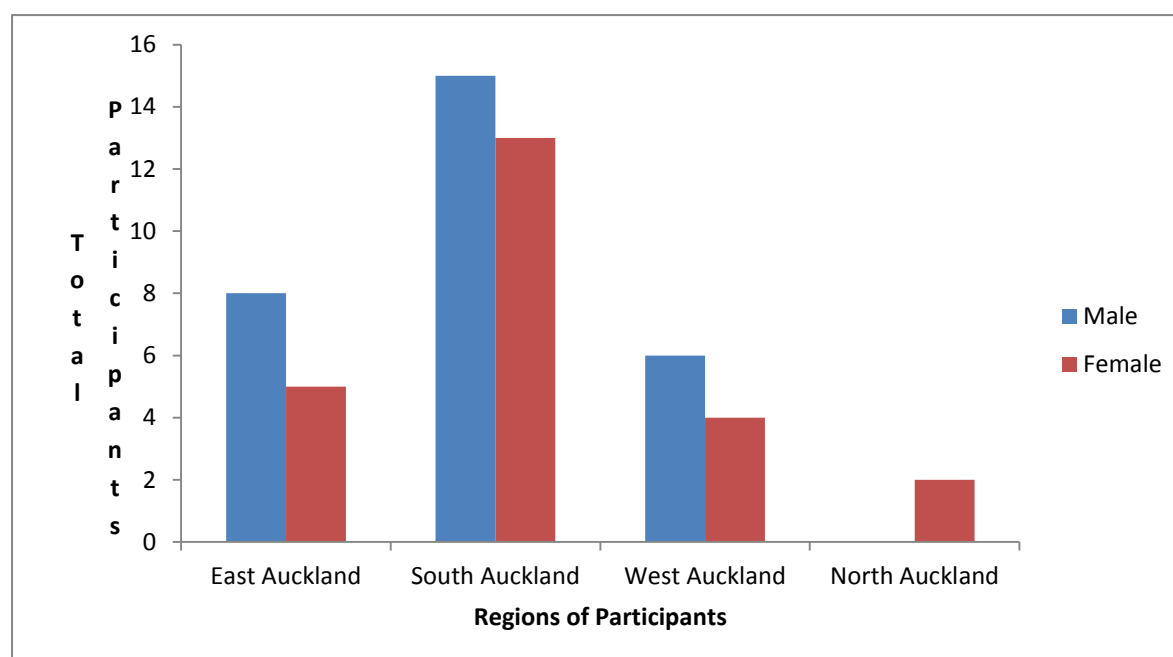
5.3 Participants Selection

On the basis of the above discussion, it is important to emphasise the point that the selection of participants for this study centred on the idea that a sample should be diverse enough to gather a more wide-spread knowledge about the research question. The discussion that ensues will elaborate on this. Furthermore, participant selection, data collection and analysis also adhered to ethical issues like anonymity, respect, safety (cultural, health, physical, and spiritual), reciprocity and confidentiality. Auckland University of Technology's Ethics Committee (AUTECH) gave their approval on the 4th November, 2008 (see Appendix A) for this research to be conducted.

Using the snowballing method, which is a method that begins with at least one member who then refers on other possible candidates until a required number is reached (Braun & Clarke, 2006b; Neuman, 2000), 53 participants were chosen from across Auckland to reflect the spread and distribution of the Samoan people. As shown in Figure 5.3, 28 participants (15 males and 13 females) were selected from South Auckland, 13 (8 males and 5 females) from

Central and East Auckland combined, 10 (6 males and 4 females) from West Auckland and 2 (both females) from North Auckland (Shore). These numbers, however, do not suggest representativeness as the study participants were not randomly selected and that the sample is too small.

Figure 5.3: Regional distribution of participants



In terms of age group, 34 participants were young people⁷³ (14-25 years of age), while 19 were adults. Moreover, the category of young people was further split into two groups; 14 – 17 year-olds and 18 – 25 (See Table 5.3) due to their academic and occupational experiences and also their levels of experience with life in general. Fifteen participants were in the 14-17 year old group and nineteen in the latter. This demarcation is an effort to harmonize similar

⁷³ Defining young people in terms of age is an area that is severely inconsistent in New Zealand. At times there is an overlap of ages accorded to children and those which define young people. For example, a child is defined as any person under the age of 18 but a young person is also defined as a person who is aged 14 to 16 inclusively (Ministry of Justice, 2006). Young people are not a homogenous group and thus differences rather than similarities are more significant within this particular group (Partridge, 2008)

but conflicting definitions of young people and youth in New Zealand (Ministry of Social Development, 2006; Ministry of Youth Development, n.d.; Carswell, 2011).

Table 5.1: Participants according to Age Group

Count of Observations			Age Group			
GENDER	REGION	BIRTH PLC	Adult	Older Youth	Younger Youth	Grand Total
Male	East AKL	Samoa	2	3	1	6
		New Zealand	1		1	2
	East AKL Total		3	3	2	8
	Sth AKL	Samoa	4	1	2	7
		New Zealand	2	4	2	8
	Sth AKL Total		6	5	4	15
	West AKL	Samoa	2	1		3
		New Zealand		2	1	3
	West AKL Total		2	3	1	6
Male Total			11	11	7	29
Female	East AKL	Samoa	3			3
		New Zealand		2		2
	East AKL Total		3	2		5
	Sth AKL	Samoa	1	1	1	3
		New Zealand	2	1	7	10
	Sth AKL Total		3	2	8	13
	West AKL	Samoa	1	1		2
		New Zealand		2		2
	West AKL Total		1	3		4
North AKL	Samoa	1			1	
	New Zealand			1	1	
North AKL Total		1	1		2	
Female Total			8	8	8	24
Grand Total			19	19	15	53

Further, of the 24 females, 15 were born in New Zealand while the rest were born in Samoa and then migrated to New Zealand subsequently either as children or adults. Conversely, just over half (16) of the male respondents were born in Samoa and the rest (13) were born in New Zealand (See Table 4.2 and Figure 4.4).

Table 5.2: Percentages of participants' gender and country of birth

GENDER	COUNTRY OF BIRTH		
	Samoa	New Zealand	Grand Total
Male	55.17%	44.83%	100.00%
Female	37.50%	62.50%	100.00%
Grand Total	47.17%	52.83%	100.00%

Figure 5.4: Bar graph showing counts of participants' representations in terms of country of birth and gender

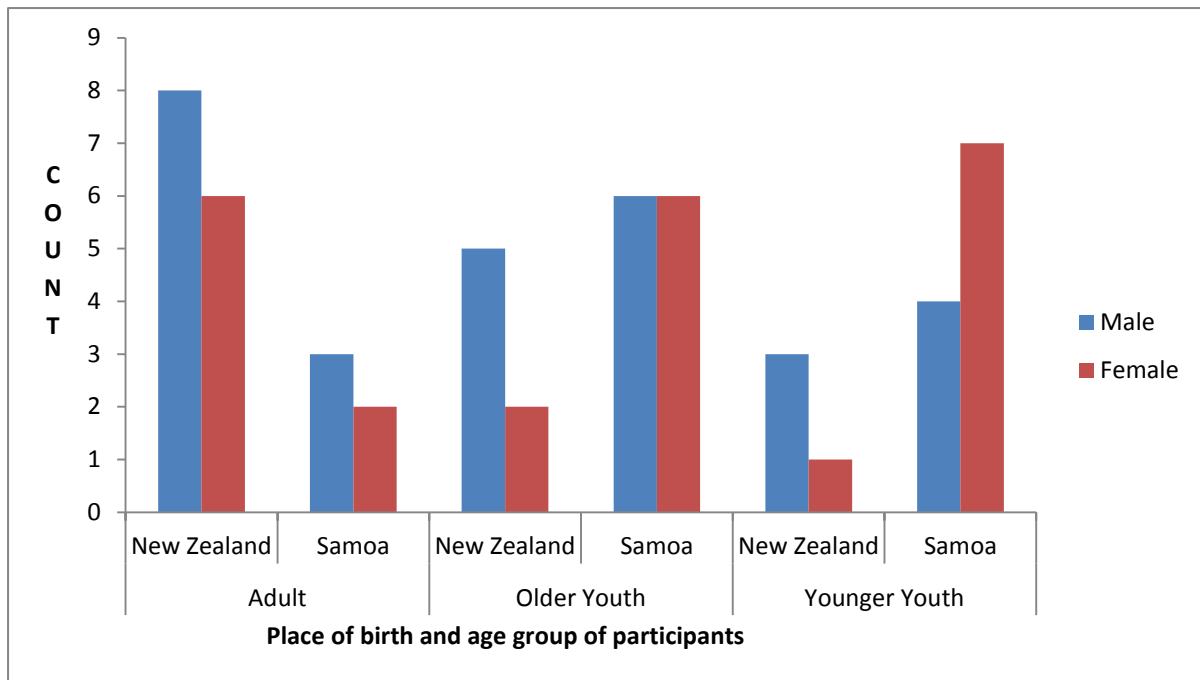


Table 5.3: Employment status of Participants

EMPLOYMENT	Age Group			Grand Total
	Adult	Older Youth	Younger Youth	
Employed	14	9	2	25
Unemployed	4	1	8	13
Tertiary Student	1	9		10
High School Student			5	5
Grand Total	19	19	15	53

Given the sensitive nature of the topic of this study, the researcher refrained from indirectly or intentionally attempting to ascertain which participant(s) had any criminal involvement, convictions, or gang affiliation(s). Nevertheless, the researcher welcomed the voluntary or perhaps incidental provision of such valuable and extra information during the discussions. Much of that type of information was received during personal interviews. Thus, of the 15 participants whom the researcher could figure out to have been either former gang members or currently involved with gangs, 9 were males and 6 were females, 9 were New Zealand-

born and 6 Samoa-born. In terms of age groups, there were 7 adults, 7 older youth and 1 younger youth.

5.4 *Instruments for Data Collection*

The participants' shared knowledge and views were gathered through three means; a simple survey (See Appendix D), individual interviews (See Appendix C), and focus group discussions. The survey was administered at the very beginning of the individual interviews only but not during the focus group discussions.

Face-to-face individual discussions are arguably the most common in qualitative social research (Lambert & Loisel, 2007; Nunkoosing, 2005). Individual interviews collect "detailed accounts of participants' thoughts, attitudes, beliefs, and knowledge pertaining to a given phenomenon" (Lambert & Loisel, 2007, p. 229). They have also been used effectively in other areas of learning like the teaching and understanding of mathematic computations (Higgins & Wiest, 2006). Interviews employ structured, semi-structured and open-ended questions. Structured questions are used mainly during one-on-one survey situations (Bitchener, 2010) while semi-structured and open-ended questions work well with ethnographic and grounded theory research because they focus on investigating and exploring a participant's meanings and motives. Thus given that the current research also draws on grounded theory and other similar models, the questions were therefore both semi-structured and open-ended.

However, despite the usefulness of interviews, they are not totally free of limitations. For example, Nunkoosing (2005) suggests that interviews are susceptible to the problem of power (pp. 699-701). That is, interviewers have power in terms of deciding which information to ask for and how such information would be used in order to satisfy the expectations of their

‘research community’ and stakeholders. Similarly, interviewees also have power in terms of the kind and amount of information they may be willing to disclose. They may decide to ‘embellish’ the truth if its revelation would potentially be detrimental to their security and self-image (Lambert & Loisel, 2007, p. 229).

Focus group discussions, on the other hand, target the interaction(s) amongst participants in response to the interviewer’s questions (Macnaghten & Myers, 2004). “It is generally accepted that focus group interviews rely on the dynamics of group interactions to reveal participants’ similarities and differences of opinion as well as their understandings and beliefs” (Kaplowitz, 2000, p. 420). While these interactions could potentially enrich the data and subsequently the analysis, they may also be problematic. This is because focus group data are collected within specific social contexts of the group. For example, Hollander (2004) identifies four such contexts as, 1) associational context in which the participants share a common characteristic, 2) status context like gender or profession, 3) conversational context or the flow of the discussion within the group and 4) relational context which refers to whether any member(s) of the group knew each other prior to becoming participants of the discussion. Hollander argues that one or more of these contexts could yield the data as either being ‘problematic silence’ where information is with-held or ‘problematic speech’ where the shared information is altered.

The above problems with individual interviews and focus group discussions do not necessarily render these methods completely flawed and therefore untenable. In fact, Lambert and Loisel (2007) found that many researchers favour a combination of these methods. Some use them for pragmatic reasons where participants are given an option of whether to be interviewed individually or in a group situation (Taylor, 2005). Others use

them for parallel purposes to “explore the phenomenon of interest” (Lambert and Loiselle, 2007, p. 230).

For the current study, individual interviews and focus group discussions were used together but subject to one important condition. That is, participants in the focus groups (See Appendix B) would have already been interviewed individually. Thus all participants of the focus groups were also interviewed individually but not the reverse. This decision was based on the assumption that the focus group would be a forum within which the discourses that were shared individually would find an opportunity to be compared to the opinions of other members. It is also for this reason that the topics were the same for the two methods and the questions were also both semi-structured and open-ended. Similarly, it also provided an opportunity for each participant in the focus group discussion to assess her/his view(s) in light of any alternative views shared by other participants, and then decide whether to shift or to stay with their original positions. This perhaps resonates with the notion of data confirmation (Adami, 2005) which assumes that these methods complement each other (Kaplowitz, 2000) although they tend to collect two separate sets of qualitative data. That is, individual interviews are more capable than focus group to collect rich information about sensitive social issues (p. 427).

In addition, the researcher also employed vignettes (Finch, 1987) during individual interviews but not focus group discussions. Vignettes are:

Short stories about hypothetical characters in specified circumstances, to whose situation the interviewee is invited to respond....Vignettes...allow for features of the context to be specified, so that the respondent is being invited to make normative statements about a set of social circumstances, rather than to express his or her ‘beliefs’ or ‘values’ in a vacuum (Finch, 1987, pp. 105-106).

Further, such hypothetical stories could be used either in terms of employing more than one during one interview or using one vignette that is continually added upon subject to the needs of the investigation. The current study used four different vignettes (See Appendix H) in the second and third persons. This is because using second person internalized the already hypothetical situations but using third person could create a more analytical situation for the interviewee.

5.5 Pilot Study

The pilot study was conducted specifically to test the instruments or the interview questions in terms of whether they would be easily understood by the respondents or not. Five people (See Table 5.4) participated in the pilot study. It was decided that questions for which participants requested further clarification, sometimes more than once, were marked to be refined. Subsequently, it was found that the wording of some questions was perhaps too academic and therefore cognitively challenging for the participants. Examples of such questions include, ‘How satisfied/comfortable are you with your current understanding of the New Zealand criminal justice system?’ and ‘In your understanding, what constitutes a crime?’ The researcher observed and noted that all participants paused for some time and then subsequently provided ‘don’t know’ responses to such questions. The fact that none of the participants cared to seek further clarification indicated that the question was either too boring, unanswerable or participants were shy. Having to modify some questions, especially in terms of simplifying them, was therefore one positive outcome of the pilot study.

Table 5.4: Participants of the Pilot Study

PARTICIPANTS	GENDER	AGE GROUP	BIRTH COUNTRY
Simeona	Male	Above 25 years	Samoa
Fala	Female	Above 25 years	New Zealand
Vine	Male	Between 18 and 25	New Zealand
Cartoon	Female	Between 18 and 25	Samoa
Monsta	Female	Between 18 and 25	New Zealand

Further, during the pilot phase it became clear that acquiring some quantitative data, specifically just before the commencement of each interview, would be beneficial in terms of contextualizing the qualitative information. It was evident that all five participants' answers regarding their knowledge of the New Zealand criminal justice system were assumptive, which means that their knowledge was perhaps very limited at best and unintelligent at worst. For example, the questions, "Do you think crime has increased or decreased in the last ten years in New Zealand?" and "In which region in New Zealand do you think more crime has been committed?" received an 'increased' and 'South Auckland' answers respectively, although official records state otherwise (Vowles, 2006, p. 1215). While this kind of inconsistency between the public's knowledge of the justice system and the actual recorded facts was to be expected (Paulin et al., 2003), it was equally important to capture it in its unchanged form and use it as the starting point of the investigation that would follow. Consequently, the researcher decided that it was necessary to construct a simple survey (Appendix D) to obtain this information and other demographic details of the participants. It should be noted however that it was not an aim of the questionnaire to draw generalised conclusions but solely to have a reference point upon which to base the investigation in accordance with the workings of the research approaches adopted for this study. It is also for

this reason that some key questions in the survey mirrored the topic questions of the personal interviews and group discussions.

5.6 Data Collection

In total, the researcher conducted fifty three individual interviews as well as one discussion session each with each of the two focus groups. Participants used both Samoan and English languages to express their answers. Some participants felt comfortable using the two languages interchangeably while a few others used either English only or Samoan only. The durations of the individual interviews varied from thirty minutes to three quarters of an hour. Focus group discussions were set to last no longer than an hour each.

The decision to not hold a focus group discussion for the younger youth (14-17 years of age) was based on three ethical and perhaps time management reasons. The first is related to the issue of granting parental consent/assent which all participants in this group required. Such consents were not very easy to obtain even for just five people. The parents of the young people who were interested in being part of the focus group discussion, in addition to having face to face interviews, were willing to give their consent but only on the condition that such parents would be permitted to be present either in the same room or very close to where the discussion would be held. The second reason was related to the fact that none of such young people was comfortable with the idea of having their parents/guardians close by to where the focus group would be having their discussion at. They viewed the presence of their parents during the discussion as a form of control. The researcher decided that such would disempower and hinder the participants' freedom to confidently and freely share information for the research. This would mean that participants would either contribute minimally to the discussion or non-meaningfully for fear of getting exposed, especially if they were involved in any latent antisocial activities of which their parents were unaware. In any case, the

importance of obtaining informed consent and assent from children meant that all of the above issues needed to be mitigated (Ministry of Education, 2010, pp. 15-19, 71-75). Similarly, it became too time consuming to try and organise such a meeting especially given the fact that all members of this particular group were interviewed individually at their homes with either the parent(s) or a family member being in the vicinity of the interview. It needs to be noted here that the absence of a focus group discussion from this particular group, which is thus indicative of the absence of such information, as well as an opportunity to contextualise such information within a group discussion setting, is perhaps a real limitation of this study and one that needs to be revisited in another study in the future.

The researcher conducted interviews and discussions during the period from the 4th of November, 2008 through to the 7th of July, 2009. Forty six individual interviews, together with the two focus group discussions, were audio recorded. Further, the researcher also took personal notes of all interviews and discussions. Note taking was more necessary during focus group discussions as a strategy to identify and differentiate various speakers during the discussion. Part of this strategy was to allocate numerical codes to participants in relation to where they sat starting from the interviewer's left side and going clock-wise around the seating arrangement. During the discussion therefore, the researcher made sure to use either these numerical codes directly or use other sequential indicators like 'third speaker' or 'we'll go back to the second speaker', to contextualise different speakers' pieces.

Of the individual discussions, seven participants agreed to share their knowledge on the condition that they would not be audio recorded for personal and safety reasons. However, they did not object to the researcher taking notes, which sometimes were extensive, of their interviews. Consequently, while the researcher attempted to write as much of the responses as possible, he ended up summarising in bullet point form certain portions of the interviews.

Further, certain phrases or sentences that the researcher deemed noteworthy were written out in full so as to maintain connection with the context of the discussion and also for analysis purposes later on. Thus at times, the researcher would request the informants to repeat portions of their responses to allow the former more time to write down the important points. While this method was inconvenient and awkward, especially in the sense of having to make the informant wait, it was beneficial both in terms of obtaining extra data and information and also noting down just the main points which subsequently traded off with saving time from transcribing and translating.

The researcher organised interview questions in accordance with the heading of each section (See Appendix D). This was to ensure that the semi-structured/open-ended nature of the questions would not allow for the discussions to stray too far away from the central focus of the investigation. Further, keeping the questions as close as possible to the focus of each section would also mean that the analysis phase would benefit in terms of making it easier to identify themes within each subheading (see Figure 5.2). The researcher transcribed verbatim all audio recorded interviews and also translated Samoan transcripts into English⁷⁴. The researcher's more than twenty years experience in translating and interpreting services both in Samoa⁷⁵ and New Zealand⁷⁶ gave him the confidence that he was best suited for such

⁷⁴ The researcher translated into English just the parts of the Samoan transcripts that were included in the text of the thesis and also the contextual material around such parts.

⁷⁵ The researcher's employment with the Seventh-day Adventist Church in Samoa (1984-1993 inclusive) involved the extensive translation of documents from English into Samoan. Further, part of the researcher's role in the said organisation also included interpreting for visiting English speaking organizational personnel from its various offices in Australia, USA, Fiji, and et cetera.

tasks. Furthermore, the researcher's personal notes helped him understand the context of some parts of the recordings that were not very clear. More importantly, this decision was further strengthened by the fact that confidentiality and anonymity issues in relation to the informants were better adhered to by having the researcher to solely transcribe and translate the recorded interviews.

5.7 The process of analysing the 'Shared Knowledge'

“A good qualitative research design is one in which the method of data analysis is appropriate to the research question, and where the method of data collection generates data that are appropriate to the method of analysis. Researchers should never collect data without having decided how to analyse it” (Willig, 2009, p. 22)

The commencement of the process of organizing the data into categories and themes began effectively as soon as the transcribing phase started. It followed the approaches of grounded theory and thematic analysis in that it analysed the data horizontally across all interviews rather than analysing each participant individually (Braun & Clarke, 2006). This resonates with the notion of consensus in Samoan knowledge production as exemplified by the *talanoa* and *fa'afaletui* concepts. This is not to suggest that a theme would only be recognised after all participants agree on an issue, but more to stress the point that the analysis within *talanoa* and *fa'afaletui* are also horizontal.

5.7.1 Grounded Theory

Grounded theory originated with Glaser and Strauss (Glaser & Strauss, 1967b; Wells, 1995), who presented it as an “innovative...alternative to existing research methodologies” (Dey,

⁷⁶ The researcher currently works on a contractual basis for the Interpreting and Translating Services (ITS) in Manukau Auckland, Euroasia Language Academy and Toitereo Linguists to do interpreting (health, legal and et cetera) and translating jobs.

2004, p. 81) particularly quantitative methodologies. The latter were the dominant research paradigms in the mid-1960s (Charmaz, 2006). Grounded theory claims to be a research methodology through which theory is 'grounded' on, or developed from empirical evidence. That is, a careful and patient examination or analysis of the data would lead the researcher to the discovery of theory. Its emphasis is more on theory generation rather than a mere representation of people's perspectives (Moore, 2009, p. 8).

Glaser and Strauss laid out simple, clear and systematic methodological strategies (Charmaz, 2006, p. 4) to analyse large volumes of data from interviews and conversations with hospital patients. Its emphasis on approaching the data without the influence of preconceived ideas or existing theories clearly makes it the opposite of the quantitative methodology, which stresses the importance of testing hypothesis from existing theories. In grounded theory therefore, theory emerges from the empirical data.

Further, data collection and data analysis in grounded theory are interwoven in such a way that it is difficult to state when exactly data collection finishes and data analysis begins (Dey, 2004). This is because the analysis may raise more questions that then need to be asked in order to get a clearer understanding of the material that is being analysed. Moreover, the need to ask further questions may perhaps necessitate the inclusion of new participants. It is therefore expected in grounded theory that the sample increases in accordance with the demands of the emerging theory. This is in line with grounded theory's concerns to 'stimulate samples' and 'analyse social processes' rather than getting a representative sample from which to generalise findings (Dey, 2004, p. 84). The coding process in grounded theory involves three phases; open, axial, and selective (Strauss & Corbin, 1998). It is the emphasis on the distinction between these different levels of coding that makes grounded theory a significant research methodology (Dey, 2004).

Open coding is the opening up of data for the analyst's investigation. This is when the analyst searches for meaning in the text, as the text is broken up into different categories and subcategories for comparisons (Strauss & Corbin, 1998). Open coding involves "naming concepts, defining categories, and developing categories in terms of their properties and dimensions" (p. 103). In grounded theory, categories and subcategories are important elements of analysis. Categories refer to the phenomenon being investigated. It relates to the question of 'what the issue is'. Subcategories on the other hand refer to contextual elements of the category like, when did the phenomenon occur, at where, how, why, with and who (p. 125). Central to the practice of categorization within open coding is the notion of conceptualization (Dey, 2004), which means that the broken up parts of the data are given specific codes for identification and comparison. It should be noted that beyond open coding, the original creators of grounded theory could not agree any more, especially with Strauss's introduction of axial coding and selective coding (Dey, 2004), to which Glaser (1992) strongly objected.

Axial coding, ideally, is connecting the different categories and subcategories that were formed during open coding (Dey, 2004). It is reassembling the data after it has been broken up during open coding (Strauss & Corbin, 1998; Kendall, 1999). Axial coding does not necessarily follow logically after open coding, as the two may occur concurrently during the analysis. It is termed 'axial' because the analysis at this stage "occurs around the axis of a category" (p. 123). The final level of analysis in grounded theory is selective coding. It involves integrating and refining categories and subcategories around a core category (Dey, 2004). It signals that no new categories could be located and therefore the core categories (research findings) could now become theory (Strauss & Corbin, 1998).

5.7.2 Thematic Analysis

In addition to using grounded theory, the researcher also drew on the thematic analysis approach (Braun & Clarke, 2006a; Byrne, 2001a), specifically emphasising the point that it is important for the researcher to be actively involved in decision making during data analysis. Thematic analysis claims to be ‘a way of seeing’ and also a ‘process for coding qualitative information’ (Byrne, 2001, p. 904). It requires sorting and coding the data to identify, construct and categorise themes and patterns, an exercise in which the researchers' perspective is influential (Scammell, 2010).

Thematic analysis follows six phases of analysis (Braun & Clarke, 2006a). Such phases are not unique to thematic analysis, as they are also similar to analytical processes in other qualitative methodologies. The analysis begins with the researcher getting familiar with the data by listening, transcribing and reading the data to locate initial ideas. The second phase involves generating initial codes of aspects of the data that appear interesting. Thirdly, codes get organized into potential themes or repeated patterns within the data. The fourth phase involves refining themes to see if there is enough data to support them and to see if features of a theme all have the same meaning or not. Phase five is when themes are defined and named for the final analysis. This occurs when no new themes could be located and no two themes overlap in a repetitive manner. Themes and their respective features should now stand alone to tell their part of the total story of the overall data. Phase six, the final phase, involves any final analysis required and the write-up of the final research report. It is important to note that the writing does not necessarily just begin at this stage, as it often begins even during the first phase of the analysis. Further, it is also noteworthy that the six phases of analysis in thematic analysis correspond well to the three coding phases of grounded theory (phases one and two to open coding, phases three and four to axial coding, and phases five and six to selective coding). Finally, the analysis process in both thematic

analysis and grounded theory do not follow a linear fashion. In fact, the analyst is required to go between the coded themes and the data set constantly and consistently to make sure that no new categories or sub-categories could be identified.

Proponents of thematic analysis argue that themes do not simply emerge out of the data in any clear fashion. Instead, the researcher must be prepared to make a lot of important decisions about methods of analysis and theme identification (Braun & Clarke, 2006). In a sense, the researcher's perspectives and orientations have a strong influence on major decisions throughout the course of the research (Scammell, 2010). One such decision concerns the issue of whether data should be analysed across participants (horizontally) or on an individual (vertical) basis (Byrne, 2001). More than often, thematic analysis supports the horizontal approach partly for the purpose of ensuring anonymity and confidentiality.

Another important decision within thematic analysis relates to how to identify themes within the data. This is because primarily, there are two ways of identifying themes within this tradition; inductive (bottom up) and deductive (top down) (Braun & Clarke, 2006a, p. 83). The inductive way is strongly data-driven and is therefore not contingent upon any existing theory or preconceptions of the researcher. Ideally, this very aspect of thematic analysis makes it akin to grounded theory. However, proponents of thematic analysis argue that its inductive element should not be taken to mean that the researcher is only a passive agent within the research process. In fact thematic analysis contends that the researcher's role is to actively identify and construct patterns within the data (G. W. Taylor & Ussher, 2001).

In addition to the inductive element of thematic analysis, there is also its theoretical side (Boyatzis, 1998), which purports to do two things: locate themes in the data, and also acknowledge how such themes, on the same topic, may have been identified by other studies. As such, the researcher looks for the prevalence of a theme both within a single interview as

well as across other participants' accounts (Braun & Clarke, 2006, p. 82). That is, the amount of discussion a participant gives to a notion and the number(s) of other participants who discuss this same notion helps determine if such a notion is 'category/theme-worthy'. Ideally, theoretical thematic analysis is less interested in giving detailed accounts of the data but a thorough description or analysis of the specific data aspect of interest instead. Finally, thematic analysis (inductive and theoretical) often analyses data on two levels; semantic and latent (Boyatzis, 1998). Semantic level analysis considers the explicit or surface level meanings of the data (Braun & Clarke, 2006a). It stops at what the participants say. Analysis on the latent level, on the other hand, "goes beyond the semantic content of the data, and starts to identify or examine the underlying ideas, assumptions, and conceptualizations – and ideologies – that are theorized as shaping or informing the semantic content of the data" (Braun & Clarke, 2006a, p. 84).

Despite the claimed differences between grounded theory and thematic analysis approaches, they do complement each other through their searches for major themes or categories within the data. Although proponents of thematic analysis argue that the aims of the two approaches are different, in that grounded theory analyses data for theory generation, while thematic analysis analyses more for the identification of common patterns across the data (Braun & Clarke, 2006a), it is undoubtedly clear that the two approaches overlap in terms of their focus on finding major themes. I believe what thematic analysis terms 'themes' and 'patterns' are what grounded theory refers to as 'categories', (specifically 'core categories' during the selective phase). Therefore, what these two approaches look for in the data is practically the same except for the differences in terminology. Furthermore, they are also very similar in the manner in which they look for these themes and categories. Both approaches emphasise using 'cross-case analysis' (Byrne, 2001; Patton, 2002; Strauss & Corbin, 1998). That is, the analyst looks for patterns horizontally (across all participants) and not vertically (analysing

each participant individually) (Braun & Clarke, 2006a). This is consistent with Strauss and Corbin's (1998) explanation that categories are 'abstractions' or 'highly conceptual terms' that represent the stories of the group of participants instead of just one individual (p. 145).

Furthermore, both approaches locate themes and categories within the data. Grounded theory contends that theory 'emerges' from the data while thematic analysis stresses making "many decisions about the process of identifying themes" (Byrne, 2001a, p. 904) within the data. While decision making, in terms of locating themes, is alluded to in grounded theory, it is not explicitly explained as such, like how it is in thematic analysis. For instance, Strauss and Corbin (1998) explain that if the aim of a study is to generate theory, then themes must be presented as interrelated, which I take to mean that these themes are 'constructed' out of the data (p. 145). To me, this is not theory emerging out of the data; it is theory that is decided upon (by the researcher) or constructed, based on what is available in the data. As such, it is akin to thematic analysis. Therefore, grounded theory's emphasis on the importance of participants (meaning the importance of common themes across participants' narratives), in the construction of meaning (Chiovitti, 2008), together with thematic analysis's emphasis on the active role that the researcher should take in identifying themes and categories within the data, forms a strong analytical tool for this research.

Finally, I coded and analysed the data by combining the three levels of data analysis in grounded theory (open, axial, selective) with the six phases of data analysis in the thematic analysis approach. While this method may perhaps deconstruct the data in such a way that the individual voices may possibly be lost, it is beneficial for at least two reasons. One, it presents the data in a more coherent manner and two it guarantees the anonymity of the participants' identities. Thus even an inclusion within the summary of excerpts from certain individual participants for the purpose of illustrating a point was always done in a way that

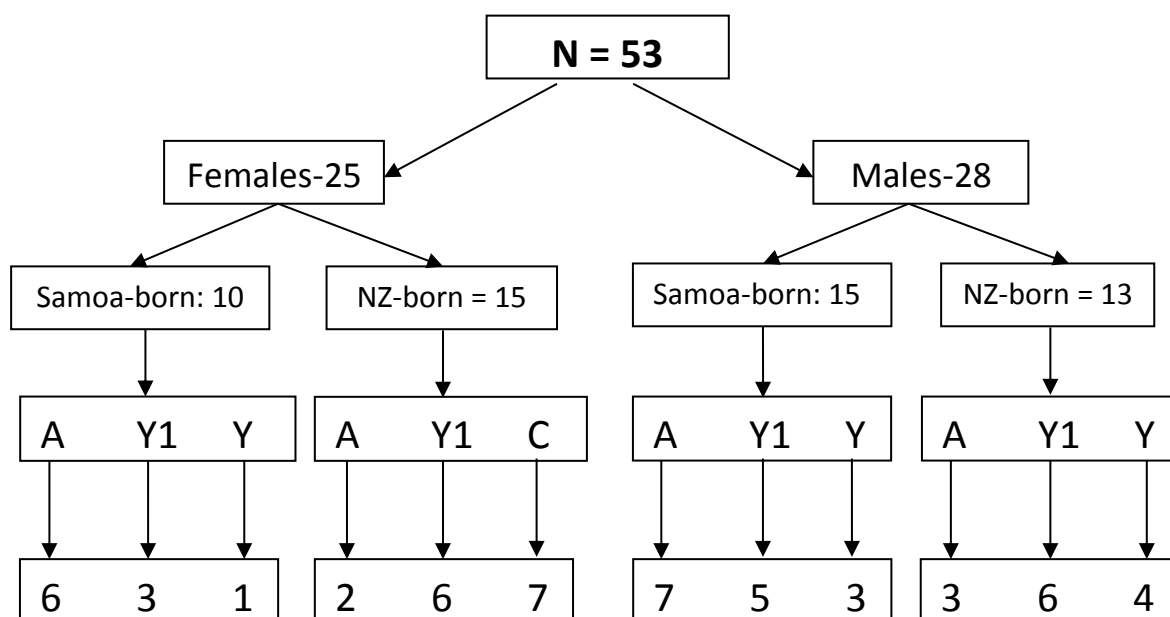
the excerpts were ‘meshed’ together within the discussion of the theme at hand. Further, certain portions of the same excerpts were cited in accordance with the need to maintain the context of the discussion.

5.7.3 The Analysis

The initial stage of the analysis involved the reading of the transcripts. This also included listening again to the audio recordings, mainly in the researcher’s car while driving. Reading and listening aimed at enhancing the researcher’s familiarity with each respective participant’s answers and views. Familiarisation enabled the researcher to have initial mental pictures of the variations in the depth and extensiveness of the participants’ responses to the questions. This was necessary in order to minimise any chance of quoting participants out of context. Similarly, familiarisation also allowed the researcher to better decipher the latent meanings of “metaphorical and allusive language...common in serious Samoan discourse (for which) digital theming techniques proved inadequate” (Tamasese et al., 2005, p. 302). The researcher decided that this was important although it would have taken up a considerable amount of time in reading and re-reading transcripts.

The researcher started by grouping together responses according to gender, then country of birth, then age group. This resulted in having twelve groups (see Table 5.5). Finally, the researcher then randomly selected one transcript from each group for initial analysis. The selected twelve transcripts were analysed by reading them thoroughly and then coding them for initial categories and sub-themes.

Table 5.5: Strategy for choosing initial transcripts to start the analysis process



In addition to these initial codes, key words were also noted to help with the analysis of all other transcripts. Using the F5 (Find and Replace) function on the computer keyboard, each key word was typed in to initiate a search of such term within the transcript being analysed. The F5 function finds every instance of the entered word in the whole document by hitting the Enter key. Thus if there were fifty instances in the document, the Enter key would have been hit fifty times then, until a message appeared to say that no other instance could be found. When there was a hit, the researcher then read the surrounding material to understand the context in which the word or phrase was used. This reading was beneficial in terms of locating categories and sub-categories as well as identifying new key words. However, it was a laborious and time consuming method, and in some instances, the surrounding material contributed no new or additional understanding to the concept at hand.

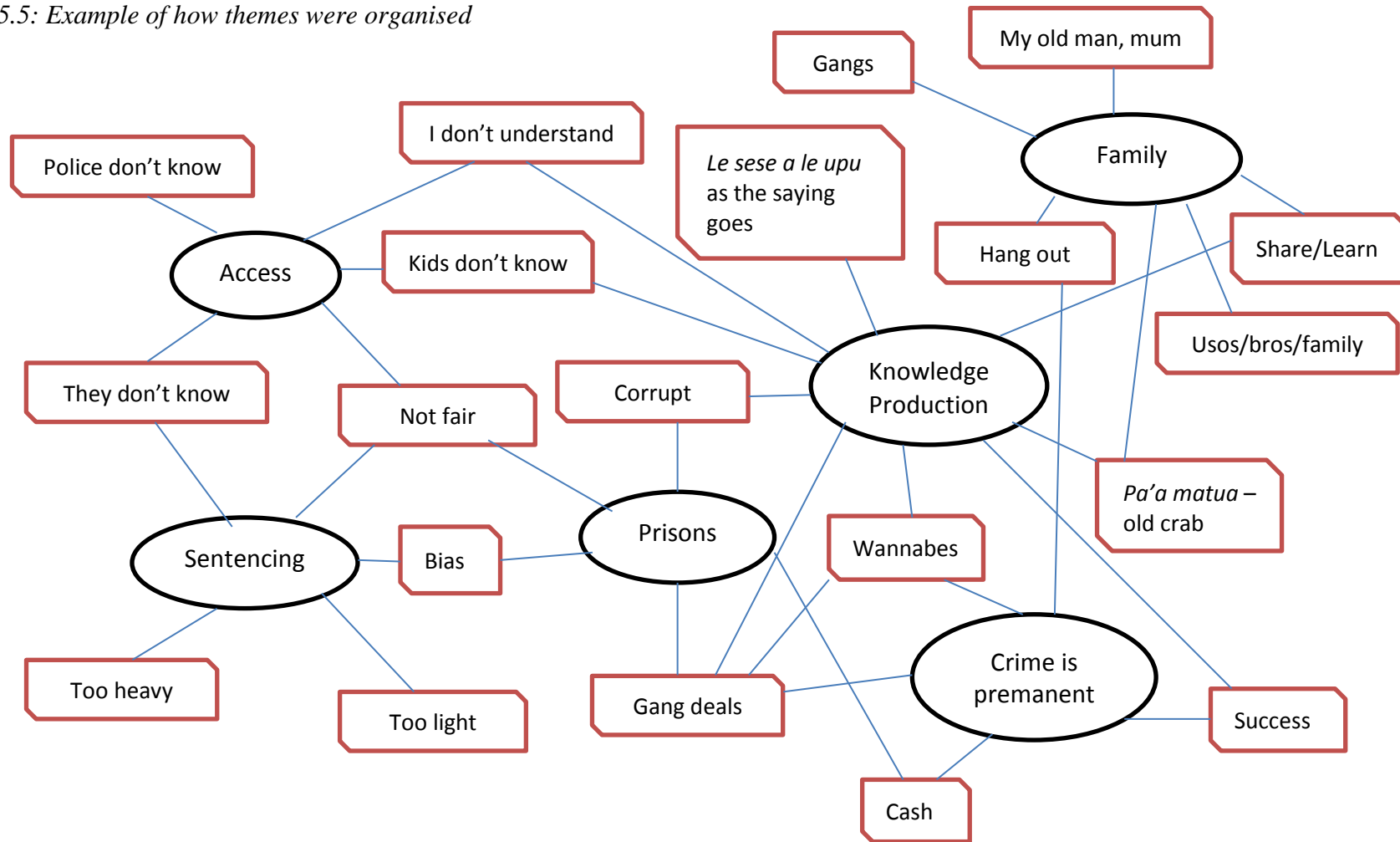
Table 5.6: Example of forming initial codes from Sefo's interview

Excerpt from Data	Coded as...	Key Words
1 Oh quite comfortable generally but yeah I know some things but I can't say I know everything like one of the first things you learn off the other boys are your rights you know your rights with the law and with the police (giggles). I think it's the first thing anyone should know when it comes to crime, law	a) Confident with current knowledge b) Learn off other mates c) Important to understand one's rights	➤ Know ➤ Rights ➤ Learn
2 I think it's going up and i think pretty obvious from so much media coverage and ah and i don't think its gonna come down, and because you know i don't think police are telling the right information to the public aye.	a) Crime rate increasing b) Evidence – media c) Evidence – police know true figures	➤ Going up ➤ Increasing ➤ Information
3 I mean for example you know police think that busting one p lab is a big achievement and so crime will be stopped but aye that p lab will be up and running in just a weeks time and in the same area too man – same area and sometimes even stronger than before. I know of one bust in the north shore in the morning and like on the same day around evening it was in full operation again and yet police were still running around in their cars outside.	a) Police control crime b) Crime relocates and/or continues c) Crime organisation	➤ P lab ➤ Bust ➤ Police presence

The final stage of the analysis process was to identify and organise the scattered categories into major themes. In the end the researcher chose six main themes (see Figure 5.5) which were subsequently written up as the main findings. These also became the contribution of

this study to knowledge accumulation in general, and to further an understanding of Samoan people's attitudes toward the New Zealand criminal justice system in particular.

Figure 5.5: Example of how themes were organised



5.8 Conclusion

The focus of this research was to investigate Samoan people's perceptions of the New Zealand criminal justice system. The investigation included an exploration of the Samoan people's process of knowledge production, especially in how it shapes Samoan people's reaction to crime. The researcher drew on a selected number of Pacific perspectives like *Fonofale*, *Talanoa*, *Fa'afaletui* and *Kakala* Models, as well as certain mainstream methods like Grounded Theory and Thematic Analysis to organise participant selection, interview questions, and the gathering and analysis of the shared knowledge. For example, in working with Samoan people, Pacific models, especially *Fa'afaletui* and *Kakala*, were vital and instrumental in the areas of publicity and connecting with the target population in terms of choosing participants as well as holding interviews and discussions. This is because *Fa'afaletui* and *Kakala* emphasise the importance of cultural sensitivity when dealing with Pacific Island peoples (Health Research Council of New Zealand, 2005, 2006). The central tenets of these approaches connect smoothly with the way participants cognate and relate to knowledge and to 'visitors/guests' like the researcher of this project. This includes both getting the knowledge from participants, as well as reciprocating this knowledge in the most culturally appropriate manner.

However, a real challenge came in the area of choosing participants for individual interviews and group discussions. First, the researcher's decision to select a group of informants who would reflect gender, age grouping, academic and occupational diversities of Samoan people in Auckland proved difficult. This is because participants who were 16 years old and younger could not be totally free to express their views; their guardians chose to be either in the interview room or within hearing distance. The inability to fully engage this group is a

possible limitation of the study and is therefore an area that further research would aim to address.

The analysis process, while long and arduous, was fulfilling in terms of having an in-depth understanding of the narrative of each of the participants and also of the participants' overall understanding of the New Zealand criminal justice system and therefore the deep cognitive structures underlying expressed attitudes. The benefit of using multiple methods, which in this case, includes mainstream and Pacific-specific approaches, to extract and organise themes from the data cannot be overstated.

CHAPTER SIX: PARTICIPANTS' SHARED KNOWLEDGE

6.1 Introduction

In the current chapter, the researcher aims to introduce the perceptions of justice from the perspective(s) of the study participants. It will 'bring to life' the voices of those who volunteered to share their knowledge for this research project. This will be achieved through an analysis of the data in which the themes that were extrapolated from the data will be put forward with supporting evidence. As noted in the methods chapter, data was gathered through a pre-interview survey, and also in-depth interviews and focus group discussions. Where necessary, two or more excerpts will be drawn from interviews and discussions to illustrate a point. While this may not provide ample individual context, it aims to exemplify how other participants have shared their knowledge on the same topic.

Furthermore, in order to comply with ethical issues like safety, anonymity, confidentiality and respect, the true names of the participants will be replaced with pseudonyms throughout the chapter. Other pieces of information that could potentially allow for an easy identification of the participants are also altered accordingly. For example fake gang names are used instead of real ones, and some gang specific names are either altered or omitted from the excerpts.

The chapter begins with a summary of the survey data about the participants' attitudes toward criminal justice professionals - the police, lawyers, judges and corrections officers. It is important to note again at this point that the purpose of the pre-interview survey was to capture the participants' understanding before the one-on-one interviews, which could potentially influence such understanding. Further, the analysis of the interview data on perceptions of crime, justice, and offending will then be presented. From this, six themes regarding their conceptions of the criminal justice system were extrapolated. Such themes

are – prisons are counter-productive to rehabilitation, primacy of access to information and knowledge, permanency of crime, meaning of family, sentencing, problem of violence, and the importance of how knowledge is produced.

Finally, the analysis in this chapter will also attempt to connect the findings to both criminological theory (Chapter Three) and Samoan epistemologies (Chapter Four). This is important because it shows if established theories are applicable or not in terms of comprehending the participants' perceptions of crime in New Zealand. Furthermore, in areas where mainstream theoretical understanding may not fully explicate participants' perceptions of crime, such inadequacies will then be noted for further research.

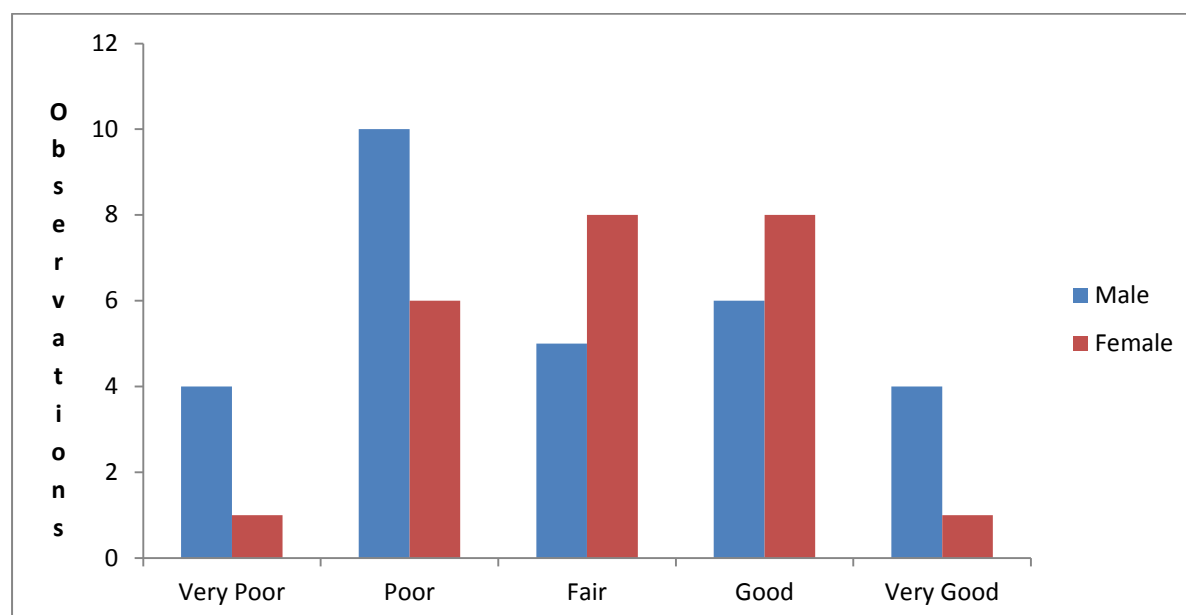
6.2 *Attitudes toward Criminal Justice Professionals*

The analysis of the participants' perceptions of the police, judges and lawyers revealed two key attitudes; positive and negative although two participants preferred to share no opinion. These attitudes varied according to four key factors; gender, age, profession, and relationship to anti-social activities.

6.2.1 Police

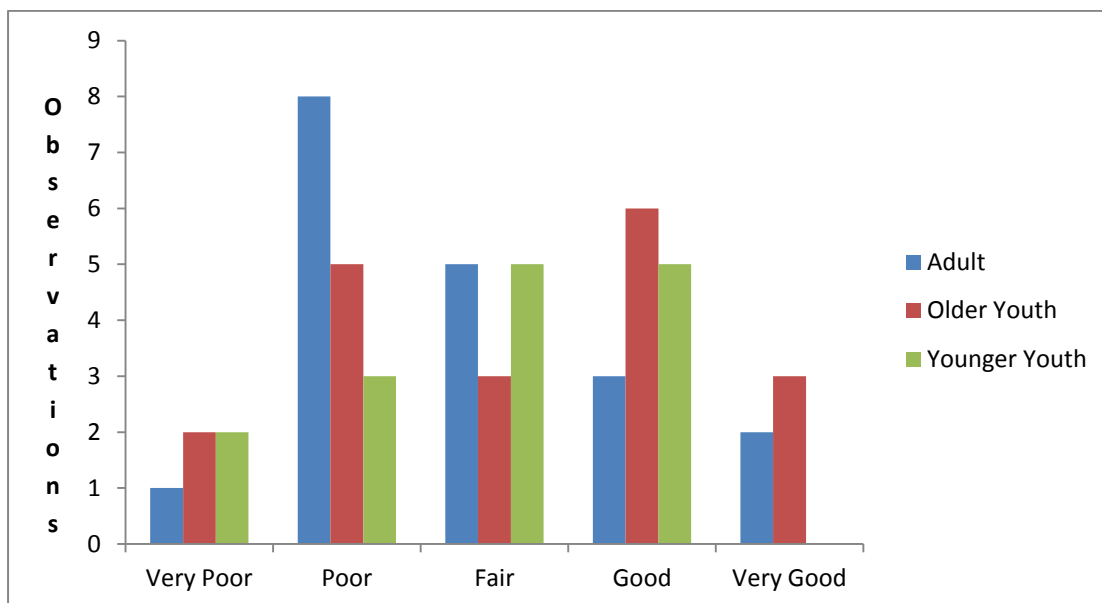
The analysis compared the participants' attitudes that were recorded in the pre-interview(s) survey with their positions during individual interviews. The pre-interview data showed that 39.6 % of participants rated the performance of the police negatively. Of these, 33.33% were females and 66.66% were males (see Figure 6.1). Conversely, 60.4 % (17 females and 15 males) spoke positively of the police. Clearly, the 71% of females compared to just over half (51.7%) of males who rated police performance more favourably is indicative of the fact that females were more positive of police than did males. Thus in terms of gender, there was a big differential support for police performance.

Figure 6.1: Bar graph showing participants' pre-interview attitudes, by gender, toward the general performance of the New Zealand Police.



In terms of age group, 47.4% of adults rated police performance negatively while 52.6% thought otherwise (see Figure 6.2). Further, 63% of older youth favoured police while 37% were negative. Only 20% of younger youth were negative about police while 80% thought otherwise. The group with the highest support for police were older youth at 22.64%, while younger youth and adults were equal at 19% each. Overall, 60.4% of the participants showed confidence in police performance. It needs to be stressed that these findings cannot be generalised across the Samoan population in New Zealand, let alone the Auckland region due to sample size and sampling techniques. Nevertheless, they still show resonance with findings from the 2009 New Zealand Crime and Safety Survey (Ministry of Justice, 2010, p. 116), which showed Pacific respondents to have had an overall more positive rating of the New Zealand justice professionals than other ethnic groups. This is despite other personal characteristics such as gender, age, income, and geographical location - urban versus rural which also influenced Pacific informants' views.

Figure 6.2: Bar graph showing the participants' attitudes toward the general performance of the New Zealand Police according to age group



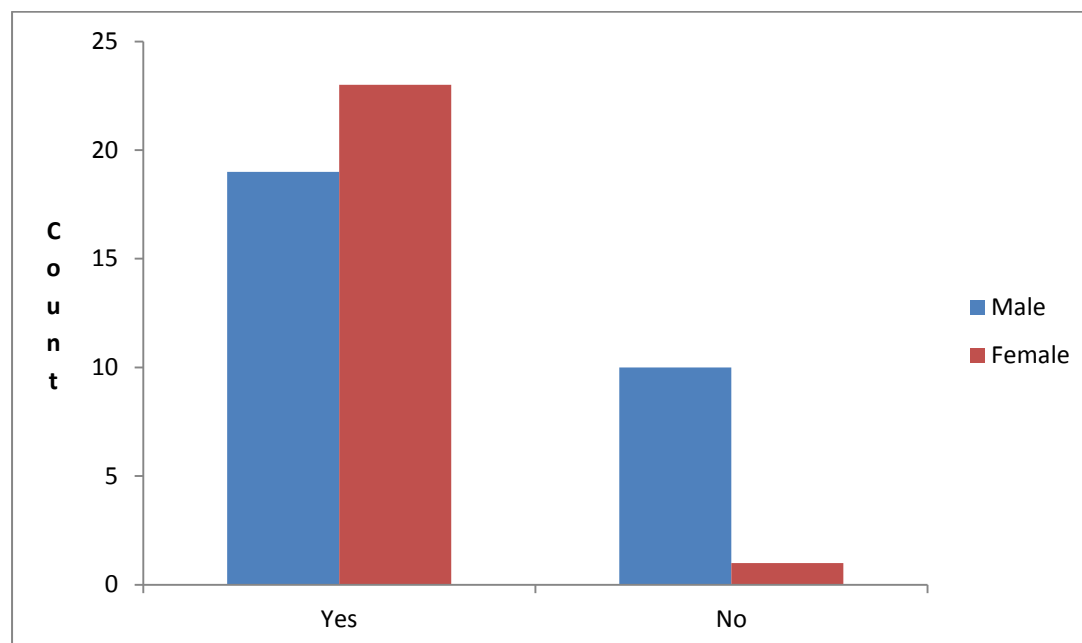
Additionally, the analysis of the individual interviews also revealed a shift in position of four adults, all of whom were female migrants from Samoa, from negative attitudes during pre-interview survey to showing confidence in the New Zealand Police by the conclusion of the individual interviews. The main reason for the change of position was the lack of access to factual information regarding police work in New Zealand. An excerpt from the interview of one of these ladies, Numera, is cited below as an example:

Ka fai aku fo'i gale o le feoa'i solo o leoleo ma kele gei mau leoleo e fe'alamua'i solo ia a o la e kele a mea leaga e kukupu i kupulaga ma kagaka ogaga solo. Ia ae akogu a e sa'o ka ko le 'o iloa aku le kele o isi mau mea lelei la e fai e gai leoleo.

I'm just saying police just roam around and there are these many cops buzzing around and yet there are still a lot of bad things happening to youths and drunks everywhere. But maybe it's correct that we cannot see many other good things that the poor cops are doing (Numera).

It is important to note that the term ‘*gai leoleo*’, which is translated ‘poor police’, is a Samoan construction that is often indicative of very strong sympathetic feelings. It is affirming and congratulatory in nature. The increase of support for police performance from 60% to 70% is of course also very encouraging for police. Similarly, this positivity is also implicated in the fact that an overwhelming 79.2 % of participants reported having no problem reporting any crime to police (Figure 6.3).

Figure 6.3: Bar graph showing whether participants would report any crime to police or not.



However, it is also equally important to gauge an understanding of why 25% of the total participants, and that all of whom were older and younger youth, maintained their original no confidence views of the police even by the end of the individual interviews. In short, their negativity was influenced mainly by their experiences with law enforcement as the following examples will illustrate;

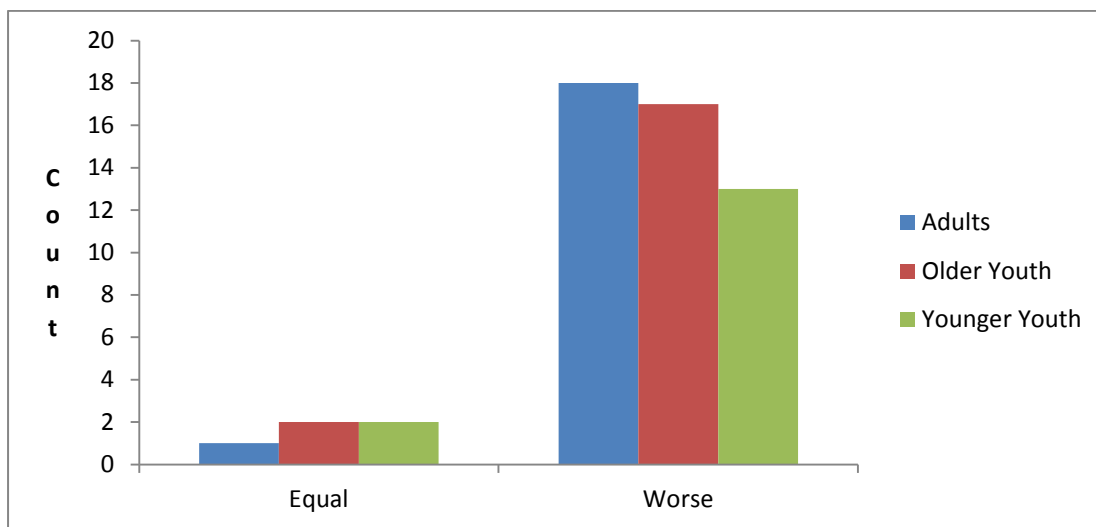
There's a cop that usually comes to our school but he's a real show off aye, especially around the girls and other palagi (European) kids and ahh we usually don't like it when they come to school (Mina).

Police suck aye...I never like them coz ever since they harassed us me and my friends at the mall for nothing man. Then they told us that like they were gonna arrest us but we done nothing, like nothing at all (Maua).

I don't like cops full stop. Right now, it's like us versus them and you know their attitudes is the real reason why a lot of us resent like just don't wanna show any respect for them...I think they're more corrupt than many of us are (Sefo).

These attitudes are consistent with responses to the question regarding the treatment of Samoan people compared to New Zealand Europeans by the New Zealand Police. The pre-interview data reveals that 91% of the participants thought Samoans were treated worse than Europeans (Figure 6.4). There was no change of views during the interviews. In fact, participants thought that New Zealand police were always biased against and over-forceful towards Samoan people. Further, 28% of the total sample felt that police officers of Samoan and other island origin were worse off than their Pakeha colleagues in their treatment of Samoan people. Of this number, 60% were adults, 33.33% younger youth, and 7% older youth. One key reason for the concerned participants' negativity towards police could be summed up by the term 'attitude'. It was thought that the attitude of the police towards Samoan people involved harassment and showing off.

Figure 6.4: Bar graph showing the views of different age groups regarding the treatment by police of Samoan people compared to New Zealand Europeans.



In the final analysis, a clear majority (75.5%) of participants showed confidence in the way the police perform their duties. In effect, it is important to enhance the public's understanding of the interactions between police and the criminals, including the youth. This is because the police are usually the public's first point of contact with the criminal justice system. At times, the police are even the end of the law in the sense that they can decide whether a case should be heard in court, thus laying a charge, or not. In very recent times, the New Zealand Police have adopted different arrest practices, in relation to the use of discretion, in different suburbs in Auckland (O'Reilly, 2010, p. 20). For example, in November 2009, a pre-charge warning system was implemented as an alternative resolution method. Some of its key aims are to "reduce low-level offences being processed in court", and "make warnings a more powerful intervention by processing offenders at the station" (p. 20). An offender, however, has the right to reject a pre-charge warning. It is therefore possible that the Samoan youth in this thesis study who have interacted with the police, may be commenting on their experiences of these arrest practices.

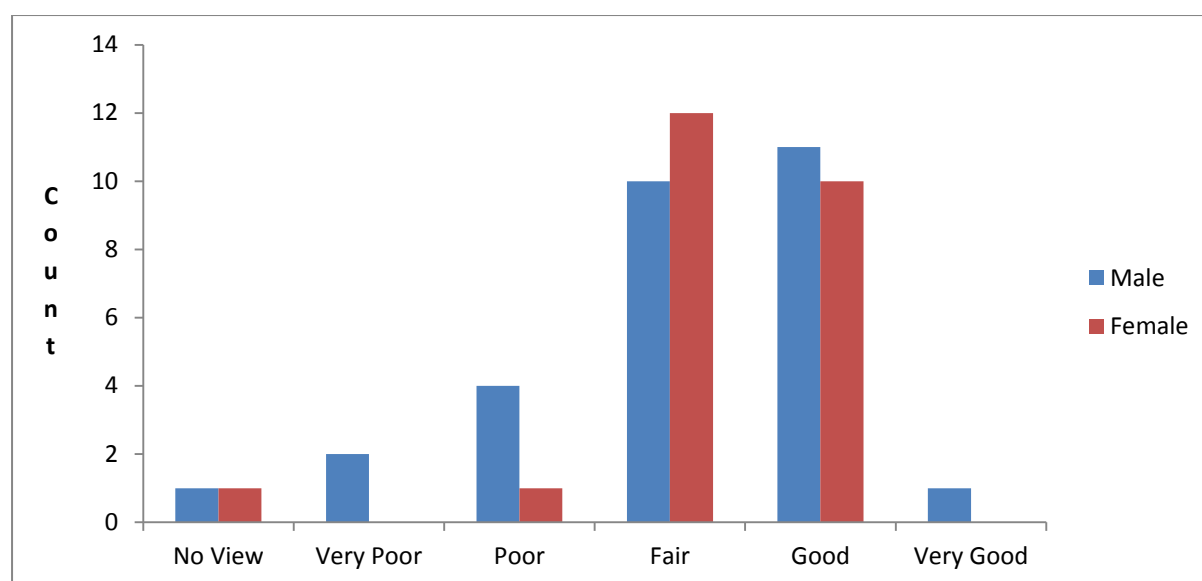
6.2.2 Lawyers

Like police, lawyers received an overall favourable rating in this study. Twenty two participants (41.5%) thought that lawyers performed fairly, 21 (39.6%) thought lawyers did a good job, and one male thought the lawyers did a very good job. Overall, 83% of the participants were positive about the performance of the lawyers within the New Zealand criminal justice system (Figures 6.5 and 6.6). One key element of lawyers' performance that participants talked about was responsibility, which involved things like fees and the carrying out of duties in a responsible manner. That is, participants thought that whatever the lawyers were charging was a fair reflection of their expertise and professionalism inside the court environment, especially given the ignorance of the people, whom lawyers represent, about processes and expectations of the court of justice. Thus in the discussion around the performance of lawyers in general, some positive discourses are as follow;

Kele a kagaka e feikai i gai loia a o lae fai lakou galuega (Many people are angry at the poor lawyers but they are doing their job); end of the day it's their might be their own interpretation of the law but the judges are there as well and you know to make the final ruling is what I think (Tui).

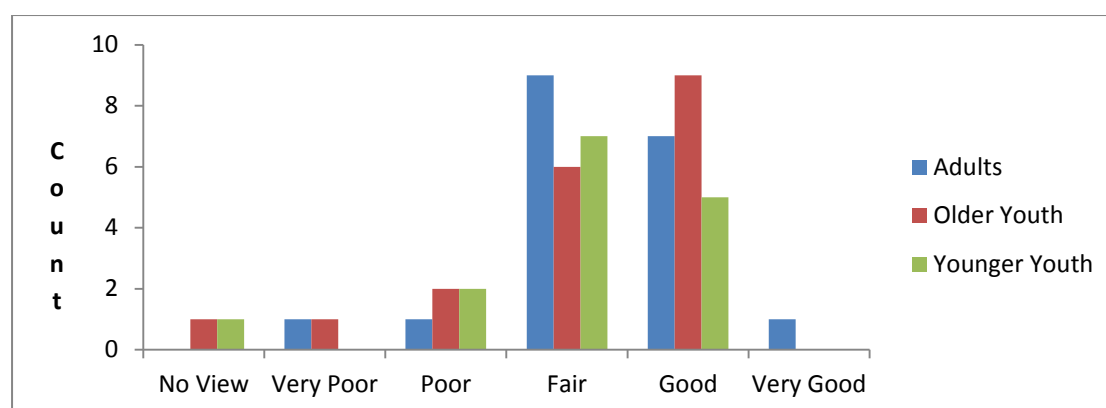
Lawyers are like any other profession; there are good, honest and dedicated lawyers and you'll also find the odd ones here and there who may have other intentions but like I said generally speaking, lawyers must endeavour to develop and progress within their profession and ah their credibility is always at stake I guess (Jasmine)

Figure 6.5: Bar graph showing participants' attitudes, by gender, toward the general performance of lawyers within the New Zealand justice system.



It is also important to note that of the nine participants who rated lawyers' performance negatively, seven (78%) were males (Figure 6.5). In terms of age group, seven were either older youth or younger youth (Figure 6.6). Overall, the negativity towards lawyers came mainly from males who were either older youth or younger youth. Further analysis revealed that this negativity is also related to the experiences of the participants concerned, with lawyers. However, the dominating positivity towards lawyers' performance was also replicated in the two focus group discussions where there was general consensus that lawyers within the New Zealand criminal justice system are performing responsibly. The adult focus group unanimously agreed on the idea that lawyers contribute positively towards maintenance of justice. Similarly, the older youth focus group agreed that there is a need for lawyers, especially 'honest lawyers', within the New Zealand criminal justice system.

Figure 6.6: Bar graph showing participants' attitudes, by age group, toward the general performance of lawyers within the New Zealand justice system.



Another important discovery in this analysis is the desirability for Samoans to have a family member who is a lawyer. Only two participants, both mothers, shared and supported this idea, and the following excerpt is an example:

E aogā keke lōia ma o le mea fo'i lega ga ma kaumafai ai a e support si a ma kama lea ua kausaga lua i le fa'a- lōia i Otago....o le mea mo'i a, amuia a se aiga e i ai se lako lōia oga o le makua'i kaugakā o loia i le gei kaimi ia ae ga fo'i ke silafia ua koeikiki a o mea uma ua maga'omia a se lōia ga ke saigia

Lawyers are very useful and that's why we really tried to support our son who is on his second year at the Otago law school...the truth is, blessed is a family which has a member who is a lawyer because lawyers are currently very expensive and you know in almost everything a lawyer is required to sign (Sa'ili).

Despite the fact that only 4% of the participants felt it important to have a family member who is a lawyer, the strength of their contribution is seen in several areas. One, it reveals the importance of family and parental support for family members who study law. In this sense, the student's academic journey becomes a family affair, rather than purely an individual struggle. It is important to know at this stage that Sa'ili's husband moved to Dunedin for six months to transition their son smoothly into the new environment. Sa'ili and her husband are currently factory workers, but were primary school teachers in Samoa. Secondly, the idea

above makes a strong link between the law profession and family economic situations. That is, lawyers' fees are 'very expensive', perhaps an increasingly expensive necessity. Having a family member who is a lawyer will therefore not only alleviate that economic burden, but also increases the security and status of the family, as the notion of blessing exemplifies. Finally, this idea supports Paulin, Kingi and Mossman's (2008) recommendation for more Pacific lawyers in the community, especially those with cultural understandings and who speak one or two Pacific languages.

6.2.3 Judges

Participants' initial responses regarding the performance of the judges of the New Zealand criminal justice system revealed a highly positive attitude in terms of both gender and age group (Figures 6.7 and 6.8). In fact, 50 (92 %) of the participants were favourable of the judges' performance compared to only one who thought otherwise. Only two participants offered no view.

Figure 6.7: Bar graph showing the attitudes toward the general performance of the judges of the New Zealand criminal justice system according to participants' gender

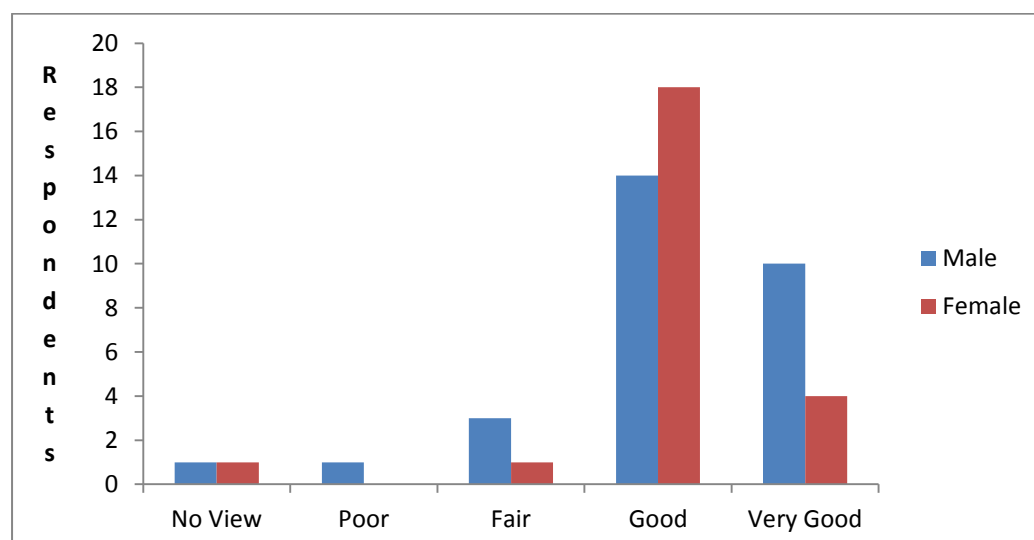
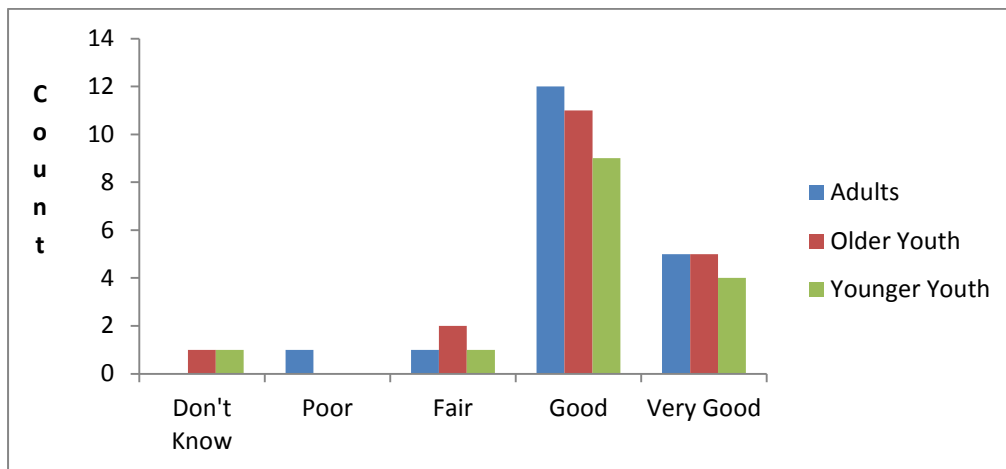


Figure 6.8: Bar graph showing the attitudes toward the general performance of the judges of the New Zealand criminal justice system according to participants' age group



Post-survey data confirmed initial results in the sense that the majority of participants rated the performance of judges positively. Some of such positive remarks are as follow,

The law is there and the judge all the judge is doing is apply the law. They don't make or come up with new laws like on the spot...yeah I think they're doing their job (pause) like umm really well (Juline).

I don't blame the judges aye; I do have a lot of respect for them and it's not their fault that I'm there in the first place. I never had problems with them like I had with cops and those bastards in prison aye (Tolai).

Furthermore, the two participants who shared no views and the one who thought the judges performed poorly all changed to favourable views during personal interviews. The two focus groups also agreed unanimously that the judges of the New Zealand criminal justice system are doing their jobs well. The general consensus among the respondents is that the judges only act on the basis of the facts that are presented before the court and how such facts are

presented and interpreted by prosecution teams and legal representatives. As such, judges should not be blamed for crime and recidivism rates.

Thus far, the chapter has concentrated on portraying participants' superficial attitudes toward the criminal justice system as recorded in the pre-interview survey. This is important because it shows the participants' current views before they were challenged in the personal interviews and some during group discussions. In the ensuing discussion, the researcher will report on how the enquiry and subsequent analysis revealed latent and deep-seated views of the participants regarding the New Zealand criminal justice system.

6.3 *Prisons are counter-productive to rehabilitation*

This theme summarises responses about how prisons or correctional facilities perform in terms of governing inmates. It is an overall look at the environment of prisons and how these institutions perform, but does not demarcate between and among actors within the prison system. As such, it focuses on reproducing the essence of a credible understanding of the prison environment. Credibility in this sense was measured in terms of whether participants' reports were informed by real life experiences or not, irrespective of how subjective these narratives may have been. This theme is supported by reasons why prisons are counter-productive to rehabilitation.

Participants' views about the correctional system were mixed. The majority (70%) of participants rated prisons favourably in the pre-interview survey, and did not change their positions during the individual interviews, due mainly to being without first-hand knowledge

of imprisonment. However, it is still important to cite an example of a typical report from this group as the following excerpt from Numera⁷⁷ will illustrate:

Akogu a la e a e aoga falepuipui pau a le mea foi gale ia umi ga kaloka maise a kagaka ia e fasioki kagaka ma gaoi, 'aue ge'i koe kalaia mai i kua...ke iloa la e ok a seki a falepuipui lakou

Maybe prisons are useful the only thing is extend incarceration time especially murderers and robbers, don't release them back out...I know prisons are ok (Numera).

By contrast, the narratives of seven (13%) participants who actually experienced imprisonment were based on their 'lived experiences'. Furthermore, of the twelve participants who had at least one close relative incarcerated, nine (75%) related negative stories that were based on their personal experiences with the prison system during jail visitations. In all, 30% of all participants shared their lived experiences and their stories were therefore more credible than those of the 70% who thought, anecdotally, that incarceration worked.

The main thrust of this theme is that incarceration does not work, in the most part, in terms of rehabilitating people who have broken the law. On the contrary, prisons and the whole practice of incarceration provide an environment that is conducive for creating 'super criminals'. The participants' shared knowledge suggested two factors that support this understanding of the prison system. The first is that the prison environment in general is not ideal for young and vulnerable law breakers. For example, one participant had this to say,

⁷⁷ Numera maintained during the individual interview that perhaps (*akogu a*) the prison system is working well to control crime.

Prisons don't work; that's my view. They are universities you know you go in as a naïve young and you know you don't know nothing but you often come out with a kinda new knowledge of how to do crime better than before. The guys in there are professionals and the best in the business. What the public don't know is that these guys you know although they live inside but they control everything outside man (Sefo).

Other participants supported this line of thinking and shared their knowledge as follows:

It's a tough place in prisons and if you're not strong man you'll just break and umm give in to the demands of the real rulers of the prisons man. You think those cops and guards had it sussed no way bro; gangs control prisons. That is the hard honest truth man...I may've been there just less than a year but that's enough to know what the damn place is all about aye (Tuli).

The prison is like a secure kinda place to learn how to commit crime without or maybe with very minimal detection. Of course you don't trust everybody in there but yeah I learnt more about crime more like how to avoid detection and the cops when I was in prison than outside; there's just so much knowledge of how to do crime inside (giggles). We just get information from outside easy just like that (Tolai).

Yeah of course like we were allocated to different courses and different kinda programmes but you know what, I was also even learning more crime techniques and how to do it better and safer when you got out.... I had like a mentor kinda older mate who took me under his wings but because of my size and umm strength umm so he knew I wouldn't be easily bullied or (pause) scared of anyone or anything so yeah I learnt quite a bit from those guys; you learn from the best to say the least (laughs) (Nathan).

The second factor that contributes to prisons being environments where offenders learn how to reoffend is related to the way living spaces in prisons are organised. That is, the current allocation of living spaces within prisons is more conducive for the establishment and solidification of long-term ties and bonds between certain criminal gangs. Such relationships

are also highly honourable between and among parties involved as the following excerpts reveal:

They were silly, very stupid to put the Pebbles⁷⁸ right next door to the Rocks⁷⁹....the Pebbles are super rich man major importers of CNT⁸⁰ bro but are really small and very scared (giggles) but the Rocks are real committed risk-takers man and...you know they are poor our poor bros. So they exchange their strengths; Pebbles offer financial support and Rocks offer physical protection like almost personal security guards for Pebbles...these deals are sealed and honoured both inside and outside, make no mistake about that (Sefo).

Fiti, an adult male who joined a gang for the first time ever during his first imprisonment, provided this story which resonates with Sefo's assessment of events within prisons,

On my first 'court time' I went to a far corner and stood with my back against the wall and just stood my grounds and a real sturdy guy walked up to me and I thought it was trouble, but he like gestured that he wanted to talk and that's how I became a member of the 'Fishers'⁸¹ but I never belonged to any gang before I went in. And not long after that I got transferred from my original cell to one in the same zone as the other members of our gang (Fiti).

In the final analysis, despite the fact that the majority (70%) of participants rated prisons positively, the views of the sixteen who either experienced incarceration or had a relative imprisoned, were rated more relevant and therefore more beneficial for this study. This is

⁷⁸ Pseudonym

⁷⁹ Pseudonym

⁸⁰ Contact NT is a cold medicine and is the basic ingredient for the production of the P drug, otherwise known as ice.

⁸¹ Pseudonym

because, in the view of the researcher, the lived experiences of the latter group were more valuable in terms of contributing to an understanding of what actually happens in correctional facilities that the general population does not normally have access to. The knowledge that prisons are counter-productive to rehabilitation, in that their environments and organisation often create favourable settings that are conducive for producing more and better criminals, presents a challenge for both policy makers and crime control professionals. Furthermore, the understanding that one's knowledge of how to do crime better while being incarcerated, is indicative of the fact that sharing and learning do play a central role in one's criminality. As such, the concept '*faiva*' (see chapter 7 for a more detailed explanation) is a useful way to explain this.

6.4 *Primacy of Access to Information and Knowledge*

In our modern society, the importance of people having equitable access to necessities that ensure their safety and comfort is paramount. The same could be said of access to knowledge and information. The theme, primacy of access to information and knowledge, emerged from the data around the topic of crime rates in New Zealand, including the question of why Samoan people over-represent in violent crimes (B. Morrison, 2009). The analysis of participants' responses revealed three different types of access that the researcher thought were crucial in terms of understanding the wider views of Samoan people. Such include public access to information and understanding, public access to justice and fair treatment, and public servants' access to cultural protocols and knowledge.

6.4.1 Access to information

In terms of the current study, public access to information and understanding involves two things; making information physically and easily accessible for the public, and ensuring that the information, in whichever form it is presented, is readily comprehensible and user-

friendly. The importance of access to information was picked up in the data related to the discussion on why participants stated in their survey responses that crime in New Zealand was still escalating. Thus given that an overwhelming 83% of participants incorrectly thought crime was increasing, it is fair to suggest that participants lacked adequate information about recorded crime in New Zealand recently. The following segment of the interview with Paul will illustrate this point,

Res: You ticked yes to the question of whether crime is going up or down in New Zealand. Why do you think so?

Paul: I thought that was the case wasn't it?

Res: I'm interested in your thoughts. Why do you think crime is increasing?

Paul: Oh coz you know it's all around us and a while back you know there weren't this many cops but ah they like come out of every corner these days so that must mean something (giggles).

Res: Ok well according to police records, crime has continued to go down in New Zealand. What are your thoughts on that?

Paul: Oh never knew that but if that's the case (pause) I don't know aye

Res: Do you think it's important for you to know the facts about crime in New Zealand?

Paul: I guess so yeah but I don't know umm where to get that from.

It is interesting that while Paul was not well informed about crime facts, his conclusions were also not totally opinionated, because they were based on observation. That is, Paul compared the visibly increasing number of police at present with the past, and reasoned that such an increase must mean that crime is on the increase as well. Other respondents' narratives provide support for the above view and have the following to say,

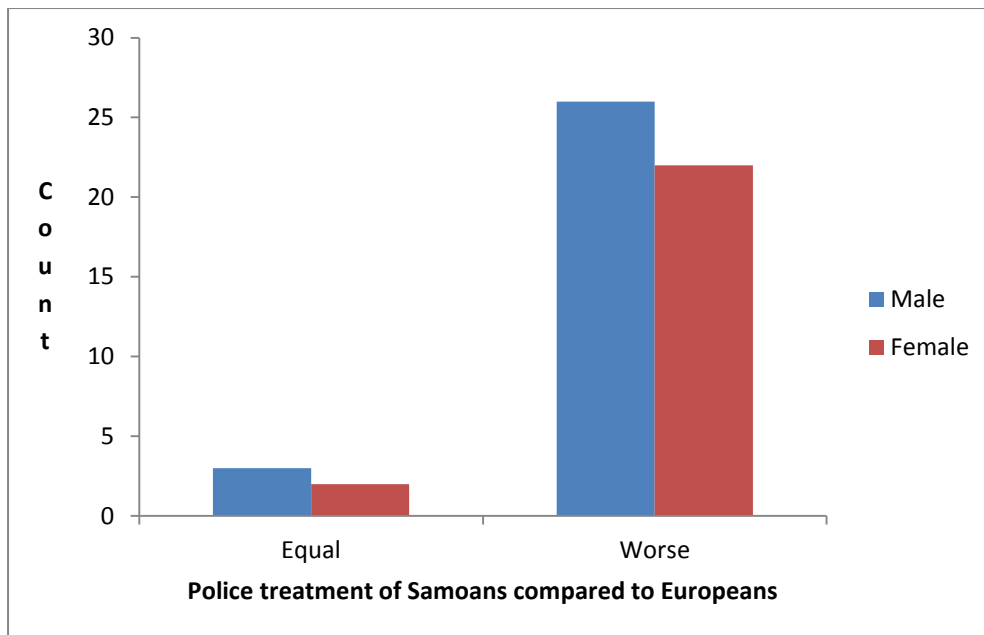
Ia kakou iloa uma a 'aia o lea e sau a i le kivi i aso uma ma leikio ia ga o fa'alavelave a le mea o le soli kulafogo e le misi se aso. Maukigoa a o lea e fa'akupula'ia a le gumela o kagaka soli kulafogo.

We all know because it comes on TV every day and the radio it is just trouble, a lot of law-breaking never miss a day. Surely the number of people breaking the law just keeps growing (Moega).

We moved here from south thinking...it's a *palagi* (European) area and...maybe less crime but I think that's wrong. Here's just the same as south and there's just more crime all around (Peta).

Similar to Paul's reasoning, other respondents based their views on their interpretation of media reports and other activities around their neighbourhood, which again means that such conclusions are also observation based. What this tells us is that the vacuum that is created by the lack of information for the public is filled in by the media and people's interpretation of what they see happening around them.

Figure 6.9: Bar graph showing how participants' rated the treatment by police of Samoans compared to Europeans in New Zealand.



When participants were asked what someone may need to do and follow if charged for an offence, their responses include the following,

I really've got no idea aye...I think it's up to lawyers to tell you what to do (pause). Isn't that their job and what can I do? And then you mmnn just pay their bills I guess (Jasmine)

Ia ka ke le'i ku a i se fa'amasigoga ka'u mama aku a i lau susuga (giggles)...ia a o le mea mo'i a e leai a saka mea e faia pe a fai mai le leoleo ia ma kaofi ka'ika ia loga uiga ua ka soli kulafogo. O le a a la le mea e kupu ia o loka a fa'akamala

I have never been on trial to tell you plainly (giggles)...but the truth is I cannot do anything if the police officer says and stops me which means that I have broken the law. So whatever transpires it's my own carelessness (Moega)

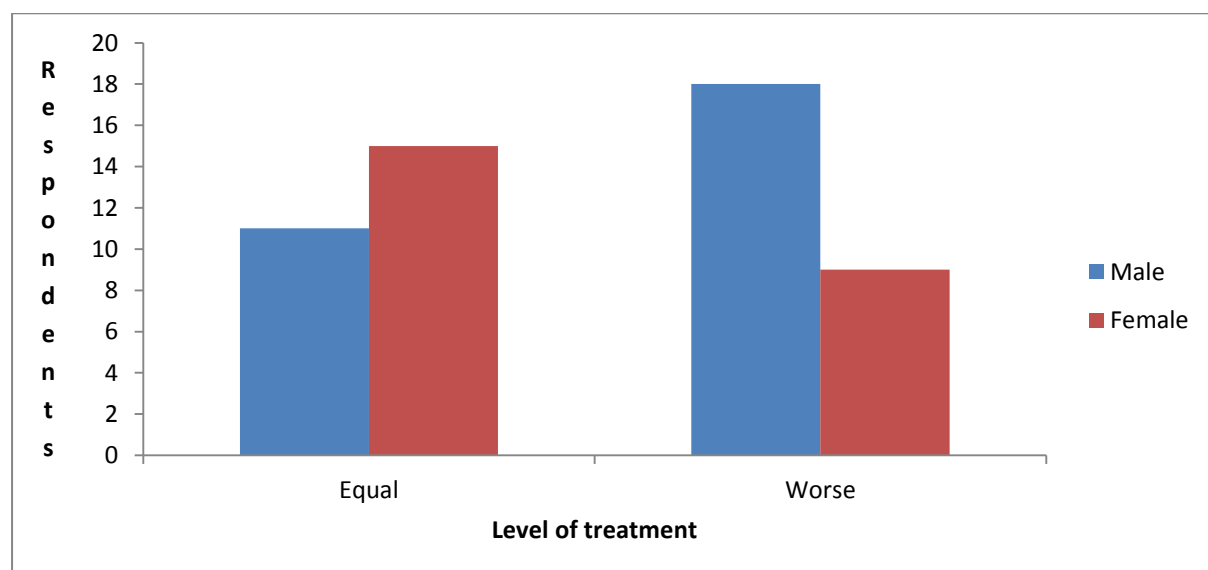
I think you just take your leads from the cops when they charge or you know arrest you and then (pause) yeah they should like give people information and what have you. You know what I mean? (Paul)

The above examples are indicative of the fact that participants do not have adequate access to relevant information regarding processes within the criminal justice system. They reveal a level of ignorance that renders these participants vulnerable. As such, participants become oblivious to the legality and equitability of the service that they would receive from different players within the criminal justice system. This leads to the next type of access, which is access to justice.

6.4.2 Access to justice and fair treatment

This theme, importance of access to justice and fair treatment, emanated from the analysis of the data related to the question of how Samoan people were treated by different professionals within the criminal justice system. The majority of participants thought that Samoans do not have ample access to justice. For example, 48 participants (90.6%) claimed that police treat Samoan people worse than New Zealand Europeans (see Figure 6.9). Further, slightly more than half (51%) of participants thought that judges and lawyers treat Samoan people worse than Europeans (Figure 6.10). Participants who were male, adult, older youth, and unemployed tended to dominate in having this line of thinking.

Figure 6.10: Treatment by judges/lawyers of Samoan people compared to Europeans.



The following examples are drawn from responses during the discussion around the question, “What are your thoughts about the performance of the Ministry of Justice as a whole, including the court, police, prisons and others?”

O le makua'i kele a o le fa'a'au'au ma le fa'ailoga lagu i igei; o se mea ga la'ikiki ae uma age se case sole pei a o le fasioki kagaka le mea ali'i

There's just so much bias and racial discrimination here; a trivial thing can become like it's a murder at the end of the case (Moega)

Justice system? (giggles scornfully). I think it should be called injustice system; it sucks. You want my honest opinion? The honest truth is, it truly sucks man. You know like they drag things on and on and on you know; for what reason? I think we both know the answer to that one. There's no such thing as justice in there (Sefo)

O le mea a ka ke fo'i lea o le faiga o gai o kakou kagaka e le au igoa fo'i lea. Mea mo'i a pei a gai kakou kagaka gi magu fo'i gei ia mo'i a fo'i gei o le soli kulafogo a o le soli kulafogo, ia a o kupu ma kamali'i o si kakou fo'i akugu'u e i ai a 'auala e fai ai ia pei o la ka ga vaai foi lele i ai

The thing for me is the treatment of our poor people by these guys. The truth is our poor people are like animals and while it's true that law-breaking is law-breaking but these are kings and paramount chiefs of our country but there are alternative ways to resolve these and that's just my view of it (Alefa).

When participants were asked about police treatment of Samoans compared to other Pacific Island people, an overwhelming 96% of participants thought the two groups receive equal treatment (Figure 6.11). Similarly, 79% thought that police treat Samoans and Asians the same (Figure 6.12). This means that in the view of the participants, police treat Europeans better than Samoans, other Pacific Island peoples, and Asians.

Figure 6.11: Participants' views of treatment by police of Samoans compared to other Pacific Island peoples.

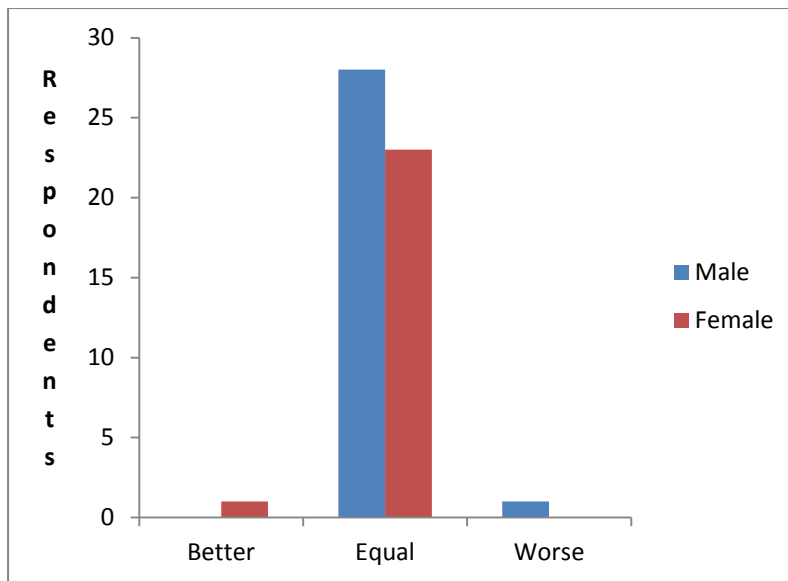
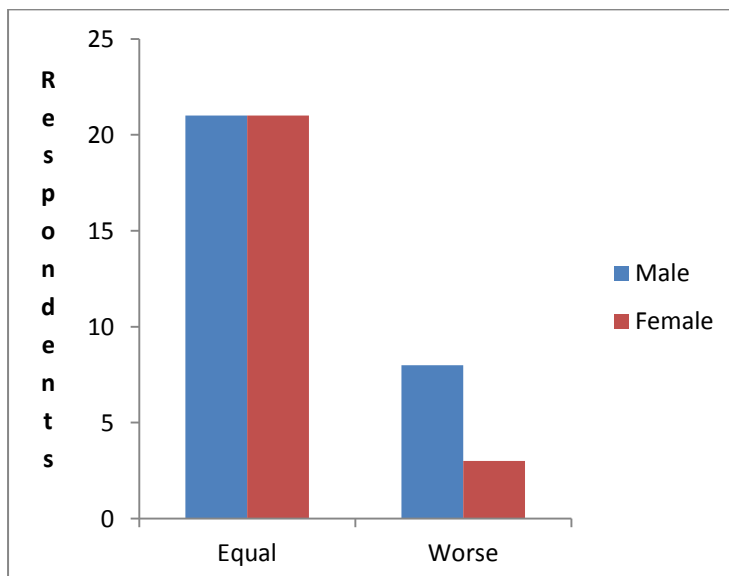


Figure 6.12: Participants' views of treatment by police of Samoans compared to Asians.



6.4.3 Public servants' access to cultural knowledge

The final type of access is public servants' access to cultural knowledge and protocols. Responses to further query on participants' negativity about the treatment of Samoans and other Pacific Island people revealed that 74% of participants thought it is important for public

servants to understand how to deal or connect with Samoan people. The following four examples from interviews illustrate this point,

Oh they're damn rude and arrogant. That's why I never respect them; I don't coz they just don't give a damn about our culture (Moni).

O le kogiga a e alai ga pei e kau ama mai kagaka ae o le mea mo'i a a fiu loa kagaka, ia e leai a sesi mea ga o le lavea a o le leoleo le mea e kupu.

It's the (police) uniform that restrains people but the truth is when people have had enough, then there's nothing else but what will happen is that the cops will get hit (Sa'ili).

they've got themselves to blame most of the times I think. It's like it's their way or the highway with how they deal with our people; don't bother trying to talk like *fa'aaloalo* (respectfully) you know what I mean? So people get worked up coz of them, yeah that's what's happening (Sam).

oh don't get me wrong the system is good like good to have the justice system but I believe the people who work, like run the system are the problem. Cops and social workers you know those...from CYFS, is that right, CYFS? Yeah it's them that treat our people bad and I'm sure they hit their kids too but they treat us like we don't love our kids (Jasmine).

As a consequence of not having cultural competence, criminal justice professionals have lost the confidence and respect of the public, in as far as the participants of the current study are concerned. Further, other latent issues emerge like honesty, consistency of practice, and transparency. The above narratives resonate with the claim made by one informant who formerly worked closely with police, and whose interview is presented below in part;

There's absolutely no doubt about a culture of bias in police work. How they deal with calls from places like Remuera and Parnell is totally different from how they treat domestics in south Auckland. They don't mess around with those

lawyers and high people at Remuera who'd just tell them to not interfere with their private buseness (Pasi).

In the final analysis, participants thought that it is crucial for the general public, including Samoan people, to have access to information that is readily understood and user-friendly. Furthermore, access to justice within the New Zealand criminal justice system is also of fundamental importance especially in areas where the public's lack of understanding may either restrict or detrimentally marr the exercise of their rights to fair treatment within the criminal justice system. Similarly, participants also indicated that justice professionls need to avail themselves to, and understand culturally acceptable ways so they can work with Samoans and other Pacific Island peoples more effectively, and therefore gain the respect of these people.

These findings reflect Piere Bourdieu's (1984, as cited in Prieur & Savage, 2011, p. 569) notion of cultural capital which is arguably manifested in three different forms. These are; 1) embodied qualities such as mind and body, 2) objectified physical goods like musical instruments and other cultural artifacts, and 3) institutionally-oriented achievements like academic skills and qualifications. Cultural capital is not universal but culturally relative. Thus in the context of the current study, it is important for Samoan people in New Zealand to have access to Western cultural capital such as Westminster practices of law-making as well as other forms of academic understanding.

6.5 Crime is a Permanent Feature of Auckland life

The findings and claims that crime is decreasing perhaps present the deceptive picture that crime will eventually be eradicated from our societies. However, there is strong support in the data of the current research for the argument that crime is a permanent feature of Auckland life, as the following factors will exemplify.

First, crime is permanent due to a claimed ‘continued corrupt associations’ between certain professionals within the criminal justice system and criminal groups or individuals. This means that while it is already bad enough trying to combat criminal groups, it may be even worse to try and crack down on public servants who aid criminal groups. The involvement of public servants in criminal activities of this nature could be explained by General Strain Theory’s argument that people resort to crime as an alternative means of accomplishing life’s goals. Thus as example from the data, Nathan, an adult male and New Zealand-born, has the following to say:

I think...personally, people who think the crime problem is under control are really kidding themselves...far they must be from another planet. That’s a joke and they know it...far too many corrupt cops, too many corrupt prison guards and that’s why there’s far too many crimes being organized from inside prisons (Nathan).

Two other participants share this same view but also include the notion of investment in criminal activities as another reason why crime is a permanent phenomenon within our society;

So yeah I’m a wouldn’t waste time thinking about how to solve crime (giggles) coz crime will never like stop or what you know like a lot of crimes especially the big ones are all inside jobs with them (cops and prison guards) in there; they plan it all from inside and make no mistake about that bro. They know it and they’re part of it big time man (Sefo).

E le kaikai uma solikulafogo leaga e kausolomua a i kama makukua le kaulamua ai ma e iloa uma a e pagoka ia aua e kofu a pagoka ma si aga kama kausi (‘ata’ata). E sao aku a ioe so’o se ikuaiga fuala’au a e sao aku a i kokogu o le ko’ese ioe ae maise a mea ia o kegi ia e fa’akegi kegi a ma leoleo o le fale puipui.

Law-breaking will never cease because the senior boys (reference to the prison guards and probably police and lawyers but means people in power) are in the forefront and the inmates know it because every prisoner has a mate (giggles).

Drugs of any kind still get through into the prison especially gangs that have good rapport with prison guards (Mika).

Some of these guys have committed too much time and money to this cause and I really doubt that they'll ever quit it's their life man and they've sacrificed so much it's not to say that people can't change but come on it's bread and butter for many (Sefo).

You know frankly speaking this is what I do for a living man got no education no job c'mon brother I earn more doing drugs than trying to hold down a stupid job that pays lousy money man. Those people will exploit me my lack of knowledge no damn qualification and probably give me what, nine dollars is it that, or even ten an hour? Shucks (giggles) that is crazy, yeah, that's crazy! I'm happy with what I'm doing and enjoying a bit of a cat and mouse with the cops (giggles) but that's life man (Nathan).

Nathan, Sefo and Mika share a common ground in terms of having been to prison here in New Zealand more than once. Their stories are informed by lived experiences. While Mika had already severed his gang and criminal connections by the time of the interview, Nathan and Sefo are still actively involved. In fact, Sefo has since left the gang in which he was a member during the initial interview. Sefo reported later that he is currently a member of a gang that is highly organised and more notorious than his former gang.

Participants who claimed to have committed no legal offence at all also share the same understanding. For example, Rosa, an unemployed adult female, said the following:

Ka ke fesili a ka'ika pe fa'afefea ga sao gei mau drugs i kokogu o fale puipui ia a o lae a e sao ae 'ese le malu o lakou security pe a makou o e asiasi i ai. Ia loga uiga la e a e sao aku i kagaka la e va'aia le fale puipui aua e o'o i makou ako ma jackets e makua'i siaki fa'alelei uma a.

I often wonder as to how these many drugs get into prisons when the security is very tight whenever we go for a visit. So it must mean that drugs get in through the

people that look after the prison because even our bags and jackets are all carefully checked (Rosa).

Similarly, other participants shared their knowledge as follows;

My brother is a constant with the cops and the monkey house aye. He knows exactly that what he's doing is wrong you know...we've no doubt about it but I think he has it too easy inside I guess. The prison is his second home (Rata).

Contrabands and heaps other illegal stuff always make it into (pause) their way into the through the prison security man. I think the whole organisation include them cops as well and maybe the guys who work in prison. There's stabbing and drugs in prison so come on drugs don't walk into prison by themselves! (giggles) (Sam).

I think that's why our youth leader you know at church resigned from his job in prison...He said he saw drug dealings going on while other guards were watching but yeah I think he left coz he didn't wanna be involved but yeah I think there's much to prison operations than meets the eye (Mua).

These last three excerpts are important to the current analysis for two reasons. The first is that all three are youth. They reflect the understanding and concern of the general public in terms of how drugs and other illegal material often manage to get past very tight prison security. Second, Rata and Mua are young females whose contribution to this investigation is the sharing of their perspectives on a topic that is usually male-dominated.

Another factor that supports the 'unthreatened continuation' of crime within the New Zealand society emanates from an analysis of responses to the claim that young people who are supposedly involved in gangs are 'wannabes'. This is a term that was coined to define a group of individuals who attempt to gain group status by acting as gang members through dress, language and handshakes, but may not have the criminal associations or intent in their actions (Agnew, 2003; Ministry of Social Development, 2008). As such, this factor is not as

manifest and straightforward as the others discussed above. For example Fusi, irrespective of her immigrant status, has grown up in New Zealand for the most part of her life. She claimed to have not committed any crime despite having very close relationships with a Samoan/Pacific oriented youth gang. When asked what she thought about the wannabe description of young people in gangs, she said,

Oh I think that's kinda stupid that kinda idea cos umm (pauses) you know, what's so wannabe about bashing someone on the head? It's real stuff man and I've seen it and I'm not lying. You know what I'm saying? I've never seen fear in those guys when they did what they did (Fusi).

Moni, who also was born in Samoa but came to New Zealand as a child, is an adult who is high up in a novel but very notorious gang. This is what Moni said about the idea of wannabe,

You get the kinda kids that need money and are like the risky you know it's not hard to pick them up. You give these kids some money and they'll do anything you want...they won't be scared to do it and the hee-hah keeps pumping in them for some time (Moni).

Moni's remarks endorse Fusi's point about risk-taking. In a sense therefore, the contention that the right 'kinda kids' are possible to be found and perhaps recruited subsequently, is a strong contributing factor to the continuation of crime's existence. Relatedly, the recruiting possibility is further strengthened by the reality of financial compensation, which, in a real sense, is a form of investment. The natural consequence of this is to ensure sufficient tutoring, mentoring and training for the young recipients of gang money. This, therefore, is how crime will continue to exist, if not flourish, in our society. According to the above examples and discussion, it becomes clear that Lemert's (1995) explanation of 'secondary

deviance' can be applied here. That is, young people who are given the 'wannabe' label go out to prove who they really are.

The notion that crime is here to stay also gets support from participants who work closely with criminals as the following reports will illustrate:

But I think crime in general will continue to rise despite the best of our efforts. That's what I see with you know all (inaudible) of family violence all the stuff and sexual abuse, spousal abuse you name it, it's all happening even in the best of families. I guess we can't control family situations and sometimes our people everyone can't control stressful situations so it's very hard to know what might happen. Some of the worst cases I've dealt with happen at church or even during family worship. I don't know why but that's what's happening (Juline).

...ua kua'i leai a se 'ese'esea o igei ma Amelika. Ga o mai foi i igei fa'apea e sili aku ae va'ai aku ua kukusa lelei a...

...there's really no difference between here and America. We came here thinking it would be better but [I] see that they are really the same...(Mika).

Niue, a male social worker like Juline, concurs with the above idea as his statement below shows,

Oh no way!....I mean there's new crimes happening every day and if it's fun to those who do it, then yep it will continue to grow. It's up to the individual to kick the habits away otherwise I think it's asking too much to suggest or even to think that crime will ever stop. In our line of work we just try our best to assist victims and their families yeah and perpetrators as well (Niue).

Overall, there is strong support in the data for the idea that crime will remain with our society despite the combined endeavours of multiple agencies to quell it. The difference though, emerged from an analysis of what participants thought the contributing factors to the continuity of crime were. So on one hand, the blame was on the individual as implicated by

Niue, who thought that “it’s up to the individual to kick the habits away”. Juline’s mulling over the idea of ‘controlling family violence and situations’ somewhat aligns her thoughts with Niue’s. Such thinking of course signifies neoliberal influences which shifts responsibility from state-ordained structures and systems to individual responsibility. This comes as no surprise given Niue and Juline’s close association with state services. Conversely, the majority of participants thought that crime control agencies such as Police, and other state-controlled/influenced institutions are biased against minority groups, including Samoan people, and are therefore indirectly instrumental in crime’s constancy. In this sense, labelling perspectives become useful in terms of understanding crime.

6.6 *Understanding the Notion of Family*

The family theme derives mainly from the narratives of two groups of participants. The first group included participants who were former and current members of criminal groups by the time of the interviews. The second group comprised participants who had some connectedness with former or current members of criminal groups either as close relatives, spouses or acquaintances, but who claimed to have had no involvement, either directly or indirectly, with actual anti-social activities. The first group made up 28.3% of the total sample, while the second group consisted of 11.3%. In all, 40% of participants shared the knowledge and understanding that is summarised in this section. Irrespective of the size of this group, the usefulness of their narratives relate to the fact that such stories were either the lived experiences of the actors, or stories received first-hand, as in the case of the second group.

Based on the data, the family theme is defined simply as the availability of, and having access to one form of support or another for participants who were involved in anti-social activities. The key elements of this definition or theme are availability and accessibility. Availability

means that the informants are comfortably aware of what is there for them in terms of support. Furthermore, it also means that the providers of such a support are also comfortable in giving it, as the following excerpts will illustrate:

It's just you just can't do some things at home or when you're bored at home and that's when you need your mates and you know my usos are always there. So I guess I just enjoy the best of both worlds (Fiti).

kama a si o'u uso e o mai so'o ai a leoleo ia ae o mea a o kamaiki, ia pe ka'i lua, kolu aso o alu i aga kegi, ia ga o le sau a i le lako fale ia moe; sau foi i i fai aku e alifo e va'ai saga mea'ai ia ga o le aka a pe la se kamaikiki e kaukala so'o.

The police always come for my nephew but it's just young people, he would go for two, three days with his gang, just comes to their house sleep, also comes here and [I/we] tell him to get something to eat and he would just laugh; he doesn't talk much (Numera).

Similarly, accessibility means that the provision of support is a certainty with perhaps very minimal restrictions, and is also relationship-building oriented rather than severing relationships. As such, the person concerned is therefore assured of unconditional acceptance. This does not mean that an individual is let loose to exercise an uncontrolled life, or that the parents and guardians have refrained from disciplining and monitoring the household, but that the culprit is made not to feel abandoned irrespective of the anti-social nature of his/her extra-familial activities. In this sense, the support that an individual requires is therefore easily accessible as the following examples will illustrate:

Lo'u ucle go'u gofo ai go uo'u sau mai Samoa e ika a go ua ga iloa ou ke alu i kegi ia ae kalagoa lelei mai a ma apoapoa'i mai fo'i e va'ai ge'i maimau le olaga. Ia e sa'o a si koe'iga ae ala a ga ka alu ai o le gaugau a fa'akalavou ia ae maise o le makua'i seki a laka mafuka aku i gai uso ia ia masagi foi kala lakou

My uncle I lived with when I arrived from Samoa used to be angry when he found out I was affiliated with gangs but he would talk nicely and counseled to not waste life. The poor old man was right but I went due to youthful longings and also it was really good associating with those brothers and I became comfortable with their talk (Vainiu).

For me the hardest thing was trying not to let mum and dad know or you know suspect the real reason why I was late from school sometimes. I don't wanna put pressure on my especially my mum coz she always panics and jumps to conclusions so I think it's good that she doesn't know but yeah it's not easy to try and act like I'm not with my friends and the kinda stuff they do (Fusi).

We always have to make sure like really sure that my family don't know what me and my usos do coz to me that's a form of narking as well, you know, I can't control my family's friends and who they talk to so if they know what me and my usos do then what then? I keep the two quite separate, same as my mates; they don't know nothing about issues in my family and I'm happy to keep it that way (Sefo).

Another point that surfaced from this analysis could be summed up with the notion of respect. It is evident from the data that the individuals concerned negotiated between family and gang in a manner that maintained the exclusively unique integrities of each respective entity; family and gang. Sefo's points about the possibility of indirect and unintentional 'narking', as well as keeping his family's issues concealed from his 'mates' are indicative of showing respect for the two distinctive groups.

In summary, the family theme suggests that participants who were involved in anti-social activities treated their biological families and gang families as two parts of a support system that was available and easily accessible. This is the only sense why these two entities with conflicting value systems are called families. Each offers a relative kind of support and therefore, the two entities are complimentary rather than compatible.

6.7 Sentencing

The importance of public knowledge about sentencing cannot be underestimated because it forecasts how the public reacts to sentencing. Further, public opinion, to some degree, also impacts on the sentences that the judges hand down (Rober & Stalans, 1997, as cited in Paulin et al., 2003, p. 29). Participants of the current study were asked to rate the level of punishment accorded to each of these six crimes; murder, physical assault, theft, rape, drugs, and traffic offences.

Table 6.1 shows a mixture of reactions to the sentences handed down by the New Zealand courts. Starting from the highest ranking, 79% of participants thought sentences for rape were too light. Of this number, 62% were males and 38% females. Further, more than 50% of participants who ranked sentences for rape as too light were in employment. More than seventy percent of participants ranked sentences for murder as too light. A similar number thought sentences for theft were fair, and that sentences for physical assault were too harsh.

Table 6.1: Percentage of ranking of seriousness of crime

	Too Harsh	Fair	Too Light	Don't Know	TOTAL
1. Murder	5.7%	16.9%	73.6%	3.8%	100%
2. Physical Assault	69.8%	22.6%	3.8%	3.8%	100%
3. Theft	18.9%	73.6%	7.5%		100%
4. Rape	9.4%	11.3%	79%		100%
5. Drugs	28.3%	39.6%	32.1%		100%
6. Traffic Offences	34%	64%	2%		100%
TOTAL	100%	100%	100%	100%	

Further inquiring during personal interviews revealed the key reason why most of the participants ranked sentences for rape as too light was honour. This, however, was viewed very differently by participants, as the following three examples will illustrate;

Kakou uma a e fai kako kuafafige...ka ke lagoga fo'i la le kiga pe a ka fa'alogo ua fai e sesi se mea i...so o se keige a leaga o le 'i'oimaka ga le mea o le kama.

We all have sisters...I would also feel angry if I hear someone has done something to...any girl because she is the pupil of the boy's eye (Vainiu).

Se o kama ga ma mea o kamaloloa pala'a'ai ma le maua gi keige. Kakau ga ave e kasisi uma aga ou fa'amasigo o le mea lega e fai.

Those boys and men are cowards and can't get girls. They should all be hung, if I was a judge that is what will be done (Moega).

I think raping someone is a true sign of insecurity you know? Those people shouldn't be allowed around women full stop...they don't deserve to be around women and girls (Jasmine).

Vainiu views rape not only as an invasion of the 'sister's' privacy or purity, but also of the brother's domain in terms of his responsibilities to his sister. The 'pupil of the eye' analogy bespeaks protection and responsibility. It is an honourable thing for a brother to protect his sister. Honour, from Moega's and Jasmine's comments relates to insecurity and lack of confidence in one's ability to use proper protocols to acquire a girl friend or a wife.

In the final analysis, the ranking of sentences for rape as too light is indicative of the fact that participants thought beyond the actual crime to include cultural understandings of social relationships within family and community contexts.

6.8 Importance of the Process of Knowledge Production

Similar to the theme of primacy of access to knowledge and information regarding the criminal justice system, this final theme extends the analysis to provide examples of participants' views of why Samoan people commit crime the way they do. That is, the analysis delves into latent factors that participants thought underpin Samoan people's anti-

social engagements. Respondents' views were shared in response to the researcher's probing for participants to discuss and share their thoughts on the notion that Samoans are over-represented in violent crime but not in total crime (Suaalii-Sauni, 2006, p. 31). Three sub-themes 'emerged' from the data; sharing and learning, practising, and success.

6.8.1 Sharing and learning

This section presents a summary of narratives that associated crime commission with the notions of sharing and learning of knowledge, information, and skills. All 53 (100%) participants related views that support the idea that the sharing and learning of knowledge is crucial to the survival and maintenance of crime. That is, criminals' adoption of novel ways of doing crime is often contingent upon the need to stay undetected. The following examples will illustrate this point:

It's a real cat and mouse with cops aye...so we've got to up our own skill level and ah like know when to be visible and when to go underground (Taua).

Ummm we always try to out-do and out-smart the other gangs, including the cops coz they are a gang too themselves so there's so much knowledge being shared within us that we share but we just don't share it with other people. It's the way it is (Sefo).

Oh you just know it and there's always someone to let you know how to do it and yeah you'll just know it. We just talk with my friends and do our signatures and stuff yeah our signature handshakes so we just know our own stuff (Mina).

People who know me are often shocked...when they found out that I'm a constant with cops aye. I'm from a (pause) well, reasonably good family...been taught good values and...the importance of working hard. My old man always talks about how life was in Samoa...was difficult...to motivate us but you also learn and try some other stuff with your mates...nothing to do with my family mate (Fiti).

...ia 'ae, se e le sesē a le 'upu a le akugu'u, "A fa'asa'esa'e a le vae o le pa'a makua ia e fa'asa'esa'e fo'i le vae o le pa'a la'ikiki."

...but the Samoan expression is not vanity, "If the old crab's leg staggers, the young crab's leg staggers as well"⁸²(Moega).

The above examples show that sharing and learning happen both in the family and outside the family. Further, sharing and learning also involve family members and non-family members, who may be more influential in terms of sharing and learning anti-social activities as the notion of faiva demonstrates (see chapter 7).

6.8.2 Practising

The sub-theme practising conveys the idea that people who become involved with criminal activities become better at them due to continually taking advantage of opportunities to practise them. The notion of practise is another crucial element of the Samoan process of knowledge production, as the following examples will illustrate:

O isi foi a kaimi se e kua'i fua le mau mea ma isi kagaka ae o le kele a o mea e fai e a kako fagau o mea a o lae va'ai e fai e makua....sa'o ai fo'i gai faife'au o kamaiki o mea pu'e aka a mea ali'i.

Sometimes other factors and other people get the blame but most of the things that our children do are things that they see their parents do....the poor pastors are also right that children are actually cameras man (Pulou).

...ia... 'e le sesē a le 'upu a le akugu'u, "A fa'asa'esa'e a le vae o le pa'a makua ia e fa'asa'esa'e fo'i le vae o le pa'a la'ikiki"...o le kele o makua ua ka va'ai aku ua pei ua fefefe i lako fagau. E pei o si a makou loku...e ke iloa aku le pei e kau

⁸² This expression means that children learn negative habits from their parents.

mumusū gai isi makua e fai se fe'au i lako fagau i le va'ai aku a o mimilo mai ma koekoe a 'a fa'akapugi mai e isi kamaiki gai o lakou makua.

...thus...the Samoan expression is not wrong, “If the adult crab’s leg limbs, the young crab’s leg limbs as well”...many parents as I see seem like they’re scared of their children. Like at our church...you can see the reluctance on some poor parents to ask their children to do tasks when they see some kids getting angry and almost shutting their parents up (Moega).

In these examples, it is evident that the principle of ‘monkey see, monkey do’ is most influential in the adoption and practice of knowledge and skills. Further, the effect of negative learning on some children has resulted in the public exposure of the parental skills of some parents. That is, participants thought that the children’s public display of antisocial behaviour is a manifestation of the learning that has gone on at home. Similarly, the learning and practising of criminal activities is an ongoing process within criminal groups as the following excerpt will illustrate:

...oh you definitely get your training and your briefing you know these guys are professional just like anything else...on how to do it safe to avoid detection by the cops and other authorities...you just learn on the job with a lot of advice from the other members and before long you know exactly what to do but if you’re caught you also learn how not to nark on your mates man (Sefo).

Finally, the following segment of Mina’s interview further illustrates this point. Mina is hinting at being involved with and doing some trivial activities with his friends. His remarks were shared in response to questions under the heading “Knowledge of crime.”

Res: How did you get to know how to do these things?

Mina: We just talk about it at school with my friends and arks them and (pause) yeah we just go out and do them.

Res: Please tell me more.

Mina: Ahh yeah we do some things during school time and just after school and ahh we mainly talk about things umm yeah.

Res: What exactly do you and your friends do, if you don't mind telling me?

Mina: We just go to the park and talk shit most of the times (giggles) and umn hear what the latest in our turf. We just talk about things like which area next to go to and time of night we go.

Res: What do you do at these areas?

Mina: Ummm we just do our stuff, like our art.

Res: What do you mean, what's your art?

Mina: Ahh you know graffiti mainly.

Res: How often during the week do you go out to do this?

Mina: Mostly twice a week, mainly weekends once umm some weeks we just don't go out we just meet at school and that's it.

Res: How do you decide on which night is good to go out?

Mina: When our parents aren't at home and busy with church stuff that's when we do it.

Res: Do your parents know that you're doing this?

Mina: Nah I don't thinks so.

Res: Do you think you're good at what you do?

Mina: Yeah coz we keep on doing it and just learn from each other.

Mina's answers could be summed up in the saying, 'practice makes perfect.' Further, what Mina states as the reason why they are good at what they do; "coz we keep on doing it", is also supported by Eliapo who says that,

When you're in this game there's no backing out you do as you're told and the more you do it the more confident you become, easy as that you become less fearful (Eliapo).

In summary, participants thought that Samoan people commit crime the way they do because they have both the opportunity and the willingness to continually become engaged in anti-social activities. In this sense, knowledge (of how to do crime) is progressive and its curtailment is therefore only temporary.

6.8.3 Success

The sub-theme of success emanated from the same discussion under the topic, Knowledge of crime, specifically from responses related to the 'why' questions. For instance, 19 (36%) participants connected crime commission to the notion of success. Twenty three (43.4%) participants thought crime is the result of rebellious and anti-social attitudes, while the remaining 11 (21%) respondents shared 'don't know' answers as to why Samoan people commit crime. While 36% represents just over one third of the total participants, the importance of their answers is related to the fact that they were relating their own lived experiences of being involved in crime. The other participants, on the contrary, were either totally ignorant of the facts, but gave an answer anyway, or responded on the basis of hearsay knowledge or anecdotal evidence. Therefore, the contribution of the 36% of participants, especially in terms of this investigation, was of greater value, as the following examples will illustrate:

Our family was very poor and we did we like all struggled to make ends meet...but now most of us work and we do this stuff on the side with my mates. I guess it only looks bad coz the law says so but far there's more worse things in New Zealand than this stuff you know...You look at these rich brats....they think that they are very successful because they drive beemas and mercs, some own big yachts...houses... you know, but some of my mates in this business⁸³ drive flash cars and cash to burn literally so they must be god damn successful as well if that's how you measure success you know what I mean? Everyone wants money...and I'll have your money anytime if you don't want it (giggles) (Tuli).

It's all my own personal choices....but doing drugs and doing other things on the side don't mean I hate my family. Nah man I love my family don't get me wrong I respect them very much mate but I also enjoy being with my friends and they're like a real family to me as well you know? (Fiti).

I think it's a personal thing...kids that don't want to do what their parents tell them to do you know they've got their own reasons but we all know that Samoan parents are very proud people and I think it's just the way they ah sorta talk to their kids sometimes but I'm sure they talk to their kids about how to do *fe'aus* (chores⁸⁴) and how to be *fa'aaloalo* (respectful) like all Samoan families you know to other people and...same as my parents. We were always getting the *kapigis* (hidings) you know (giggling) but it didn't stop us especially me and my older sister from trying out some other things that we thought you know were kinda interesting...we went clubbing yeah but just to see what it was like but we never drink, just laugh at people basically...(Joan).

Maua's story supports the above reports but goes further to insinuate that the risk is worth taking if it means transitioning the risk-taker(s) 'somewhere' in terms of progress and success, as the following suggests:

⁸³ Participant is referring to drug dealing in this sense.

⁸⁴ Where one or few Samoan terms appear in the English text of the excerpts, the author's translation(s) always appears in brackets.

Yeah I guess you're not wrong you know I mean yeah maybe doing crime is risky of course but it's what takes some of us somewhere you know but not everything that we do is bad but people see it that way and it's not fair but when you're written off by others like they see us as (pause) maybe just bad kids then the only way for us to remain sane sometimes is be with each other and do our own things you know? (Maua).

At this point, it is important to note that Tuli's remarks that "...it only looks bad coz the law says so", and Maua's statement "...but not everything that we do is bad but people see it that way", clearly exemplifies the relevancy of the labelling perspective to this investigation. That is, some participants were ambivalent given their understanding of the severity of some their actions compared to those they observed other people do.

Another aspect of success is related to the idea that the commission of crime elevates one's standing not only within the criminal group but also in the eyes of other gangs and even law enforcement. Offending, in this sense is linked to gaining status both intra-groups, and inter-groups. The following example from Sefo illustrates this point:

Oh yeah gangs know that it's a shame, in your face kinda thing if they get out witted by another gang and sometimes that's why gangs go underground; you know to protect our integrity but yeah like I said if we can outsmart (pause) mmnn even the cops then even better (Sefo).

This view of the rationale behind group membership and anti-social activities is consistent with subcultural theory accounts of the development of gangs as a way to gain status. In the sense that status is contingent upon the value judgements of other people or other gangs (Cohen, 2009, p. 196), it is conceivable that a strong element of criminal involvement is competition orientated. Individuals and groups who participate in crime measure their success both in terms of how other gangs view them, and also in how they are perceived by law enforcement agencies.

6.9 Discussion

This discussion of the above key themes and findings aims to situate such findings with both the body of relevant literature that speaks to each of these themes respectively and also to connect the findings to the Samoan philosophy of justice as discussed in chapter four. This is important for the following reasons. One, it establishes if these findings resonate with any other research findings, albeit replication is not a stated primary objective of the current research. The second reason why this is important is related to the fact that the comparing of the above findings to the literature will enable an identification of areas in the study of attitudes toward the criminal justice system in which there are gaps and where, therefore, further research is needed. Further, comparing the findings to the Samoan understanding of justice will allow for an elucidation of how Samoan people perceive these points. The first five themes will be discussed in this section while the sixth will be discussed separately in the next chapter; chapter seven.

6.9.1 Prisons are counter-productive to rehabilitation

Prison research often reveals public attitudes about how punitive prisons should be (Silvia, 2003). Many people believe tougher prison terms will control crime (Silvia, Graham, & Hawley, 2005). This attitude is evident in how New Zealand has adopted “increasingly punitive criminal justice policies over the last 25 years” (Lacey, 2011, p. 2). Further, power that is vested in the political and academic elite has also produced a stronger tendency toward a zero tolerance practice of punitiveness (Pratt, 2008). On the other hand, there is a growing number of supporters, especially from human rights groups, who continue to call for tolerance and alternative methods regarding incarceration practices (Davies, 1993). In the words of New Zealand’s stalwart female law academic, the late Shirley Smith, “To provide only a prison at the bottom of the cliff is not a solution. Criminals will just go on falling into

it, at great cost to the community” (1999, as cited in Lacey, 2011, p. 2). In terms of traditional Samoan law-making and penal practices, penalties are immediate, effective, deterring, and always for the benefit of the general public. Traditional laws are readily understood and often adhered to because of the community impact of such laws being broken. Furthermore, while there are always penalties for each village rule, the Samoan sense of justice also emphasises forgiveness and the maintenance of peace and harmony in the village, where the *ifoga* ceremony is always instrumental.

The current finding that prisons are counter-productive to rehabilitation seems to fit between the above two camps. That is, while it appears to be sympathetic with the idea of punishment, it is at the same time also lenient towards the side of alternative methods of dealing with convicted offenders. In other words, the current study supports a penal system, which includes imprisonment if necessary, but suggests that current practices related to the allocation of living space in prisons should be modified. This is to minimise and discourage opportunities to generate environments that are conducive for the formation and consolidation of further criminal deals and connections. It is important that the prison environment is safe (Waikai, Shelton, Trestman, & Kesten, 2009).

However, given the absence of clear and specific suggestions within the data of the current research for some better alternatives to incarceration, this researcher believes that this is an ideal area for further study. As such, it provides an opportunity and sets up a challenge for future research. It is important for policy formulation to gauge an understanding from the public about possible ways to deal with offenders if imprisonment is not a good option, especially in the case of migrant people who live by both the value systems of their new country and also those of their countries of origin.

6.9.2 Access

In terms of access to information, service and justice, the New Zealand Ministry of Justice declared that one of its major intents was for “courts and tribunals to be accessible to all users...access to justice through administering tribunals and authorities that provide various avenues for the public to achieve resolution for a variety of different disputes” (Ministry of Justice, 2008, p. 14). Further, availing the public of relevant and comprehensive information allows them to suggest moderate punishments. This bespeaks to the fact that decisions seem fairer when they are better-informed (St Amand & Zamble, 2001).

However, for many Pacific Island people, full and comprehensible access to information is always compounded by barriers such as language (both spoken and reading). It is therefore highly probable that such people will commit certain crimes purely due to the unavailability for them of proper means to properly understand what is required of them legally. In a sense, Agnew’s (1992) second type of strain – removal of positively-valued stimuli – can be applied here. Unfortunately for them, Crimes Act 1961, Part 3, s25 states, “The fact that an offender is ignorant of the law is not an excuse for any offence committed by him” (Butterworths Legislation Series, 2013, p. 39). To complicate matters further for these people, the Crimes Act 1961 also considers justified an arresting officer’s acts of wrongfully arresting a person whose name is not on the warrant (Part 3, s30) or arresting a person purely on the basis of suspicion (Part 3, s32) (ibid, p.41). While the arresting officer’s actions may be justified according to the law, they are not in the eyes of the arrested person to whom such law is perhaps not fully comprehensible. In fact, it is a challenge as one’s honour and dignity have been trampled upon. Furthermore, when suspected offenders and crime control agencies differ in terms of the criminality of an activity, Cultural Criminology’s contention the meanings of activities may change according to the manner in which crimes are dealt with by the controlling agencies, becomes a relevant explanatory tool. To avoid unnecessary

conflicts in these situations, justice information and process should be translated into layman's language for public access, as "the provision of information improves knowledge about and confidence in the CJS, and supports the view that there is no need to raise levels of punishment to increase public confidence in the system" (Chapman et al., 2002, p. 71).

6.9.3 Permanency of crime

Concerning the question of the permanency of crime, research shows that crime involvement peaks at adolescence and then quickly plummets from then after. This is because crime is strongly correlated to the age of the offender (Agnew, 2003; Stolzenberg & D'Alessio, 2008). Thus during post-adolescent years, offenders either cease or slow down their involvement in antisocial activities. The biggest contributing factor to this shift is mainly the availability of new offenders (Agnew, 2003), which therefore means that the slowing down or, possibly, termination of offending is on an individual basis rather than a systemic change. Thus, if such is the case, then what we have is a cyclical pattern which continues to produce more offenders. Given this non-deterrence nature of crime, offenders either go underground or alter the way they commit crime, like turning to prescription drugs rather than illicit drugs (Schroeder & Ford, 2012). It is at this junction, the replacement of old offenders by new ones, possibly 'wannabes' (Agnew, 2003), where further research is needed in order to gain an understanding of how to possibly intercept the replenishing cycle. But from a Samoan perspective, where the raising and training of the individual is paramount, the establishment and empowering of support systems around the individual provides an environment in which individuals learn positive trades and skills (full discussion in the next chapter).

6.9.4 Notion of Family

The family institution is an important entity to most Pacific Island peoples, including Samoans, irrespective of their countries of birth. Generally speaking, the family is the

foundation of Samoan and Pacific communities (Pulotu-Endermann, 2009). This understanding of the family was central in the development and execution of the *Pacific Youth Development Strategy* (PYDS) for the Auckland region (Ministry of Social Development, 2005). PYDS consulted with “600 young people in three cohorts of ages 9-13 years; 14-17 years and 18-24 years” (p. 6) who identified family, education and community as areas that they would like to see improved. The emphasis was placed on positive family role modelling, violence and drug/alcohol-free families, and education (p. 9).

The focus on young Pacific Islanders also emanated from findings that youth offending amongst this group was a real concern to the community (Ministry of Social Development, 2006; Families Commission, 2007 as cited in Nakhid, Tanielu, & Collins, 2009). Further, many such young people come from low socio-economic, low decile and mainly ‘migrant’ backgrounds. Consequently, the Ministry of Social Development chose Counties Manukau to pilot the *Pacific Youth Development Strategy* with the rationale that if it works in Counties Manukau, it will also be effective in other regions in New Zealand (ibid, p.6).

Given the above, Pacific young people from Counties Manukau come from families that are more socially disadvantaged than other young people in New Zealand. However, offenders from this group do not think of their families as any less important. Research found that Pacific young people’s gang affiliation and anti-social activities are not suggestive of replacing their biological families (Nakhid et al., 2009). In fact, it extends their horizons in terms of who they could rely on for support, as family (*aiga*) to Pacific people “is always one’s ally against other groups, bound to give one food, shelter and assistance” (Mead, 1930, as cited in Ablon, 1971, pp. 78-79).

What seems to be missing in the literature though is research on whether Pacific young people could influence criminal gangs to show respect for the wider society just as they do

for their own families. Such a project would clear the contradiction in the literature. For example, on one side, research point out that young offenders' negative activities are symptomatic of deeper social factors (Ministry of Social Development, 2006), a claim which portrays a negative image of the offenders' environment, including their families. On the contrary, there is the understanding that offenders extend their meaning of family to be inclusive of the street (Nakhid et al., 2009), a view that bespeaks positivity and is indicative of exerting family influence onto extra familial engagements, instead of the other way around. This area therefore, in the view of this study, is potentially promising for further research to be conducted.

6.10 Conclusion

The analysis revealed a diversity of attitudes by Samoans toward the New Zealand criminal justice system including professionals within such a system. For example, it is ironic that while participants rated police performance positively, they also thought that police were biased against Samoan people and other Pacific Islanders compared to police treatment of New Zealand Europeans. Lawyers and judges received positive ratings consistently. In addition, participants also thought that incarceration and the current prison environments are not conducive for the purpose of rehabilitation. That is, the ways by which prisons are run and organised generate an under-controlled environment that is suitable for initiating and consolidating stronger criminal networking. Another key theme in this analysis is that Samoan people are deprived of the type of access to necessary information and knowledge of the criminal justice system that would effectively assist them in knowing what to do if they break the law. Further, participants thought it important for professionals within the justice system to access and understand cultural values of the Samoan people so that mutual respect is maintained. Another important theme in this analysis is that crime is a permanent feature

of our society. While every effort is necessary to control the occurrence of crime, it is crucial that citizens are educated in how to deal with this phenomenon, especially in the sense that crime commission is becoming more complicated. Finally, crime commission follows the same process through which the acquisition of positive skills follows. That is, there is much sharing of knowledge, learning and practising of skills within criminal activities (see chapter 7). The ultimate aim is to be successful not only in terms of material acquisition but also in terms of saving face.

So far, the researcher has managed to identify some key elements regarding Samoan people's attitudes toward the New Zealand criminal justice system and its related services, perceptions of crime and justice, and also of how Samoan cultural understandings played a key role in these perceptions. For example, the Samoan conception of justice and fairness, which is encapsulated in Samoan proverbial expressions, is reflected in participants' claim that access to justice and fair treatment is important. Further, the criminal justice system is a complicated environment that is not conducive for creating public confidence in its operations. Therefore, in order for this system to be more effective, it needs to be more easily accessible comprehensibly and economically. Furthermore, Samoan people's emphasis on reciprocal sharing means that on one hand, the public obtains from the criminal justice system the kind of knowledge that is beneficial for learning one's legal responsibilities. On the other hand, the professionals within the said system should in turn learn from the public some alternative ways of how to deal with people whose philosophies of life might be informed by differential cultural understandings.

CHAPTER SEVEN: UNDERSTANDING CRIME THROUGH THE NOTION OF FAIVA

It is not enough to know the ways in which peoples differ: it is fundamentally necessary to know why they prefer to be different. Many of the values which are important in Samoan life differ from those of western concepts only in emphasis; yet in some particular aspects of social organization there are long-evolved differences of feeling that cannot be understood by assuming them to be a western equivalent of their outward manifestations (McKay, 1957, p. 36).

7.1 Introduction

The current chapter offers an elucidation of the final theme of this investigation – ‘importance of the process of knowledge production’. Knowledge, as an instrument or a commodity, has increased in value especially “within the context of neoliberal globalization” (Mein, 2009, p. 350). It is one of the most powerful tools an individual can use to verify her/his qualification and access to the global market within which the ownership of things and services is mostly privatised and commodified (Apple, 2001). As such, knowledge and its ownership could potentially “legitimate and reproduce social and economic stratification” (Little, 2000, p. 293), irrespective of whether the means of doing so are legitimate or not. Such is the value and power of knowledge. The key objective of this discussion is to explicate the process of knowledge production within the frame of reference of Samoan people, especially in how this process is followed in terms of learning certain crimes and learning how and when to commit them. This thesis argues that crime commission is a vocation that is calculated, learnt in accordance with the process of knowledge production, and is driven by motives to become successful politically, socially and economically. The

Samoan notion of *faiva*⁸⁵ - vocation – is chosen to be the name of this process. As stated in chapter one, the need to collect further epistemological and etiological information about Samoan proverbs and formal language, and the resultant trip to Samoa to gather such knowledge, were made necessary by two factors. The first relates to the fact that participants in this study used Samoan proverbs but did not understand their origins and deeper meanings. Similarly, participants also said things that were linked to Samoan knowledge but they did not know the connection. The discussion in this chapter is a continuation from chapters six and chapter four, in explaining these connections further.

7.2 *Faiva - Definitions*

First of all, the word *faiva* is a noun that has two diverse and somewhat unrelated meanings in Samoan. Generally, it means fishing (Allardice, 1985, p. 20) or fishing expedition (Refiti, 2008; Schultz, 1949, p. 161). For example, in the sentence, ‘*Ua alu le faiva o Justin* - Justin is going on a fishing trip, *faiva* simply means fishing. Similarly, in the sentence, ‘*E ala le faiva o nai taulele’a*’ - the fishing expedition of the young men’s guild was a success (Schultz, 1906, p. 3), *faiva* also means fishing trip. *Faiva* in this sense is synonymous with other terms like *fagotaga* (Ma’ia’i, 2010, p. 663), *fa’atautaiga* and *fa’atamasoali’iga*. However, the usage of these terms is contingent upon several important factors like the types and social ranks of people involved in the act of fishing, and also the types and ranks of people engaged in the conversation in which fishing is discussed. That is, *faiva* and *fagotaga* are everyday conversational terms that Samoan people employ when talking about fishing generally. *Fa’atautaiga* and *fa’atamasoali’iga* on the other hand are reserved for either

⁸⁵ The term *faiva* generally means fishing or fishing trip. However, it is also formally used to refer to an occupation, vocation, work or trade. It is the second nuance upon which the current work is based, as it will be explained later in this chapter.

formal addresses and deliberations in which people of high rank are present, or to refer to the fishing trip of people with high social statuses like *matai* and master fishermen. For example, if the ‘*aumaga*’ guild goes on a fishing trip, one refers to it as ‘*le faiva o taulele’a*’ or ‘*le fagotaga a nai tama*.’ Ironically, if someone uses the terms *faiva* and *fagotaga* to refer to the fishing trip of a *matai* or a master fisher, such usage is a clear indication that the speaker’s knowledge of the Samoan social structure is either ill-informed or severely deficient (Pualau, personal communication, 20 August, 2008). The appropriate terms to use in the latter case are *fa’atautaiga* and *fa’atamsoali’iga*.

The second meaning of the word *faiva* is vocation (Ma’ia’i, 2010, p. 1045), employment, skill, work or job (Fraser, 1896; Stair, 1896, p. 55). This nuance is more conceptual, formal, and sometimes very metaphorical as the following examples will illustrate. One, the phrase, “*A’ana e, e ou le faiva o tau*”⁸⁶, which translates literally as, it is the occupation/vocation of the people from the district of *A’ana* to go into combat or wage war (Stair, 1896, p. 55). Similarly, in the Samoan expression; - “*Na o le afiafi o faiva*” – what a night for *faiva*, the term *faiva* is formal and it is a reference to Samoan entertainment in general but usually to the event of *pōūla*⁸⁷ - night of mischief literally. This usage conveys the term *faiva*, which in this case has the connotation of entertainment, as a specific vocation or work, especially given the fact that only certain individuals in each village are talented in leading and conducting the cultural art of entertainment. Such people are known as *fa’aluma* or *fai*

⁸⁶ This is a line from the victory chorus that warriors and spectators from the district of Atua often chant to shame the defeated *A’ana* warriors at the Moamoa malae (village green) during the festival of the ‘*Amo o Atua ia Tupua lē Gase’* or the planet Jupiter (Stair, 1896, p. 55).

⁸⁷ *Pōūla*, in the old Samoan religion, is an occasion of entertainment which involves suggestive dancing. Its illicit and supposedly erotic nature perhaps gave the early missionaries reason to ban Christians from participation or even being at places where it is practised.

faleaitu – which could be translated literally as - to make shame⁸⁸ and to make the house of ghosts respectively but simply mean comedian (Ma'ia'i, 2010). In some cases, some villages are devoid of *fa'aluma*, which therefore makes it necessary to call upon the service of a proven or well-known *fa'aluma* from another village, especially in the events of community fundraising or a village *malaga* –trip, to another village or another country.

It is also noteworthy that it is on this level of meaning that the New Zealand Ministry of Health has incorporated the word *faiva* in the title of its 2010-2013 national disability plan for Pacific people. The proposed plan is called '*Faiva Ora*' and is claimed to mean "the work for life" (Ministry of Health, 2010, p. 1). *Faiva* is translated as 'work'. Similarly, the term *faiva* also has the same nuance in the Tongan language, in which *faiva* means "work, task, feat, or game...requiring skill or ability; trade, craft; performance..." (Churchward, 1959, p. 23).

7.3 *Faiva – The Process*

This section discusses and explains the different phases in the Samoan process of knowledge production that not only prepares an individual for *faiva* acquisition but also for *faiva* demonstration. There are four key phases/components in this process: 1) *Fefa'asoa'iga* – Sharing, 2) *Sōa* – Apprentice, 3) *Fa'atufugaga*⁸⁹ – Practice and 4) *Umusaāga* – The Dedication/Celebration. It is also important to note that while the order of phases gives the

⁸⁸ Some Samoan form of entertainment involves a lot of what appears to the outsider as getting amused by the shaming or the derogatory putting down of other people. But this seemingly shaming exercise is often analytical in the sense that the *faifaleaitu* – comedian's mention of certain issues creates both a laugh as well as an awareness of the possible negative impacts of such issues on the community concerned.

⁸⁹ The term *fa'atufugaga* is generally used to translate the English term *creative* like *Creative New Zealand*, *Communities Creative Scheme* and et cetera.

impression of a lineal sequence in which the latter phases build logically upon the preceding ones, the actual working of the process is cyclical and multi-directional as it is sequential.

7.3.1 Phase One: Fefa'asoaā'iga – Sharing

The term *fefa'asoaā'iga* is a noun that comes from the root *fa'asoa*, which is one of many terms that Samoan people employ either as a verb or as a noun. As a verb, *fa'asoa* means to portion out, share or to distribute (Ma'ia'i, 2010, p. 938). As a noun it means distribution or the act of sharing. For example, one of the most formal ways of referring to the 'ava ceremony at the commencement of the *matai* council is '*fa'asoa pa'ia*' – sacred sharing (Duranti, 1981, p. 368). Furthermore, *fa'asoa* is also used as a personal pronoun to refer to the person who is doing the sharing (F. Lemauai, personal communication, June 29, 2009), as illustrated by the following Samoan phrase - '*Ta'atia ia i le fa'asoa!*' – let's just leave it to the (discretion of the) *fa'asoa*. This phrase gives the nuance that the person doing the sharing is always reliable and trustworthy whenever s/he is given the task of distributing food, fine mats and other items. Moreover, *fa'asoa* is not just a word. It is a concept that is an integral part of the Samoan people's philosophy of life in that it pragmatically embodies the imperatives of communal *fa'aSamoa* (Tui Atua, 2007c). Given therefore that the notion *fa'asoa* has mainly positive inclinations, it implies that avariciousness and selfishness are neither welcome nor desirable within the Samoan culture (Krämer, 1994, pp. 42-43; Schultz, 1950b, pp. 36-37).

7.3.1.1 Sharing of knowledge and skills both orally and practically

One of the most commonly used modes in the process of Samoan knowledge production is the oral tradition⁹⁰ (Schultz, 1949). Every Samoan individual, as in other Oceanic cultures (Thaman, 1988 as cited in Helu-Thaman, 2007, p. 55) is expected to have received and transmitted some information and knowledge orally very early in life. In a real sense, this kind of sharing is often carried out at two different levels; the level of the children and the level of the adults.

At the level of the children, the mediums or catalysts that are traditionally used to transmit knowledge from parents and elders to the children are called *tala* – story and *fāgogo* – tale; these being the Samoan versions of Western bedtime stories. *Tala* and *fāgogo* could be a mixture of myths, lived experiences of the informants or even simplified versions of family genealogies (Sunia, 2002; Tamua, Lay, Murrow, & Meleisea, 2000, pp. 15-16). *Fāgogo* times are special for at least two reasons. One, it is the time when the teller connects with the listeners in a special and meaningful way. This is because during *fāgogo* times, the children and grandchildren usually gather around the bedside of the story teller, who is usually the grandfather or grandmother, to find a good spot to listen to the story. To the story teller, the exercise is important in terms of imparting social and moral values but for the children, it is the final purposeful activity of the day before they disperse to their respective places of sleep in the *fale* - house. In many cases, some children even fall asleep on or around the bed of the

⁹⁰ The phrase 'oral tradition' is used in this work to mean that it was an authentic record-keeping instrument. It is used to refer to such a tradition not only as a method of communication – oral, but also to argue that this tradition was a legitimate and credible form of recording Samoan history as it is evident in songs, *gafa* (genealogies) and *fa'alupega* – honorifics. The general usage of the phrase 'oral tradition' portrays the idea that it is an unreliable source of information that also collapses Samoan stories to just legends and myths. In such a sense oral traditions are therefore portrayed as inferior to writing and recording.

story teller, and consequently rest there for the night. Sometimes, children may request to listen to a favourite story which may have been told many times before. *Fāgogo* time therefore is a special time when more meaningful intergenerational interactions take place. The second reason why *fagogo* times are special is that a *fāgogo* may serve to transmit both cultural/family values as well as principles that undergird responsibilities (what, where, when, how) and also knowledge that are deemed appropriate for the children in terms of their social, mental, moral and physical development. Given that most of these stories are mythical and therefore highly fictitious their primary objectives are usually not to confirm historical facts, but to instil positive and desirable values and practical lessons into the minds of the young. For example the Samoan myth about Sina and the spirit eel (Ministry for Youth, n.d., pp. 86-93) relates the Samoan account of the origin of the coconut tree. In spite of the fictitious nature of this story, its value resides in the fact that it emphasises the lessons of love, persistence/perseverance, and respect⁹¹. Similarly, the myth about a certain young warrior named *Alo* from the district of *Palauli* in the island of *Savai'i*, who killed a monstrous sea creature named *Pa'itele* and then subsequently saved his people from getting eaten by the monster, conveys the lessons of social responsibility, bravery and courage. These and numerous similar myths are told over and over again to teach moral and social lessons.

Another oral method through which Samoan children also receive information is formal disciplinary and proper verbal instructions from either their parents or the elders of the family. These sessions most often occur at evening or at night (Sunia, 2002) or whenever

⁹¹ According to this legend, the spirit eel failed to lure Sina to be his wife. The eel then affectionately said these parting words, "*Sina e, a i ai ni ou alofa, lou tufa'aga ota fofoga* – Sina, if you have any love for me, then you should cherish my face" (Ministry for Youth, n.d., p. 93). This expression, despite its mythical and fictitious origin, is still commonly used during formal Samoan farewells.

necessary. This is because the evening or night is the time when all family members are expected to be at home, having completed their respective duties and are therefore ready to participate in the analysis of how such duties were carried out. It is the primary responsibility of the parents and also the family elders to provide appropriate instructions for all family members at this time or perhaps at other more convenient times. Where duties were completed or carried out in an unsatisfactory manner, the instructions would come in the form of *‘otegia* and *fa’atonu* – scolding and putting right respectively. On the other hand, if duties were completed in accordance to expectations, then the instructions would come in the form of *fa’afetai* and *fa’amālō fai o le faiva* – thank you and affirming congratulations respectively. In effect, the aim of these sessions is to provide analytical assessments of how the activities were carried out by each family member concerned. Further, they also provide a forum in which the recipients dialogue with their elders (informants) on how to improve one’s performance. This could be illustrated by the Samoan expressions; “*E fesili mulimai ia muamai*” – late comer inquires of first comer, and “*E agatonu a Manu’a o fesili*” –Manu’a is put right through questions and enquiries. Essentially, the family is the first classroom for every Samoan person (Simanu, 2002, p. 237; Sunia, 2002, p. 116). Children learn at home how to do house chores as well as chores in the meeting house of the *matai* (Tavale, 1999, p. 145). Girls learn how to serve visitors during occasions when the village hosts guests collectively, while boys learn how to make and distribute the *‘ava*, and how to publically acknowledge food presentations both inside the house and outside the house. Tavale (1999) explains that young men who master these skills are usually taken on village trips to other villages. Subsequently, they become the pride of their parents, their *matai* and their village. Children’s involvement prepares them for full participation in family affairs (Tamua et al., 2000, pp. 15-16) later in life.

In reference to the custom of orally transmitting knowledge, Samoan people often use two terms; *tu'umumusu*⁹² (Stair, 1895b, p. 53; Tui Atua, 2009c) and *tu'utaliga* (Simanu, 2002, p. 237; Sunia, 2002, p. 3) which translate literally as to convey through whisper and to put to ear respectively. These terms are indicative of the seriousness and solemnity of the possession, guardianship, and transmission of Samoan knowledge. *Tu'umumusu* and *tu'utaliga* denote many important themes in relation to the way Samoan people construct their worldview. For example “*tuumumusu* imbues in the whisper a reverence for the knowledge imparted and its *tapu* or sacred qualities” (Tui Atua, 2009c, p. 2). Further, *tu'umumusu* and *tu'utaliga* are an art in the sense that only specific people within the family or village have the qualification to perform them. These guardians of knowledge are usually the elders, who are known formally as *ao sinasina*⁹³ - literally translated as the ‘white headed’ but has the nuance of wisdom that pertains to the old people. Their qualification to be instructors emanates from the fact that they have lived out the principles of the *fa'aSamoa* through their years of good service to the family, village and church (Mulitalo-Lauta 1998, as cited in Stewart-Withers, 2011). They have experienced these principles through trial and error, innovatively executing alternative ways and methods where necessary, and subsequently obtaining a wealth of ‘tested and proven knowledge’ that is now available to be transferred to the next generation of servers. In effect, this tested and proven knowledge is intrinsic and not serendipitous to the social structure of Samoan life. The *ao sinasina* have earned the respect of everybody, and about

⁹² Sometimes, another term that is used synonymously with *tu'umumusu* is ‘*tu'utu'u gutu*’ (to pass through mouth)

⁹³ *Ao sinasina* literally translates as ‘white headed’ but denotes experiential wisdom. It is a special term that refers to not just any old or senior person. It is formally synonymous with being old and wise at the same time. As such, they become the respected guardians of knowledge.

such elders is the Samoan proverb, “*O le faiva o le Tamaalii o le gasese*, which means: ‘it is the mark of the chief and progeny of chief to perform or serve well’ (Tui Atua, 2007a, p. 9).

Additionally, these elders also have the right to choose who to be instructed with which specific knowledge. Having obtained the status of being a respected guardian of knowledge, it is not accidental that they know exactly which member(s) of the family deserve to receive whichever type and amount of knowledge. A clear indication that a family member is keen to benefit from the wisdom of the old could be seen in how such a member performs the *tautua* – service - well, and seeks the advice and approval of the *ao sinasina* in all matters of life, be it in relation to the family, church, intra-village or inter-village.

Tu’umumusu also involves the breathing or blowing of blessing (Tui Atua, 2008) and is closely related to the notion of *mavaega* or death wish. In this context, knowledge is considered a treasure, which in fact it is, and passing it on is rightfully considered a sacred responsibility. Finally, the culture of *tu’umumusu* and *tu’utaliga* could be the main influence behind the Samoan philosophy of knowledge production as embodied in the common proverb – “*O le tama a le tagata e fafaga i upu ma tala a o le tama a le manu e fafaga i fuga o la’au*” (Kini, 2000, pp. 26-28) which can be translated literally as, the young of human beings is fed with words and instructions but the young of the animal/bird is fed with flowers. Samoan people always refer to this proverb when children are seen to be involved in anti-cultural and anti-social activities. Effectively, the manner in which a child behaves in front of other people is usually indicative of whether the child is sufficiently and properly instructed - ‘fed with words’ or ill-disciplined - ‘fed with flowers’, or more poignantly, whether the young one is a human offspring or that of an animal. The point of this strong comparison is that only animal offspring should behave in an animalistic manner because they do not get instructed

or informed in accordance with the presumed higher value system that is meant to inform the the way(s) human beings' operations.

Samoan children also learn through observing how family members perform certain duties. At times, instructions to observe may also occur concurrently with instructions to start doing some of the simple duties within a Samoan family. Consequently children become increasingly capable of doing many household chores by the time they turn eight years old (Holmes, 1957, p. 403). It needs to be noted that the transmission of knowledge at this level is mostly mono-directional. That is, transmission of knowledge is mainly from the adults to the children who, while initially may appear to be just passive recipients of knowledge and instructions, do subsequently become active and involved in the process of knowledge production very early in life (Sunia, 2002). Equally important is the fact that it is also at this early stage that parents usually start to assess and analyse how the children have performed. Further instructions and modelling are given subject to the satisfaction level of the completed task. Ideally, the parents will continue to impart knowledge to the young to further develop the skills that will assist in the formation of their personal *faiva*.

At the level of the adults, knowledge is often shared orally through the means of *fa'afaletui*. This notion refers to an informal gathering of *matai* to talk and share knowledge and understanding on many issues of family or village concern. In a study of Samoan speechifying and oratory making in the village of *Falefā*⁹⁴, Duranti (1981) observed that the *Falefā matai* “spend most of their time chatting with other *matai* in small groups” (p. 358). Duranti's analysis failed to state why these *matai* spent so much time in this manner. But it is obvious that Duranti is actually observing a *fa'afaletui* process in action. This sharing time

⁹⁴ *Falefā* is in the Atua distric, which is the eastern-most district in the island of Upolu.

may appear a waste of time to the outsider but it is meaningful sharing time for Samoan *matai* (Kini, 2000). In fact the sharing that occurs here often acts to confirm the unanimity of understanding on certain important matters. For example, *matai* may share their understandings on genealogy, title connectedness, and matters concerning village honorific(s). Thus at times, for instance, it may be revealed to the *matai* of the village of *Sa*⁹⁵ that a *matai* from the village of *Moa* has publically promoted a version of genealogy that renders *Sa* as inferior to *Moa*, or perhaps challenges *Sa*'s access to certain oratory or cultural rights. In this case the *matai* of *Sa* would meet, both informally and formally, to reaffirm their version of their honorific(s) and to dialogue about how to best respond to the situation and therefore subsequently rectify it. Sharing at this level is always multi-directional because knowledge is not just shared but also analysed and critiqued at the same time. In a *fa'afaletui* it is expected that participants share their honest views and therefore contribute to the collective analysis in order to produce a more unified version of understanding.

Being knowledgeable in words and stories is a strong weapon for a Samoan person in general and for a *matai* in particular (Sunia, 2002). Further it indicates that the intergenerational transition of cultural knowledge and values is vital for the survival of such knowledge. Incidentally, the importance of sharing is not specifically pertained or unique to the Samoan people only. For example, an evaluation of the Youth Offending Teams (YOT) of the New Zealand Ministry of Justice concluded that a lack of shared understanding amongst YOT would be detrimental to the objective of solving youth crime, especially given the fact that such an objective is largely contingent upon the sharing of information and understanding (Harland & Borich, 2007, p. 87).

⁹⁵ *Sa* and *Moa* are fictitious village names.

7.3.1.2 Sharing of Material Things

Material things that Samoan people share include household items, wealth (*tōga*⁹⁶, *siapo*, *fue*, *to'oto'o*), foods, domestic animals and other similar objects. Unlike the sharing of knowledge where the sharer usually initiates the sharing with the intention of grounding the next generation with necessary wisdom and knowledge, this second type of sharing often occurs as a response to a need or a request. The motive for sharing in this context is often contingent upon the giver's perception and assessment of the need or of the request, and could therefore be either positive or negative. For example, if Fiti requests the use of Vega's *tauaga*⁹⁷, Vega may give the *tauaga* on either the basis that it is a sincere attempt to meet Fiti's need, or that of adhering to the obligatory demands of communal *fa'aSamoa* where sharing is the most honourable thing to do, or both. If the giving was on the basis of the former, it is a positive response but if it was on the basis of the latter, then it could well be that the giving was superficial, albeit, cultural. This is because the giving on the basis of the *fa'aSamoa* often indicates more a sense of responsibility rather than total willingness especially given that the practice of giving within *fa'aSamoa* is highly reciprocal (Stevenson, 1967, p. 16). This is not to suggest that the giving out of responsibility is inferior but to elucidate that giving within *fa'aSamoa* could be done without having to think twice about it. It is strongly embedded within the social and the moral fabrics or the norms of the Samoan culture. Culturally therefore, Samoan people are expected to be willing to give and to share

⁹⁶ *Tōga* is usually translated fine mat, a translation that is severely inadequate because it does not even include the element of 'ie – clothing, that is central to this item. Space and time do not allow for a fuller discussion of the 'ie *tōga* in this work.

⁹⁷ *Tāuaga* is the fibre that Samoan people use to extract the juice out of the coconut flesh for domestic purposes.

just as they have willingly received (Ioane, 1983, p. 524). It is not an honourable thing within *fa'aSamoa* to be “stingy or disobliging” (Turner, 1884, p. 160).

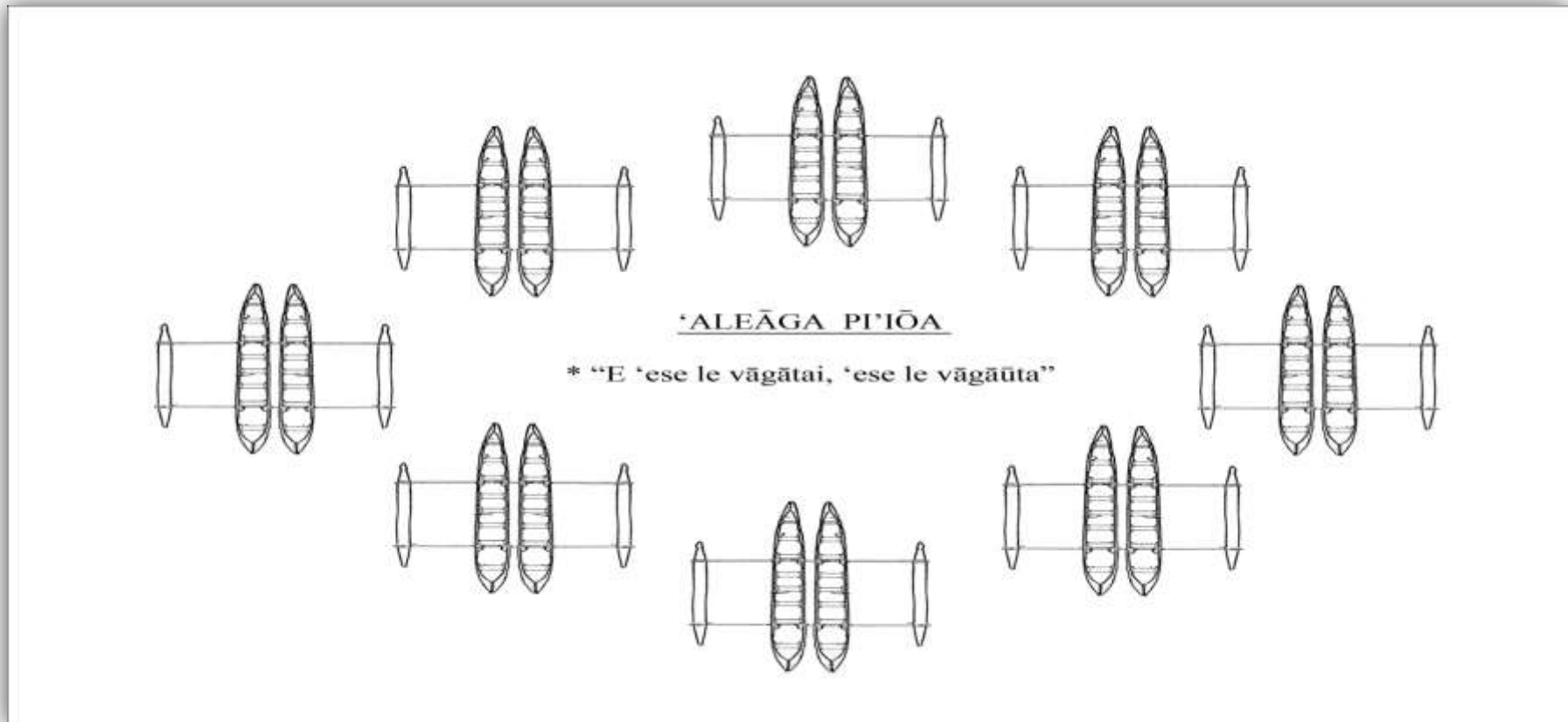
Another example of how Samoan people respond to other people's needs is seen in the way the *'āīgā tautai* - the family or group of master fishers, share their catch at the end of a bonito fishing trip. Traditionally, before the fishermen returned to land, they would always gather together at a spot within the lagoon (the first to arrive there would wait for the rest to catch up). There are two main objectives for this gathering. The first is to have their communal meal called *'aleāga* (Figure 8.1). The second is to count each fisherman's fishes and to see if any fisherman's day of fishing is *'asa* – having caught nothing. In such a case, the other fishermen would give a fish or two each to the fisherman who caught no fish (Tavale, 1999, p. 430) (Figure 7.2). More importantly, the *'āīgā tautai* would keep the whole occasion a secret. This custom of the Samoan fishermen gave rise to the formal expression, “*e 'ese le vāgātai, 'ese le vāgāuta*” which means the behaviours and activities at sea (during the fishing trip) are different and unrelated to the behaviours and activities on land, or just keep quiet about the fisherman who caught no fish (Sunia, 2002, p. 167). The sharing in this context is deeper and far more meaningful than just giving fish to the man who caught no fish. It is to safeguard the dignity, reputation and status of the fisherman who caught no fish. Samoan people, in this sense, operate on the principle that “*o 'oe nei 'ae o a'u taeao*”⁹⁸ which literally

⁹⁸ This expression is the contemporary form of the original phrase, “*E ō'u le asō, 'ae o 'oe taeao*” (my turn today and yours tomorrow), that prince Toilolo uttered to his older brother, the crown prince Tupuivao. Toilolo, who, after being suspected by Tupuivao of having an illicit relationship with Tupuivao's wife Iliganoa, was banished from the island of Upolu to the island of Tutuila (Schultz, 1950a, p. 210). Originally, Toilolo's words were prophetic in nature, and were fulfilled when Tupuivao was later defeated by his cousin Faumuina and subsequently banished to the same island as his brother Toilolo. As such, the expression had a negative connotation. However, over the years, it has gained a more positive meaning in that it can now be applied within the context of communal reciprocity in which the meaning is, it is my turn today to help

translates as you today and me tomorrow but implicates the notion that interdependency and communism warrant the sustainability of the community as a whole. It also emphasises the point that even the meagre of resources could be shared for maximum benefit to the whole family. This is reflected in the expression, “*Pe na o le utu e vaeluaina*’ meaning, that even the smallest of things can be divided and shared. This proverb underlines the imperative of the spirit of sharing in a community” (Tui Atua, 2007c, p. 13). Further, the sharing at sea also protects the reputation of the fishing party as a whole especially in the sense that they are role models to the apprentice fishermen (*soā tautai*).

you because I currently have the means but if our fortunes and needs reverse, you can then lend me a hand.

Figure 7.1: Sharing of the fishing party as they do their ‘aleaga – meal, before returning to land.



- * Literally translates as, the happenings at sea differ from those on land but means fishermen keep their secrets, specifically in terms of the identity of a fisherman who caught no fish, to protect the dignity and reputation of the party in general and the fisherman concerned in particular.

Furthermore, *fa'asoa* in terms of responding to a need reveals that the response is in a sense the second half of a trading deal where the first half is the actual request to borrow an item (Barradale, 1907, pp. 106-107). Within this culture of reciprocity, the act of borrowing necessitates the act of sharing or lending (Sunia, 2002, pp. 176-181). But more importantly, the concept of borrowing implies that the ownership of the borrowed item(s) remains with the giver, especially if they are items like *tānoa 'ava* ('ava bowl), *fue ma le to'oto'o* (orating whisk and staff) and so on. This therefore means that the borrowed item must be either returned after the need has been met or reciprocated accordingly in due time. For example, subsequent to the usage of the *tauaga*, the borrower often returns the *tauaga* with a plate of food for the owner or the owner's parents or grandparents if they all live together. This kind of an exchange system seems ironic to the outsiders who have subsequently referred to it as "a most bewildering business" yet unbeknown to them that this kind of sharing is intrinsic in the way of life for Samoan people through time immemorial (Irwin, 1965 as cited in Ioane, 1983, p. 524). Barradale (1907) errs similarly by saying, "It looks a nice easy way...to beg or borrow from your relations...but one drawback...is that they in their turn will come and borrow from you when they want anything! So you do not gain much..." (p. 107). Samoan reciprocity is not about gain or loss but about meeting needs (Stewart-Withers, 2011). Realistically for Samoan people, to borrow is to live so long as the borrowing is in accordance with the principles of reciprocity that Samoan people adhere to, and that the giver is therefore not intentionally disadvantaged.

7.3.1.3 Sharing of Human Services

The sharing of human services epitomises the practice of sharing within the Samoan culture. It is sharing at the highest level where the actual person, who is perhaps skilful in a certain *faiva* or who just wishes to lend a helping hand, becomes the actual item or commodity to be

shared with the party in need. The ‘lending hand’ today may effectively be the ‘helped hand’ tomorrow given that the essence of *fa’aSamoa* is to render service (Macpherson & Macherson, 2009, p. 99). This service is called *fesoasoani* – help, and it is one of the concepts upon which Samoan values are based (Goodman, 1971, p. 478). The sharing of one’s skills in this case might contribute to a situation where someone else obtains and learns new skills or *faiva*. Furthermore, the sharing of human services is also reciprocal in the sense that the helpers always get fed and thanked appropriately. Thus what the helpers may receive, usually in terms of food or *tōga* - fine mats, to take back home with them is considered more as a token of appreciation rather than payment because the notion of payment indicates the ending of the relationship whereas the notion of reciprocity implicates continuity.

There are four reasons why the practices of borrowing and lending are legitimate and necessary components of sharing within *fa’aSamoa*. First, knowledge and things must be shared. This is perhaps why *fa’aSamoa* considers acts of avariciousness and greed to be antisocial, unacceptable and ‘enemies’ of communal living (Sunia, 2002, p. 181). Samoan people employ certain metaphors and proverbial expressions to show disapproval of any form of selfishness. For example, the labels ‘*palagi*’ – white person and ‘*fia palagi*’ – wannabe *palagi*, have negative connotations. They are often used to indicate segregation, arrogance anti-social behaviours and attitudes of superiority with which the *palagi* colonisers have treated the Samoan people in the past (Tunufa’i, 2005). Similarly, the Samoan expression, “*Ua fa’afaiva o matu’u* - it is like the fishing of the heron” (Schultz, 1906, p. 246) shames people who do not share with family and neighbours. The greedy person is likened to the sea heron, which is one fishing bird that never takes any fish back home for its young.

The second reason is that the notions of borrowing and lending indicate that a need has arisen and that such a need must be met. The facilitation of borrowing and lending would not have occurred if the need never existed in the first place. But more importantly, the mere fact that the borrower has put a request to the prospective lender means that either some kind of a relationship exists between the two, or that the borrower is an exploiter of Samoan generosity. If it is the former, then it is an honourable thing in the sense that the lender feels dignified by being asked because it is a sign of being resourceful and respected. The lender would say to the borrower, “*O lena ua lelei ua e sau. O le mea sili foi ua e sau o lea e i ai le ‘ie* – It is good that you have come. It is even better that you have come and I have a fine mat (available) here.” Evidently, a positive response like this is indicative of a strong and trusting relationship, usually within families or very close friends. The giving in this context is usually based on the afore-mentioned principle of “*o ‘oe nei, ‘ae o a’u tāeao*” –you today, and me tomorrow. Furthermore, it is possible that the borrower is appealing to the principle of reciprocity as the justification for asking. All in all, sharing from the perspective of the *fa’aSamoa* is a positive and constructive enterprise.

On the other hand, if borrowing is motivated by greed, deception and exploitation of the *fa’aSamoa*, then the person who was asked may justifiably “adopt the worst course of telling a lie about it, by saying that he has it not or that it is promised to someone else” (Turner, 1884, p. 160). It is not uncommon to find in any Samoan village people who are known to abuse and exploit the Samoan customs of generosity and sharing. Many of these ‘abusers’ are even known throughout Samoa and are sarcastically titled as, “*O le ‘au su’e mea*” – the things seekers or *‘au su’e oti* - funeral seekers (Fata, personal communication, 23 March, 2009). These phrases have been coined as derogatory phrases to show public disapproval of a very contemporary and increasingly common negative phenomenon in Samoa. It describes a group of *matai* who would take it as a semi-fulltime employment –*faiva*- to just go from

place to place looking for ceremonial occasions like funerals, *matai* title bestowals, dedication of school and church buildings, to score some free fine mats, foodstuffs and even money⁹⁹. Economically, the group operates as a business and therefore accrues a profit. This is strongly indicative of the fact that the values and aspirations of capitalism and materialism have taken over the sense of community, and even some core elements of communal sharing within fa'aSamoa, and subsequently created negative and anti-social pathways toward success. Consequently, the measure of success in this context is no longer how much one could give to help and support family members in time of need, but on how much from these cultural occasions one could get out and accumulate for personal gain. The Samoan expression, "*o le 'aisiga a mugagi*" (Schultz, 1950b, pp. 214-215), which means the begging or borrowing of Mugagi applies to these people.

Third, the concepts of borrowing and lending imply that in order to maintain and sustain a communal system of economy, it is crucial that borrowed items must be either returned to the owner(s) or appropriately reciprocated (Sunia, 2002). Traditionally, reciprocation replenishes this system of economy and therefore avails these cultural commodities to meet the next set(s) of needs. This fact points directly to the question of ownership which in this context is a very important part of Samoan people's social relationships. Recognition of and respecting the principle of ownership does not diminish or devalue the act of sharing. In fact, ownership enables and enriches sharing.

Finally, the culture of sharing and borrowing avails the recipient to an opportunity where s/he becomes the recipient not only of the borrowed items, but also of the giver's blessings upon the borrower in relation to whichever occasion the items are borrowed for. For example, in

⁹⁹ Samoan people have also coined another phrase – '*au 'ai afu* – the sweat eaters, to designate this group.

an event where a *matai* borrows the *to'oto'o* and *fue lāūga* – speechifying staff and fly-whisk (Milner, 1961, p. 308) of another *matai*, the owner usually gives the items with blessings for the person who is going to use the items and also for the occasion at which such items will be used. These blessings are very important and reassuring to the borrower. Traditionally, the Samoan people's belief in the validity and relevancy of these blessing are more than often spiritually grounded. It emanates from the philosophy of *tapua'i* – worship, which is based on the principles found in the traditional Samoan religion from whence emanated the expression, '*O faiva e tapua'ia e ā'e ma le manuia*', which could be translated literally to mean that fishing trips which are worshiped (wished success or positive good will) (Allardice, 1985, p. 78) will return with blessings (a good catch). The proverb denotes a worshipful summoning of the gods to look after the fishers and make the fishing trip a success. While the expression is primarily applied to offering good wishes for fishing trips, it also has secondary applications to other major engagements of the Samoan people like sports, building projects (Tofaeono, 2000, p. 297), orators' speechifying, and even in the pursuance of academic excellence. So before the commencement of any project or the setting off of a representative team, a representative of the worshippers (well-wishers) will always make a speech, in which the above expression will most certainly be used, to assure the actors that they will be thought of worshipfully. It is also worthwhile to note that the act of *tapua'i* is mostly a mental activity on the part of the well-wishers, and it may be ironic that after more than 170 years of Christianity's domination of Samoan religious philosophy and social conventions, any evidence that Samoan people have completely severed their allegiances to some tenets of their old religion is absent. The incorporation of aspects of the two sets of religiosities into the way Samoan people negotiate contemporary issues that they face is indicative of the fact that it is important to have a holistic analysis of what contributes to the Samoan people's conceptualization of their world.

In the final analysis, Samoan knowledge production and the learning of one's *faiva* germinate and develop from the practice of sharing. Samoan people share knowledge, possessions and even people in terms of rendering services to others. While the passing of knowledge to the young ones is basically mono-directional and with the purpose of instructing, the sharing between and among adults is both multi-directional as well as analytical. Further, the sharing of possessions from the Samoan perspective acts not only as a means of meeting apparent needs but also as a practically useful demonstration to the children and young people of how to do things and therefore live as Samoan people (Simanu, 2002, p. 237). Sharing encapsulates initially the importance of the notion of reciprocity within the economic, social and political fabrics of the Samoan society. Their sharing invigorates their communal economy, strengthens their solidarity and ensures their continuity. Additionally, sharing goes hand in hand with the notions of borrowing and lending which denote the concept of ownership within *fa'a Samoa*. Samoan ownership, however, is reciprocal and cyclical rather than for mere profit driven and wealth accumulation purposes. As such, acknowledging and respecting this ownership notion produce more positive opportunities for borrowers to be blessed by the sharers' knowledge and possessions as the culture of sharing continues on.

7.3.2 Phase Two: Soa: Apprentice

This phase emphasises the importance of apprenticeship in the process of knowledge production. In here, understanding the role(s) of and relationships between the learner and the instructor is crucial. *Soa* means “companion, the second of a pair, a mate” (Fraser, 1898, p. 9) or a friend (Schultz, 1949, p. 169). The learning becomes even more effective if the relationship between the master and the *soa* is honest, dynamic and functional. The focus at this stage is to condition the *soa* on the principle of wisdom (Huffer & So'o, 2005, p. 316).

In most cases, the *soa* is usually the daughter or son of the master (Tcherkezoff, 2000). Sometimes the ‘master - *soa*’ partnership is highly formalised according to cultural expectations, especially in specified areas of skill such as tattooing, building (boats and houses), fishing and et cetera. In areas where this partnership is not so formal, the same elements like more practising, mentoring, evaluation and analysis are vigorously adhered to all the same. Furthermore, the analysis at this stage is usually multifaceted and multidirectional, in that while the *Soa* analyses her/his performance and skills against the quality of some well known projects of the master, the *Soa* is also being analysed by the master and sometimes by the observing public. In a real sense, while the constant scrutinising of the *Soa* by the observing public may appear to be directed at the *Soa*, it also indirectly bears an enormous effect on the master’s reputation and credibility. As such, the *Soa* hardly leaves the scrutinising eyes of the master her/himself (Kaepler, 2005, p. 223). For example, a *taule’ale’a*¹⁰⁰ who aspires to become a *matai*, would start to listen, watch and imitate how the formal oratory language is used during *matai* meetings and oration (Simanu, 2002, p. 237). Further, a member of the *auluma* – young women’s guild, would work closely with the *matua’u’u* – master weaver, to observe closely and learn how the raw materials for the ‘*ie tōga* - fine mats and *siapo* – tapa, are selected, prepared and used during weaving sessions. They would also practise and perfect their skills in weaving, plating, lashing and et cetera.

Furthermore, this apprenticeship may even start very early in life through the performance of simple tasks around the house or other domestic chores like gathering firewood and even helping with keeping the fire going for cooking (Holmes, 1957, p. 403). It is perhaps simplistic to suggest that anyone can gather firewood. This is due to two important

¹⁰⁰ Untitled male

observations; one, it is crucial to know where one can safely go to in the forest to gather firewood and two, it is vital to know how to differentiate between what makes for good firewood and what does not. For example, the wood of the *salato* tree does not make for good firewood because it is *malala pē* – which means the charcoal dies almost as simultaneously as the flames, whereas the hard wood of the *poumuli* tree is excellent for firewood because it is *malala ola* – the charcoal burns considerably longer and produces excellent lasting heat. It is not intrinsic in Samoan children to have a thorough comprehension of the notions of *malala pē* and *malala ola*. They are shared and learnt. The point is, before the children could be sent out on their own to select and gather good quality firewood, they needed to be instructed and shown first of the necessary how's, what's and where's of firewood gathering. More than often, such instructions went hand in hand with some practical demonstration or modelling of perhaps the most effective way by which to gather, bundle and carry the firewood down to the village, and even on how to *si'a le afi* which means producing or starting the fire by rubbing two sticks together. Children are also shared the knowledge of selecting wood that are suitable for fire starting. For example, while the wood of the *poumuli* tree is one of the best for firewood, it is never used to *si'a* the fire. The woods of the *fau* or *fu'afu'a* tress are ideal for this very purpose.

Further, children from a very young age are encouraged to learn how to speak politely (Simanu, 2002, pp. 134-143). They learn different kinds of words, phrases and titles that are most appropriate to use when addressing different kinds of people at different occasions. For example, Samoan children learn early in life that they use the common term *tōfā* when they say goodbye to other children and members of their own immediate families including their parents. However they use the more formal phrase '*tōfā soifua*' when saying fare well to visitors, older people and *matai* (Sunia, 2002). Thus in addition to getting informed orally at home, the learner becomes associated with specific professionals, at home or in the village,

who role model the skills and methods of their respective trades. Ideally, home is the most suitable place where young people learn the importance of *tautala fa'aaloalo* – courteous talking and that their parents and elders are effectively the first teachers. While their vocabulary of polite terms may be limited at this stage, and their level of confidence to use them may also be minimal, they are nevertheless amply prepared to enter the next level of their learning process. By the time they join either the *aumaga* guild or the *aualuma* guild, they are ready to further put into practice what they have learnt at home in terms of referring to different people or being involved in communicating to other people and subsequently learn off those people in return. This is one way where well-spoken orators get to perfect their skills. Another example is from the area of ship building and house building. Turner (1884, p. 157) recounts how young Samoan men who wished to become builders would follow a master builder as apprentices for some time until they could become master builders themselves. Similarly, people who wish to become fishers often follow master fishers to learn the necessary skills like knowing geographical information about different fishing areas, different winds and tides, various fishing tools, and different methods of fishing.

Traditionally, certain *faiva* stay within a certain family or group of families throughout generations. For example the *Su'a*, *Talau'ega* and *Pāuli* families have been for generations the guardians and practitioners of the *faiva o le tā tatau* – vocation of tattooing (Augustine Kramer, 1901 as cited in Lima, Simi, Fa'alogo, & Faalau, 2008, p. 17; Simanu, 2002, p. 540). Further, the Leifi and Moe families are known for their skilfulness in house-building while the Manono and Savai'i people for their *faiva* of boat building (Stair, 1897, pp. 145-146). However, these artists have the same *fa'alupega* – traditional address - *agaiotupu* or *matuaofaiva*, and their wives are formally designated as *meana'i tāūa* – meaning important lady (Fata, personal communication 2 October, 2009). The differentiation, however, is made by adding the relevant suffixes to the term *tufuga*. Thus *tufuga ta tatau* is the master

tattooist, *tufuga fau fale* is the master (house) builder and *tufuga fau va'a* is the master (boat) builder (Kramer, 1995, p. 97). Further, the only other difference is seen in how the team of assistants for house and boat building are formally addressed as '*Falefā o le 'āiga Sā Lemalama*¹⁰¹' – literally means the four houses of the *Sā Lemalama* family, while the team of assistants for tattooing is addressed as '*Falehua o le 'āigatufuga*' - the two houses of the family of the tattooists (Simanu, 2002).

The organization of Samoan work (Krämer, 1995, p. 97) is specific and purposeful (see Appendix Q). However, foreign political and economic development perceives Samoans differently. For example, Krämer writes about one very famous Bismark, a German politician, who called Samoans “the lazy South Sea islanders lying under palms waiting for ‘dates’ to drop into their mouths” (Krämer, 1995, p. 96). Of course one would wish that life in Samoa was this easy but it was not. Similarly, Krämer’s list can potentially mislead especially in relation to the usage of the term '*tufuga*'. Kramer is more general and inclusive of other general *faiva* to which the term *tufuga* is not normally applied by the Samoan people. For example, the application of the term *tufuga* to the weaver of mats diminishes the value of the notion *tufuga* in the sense that while mat weaving is usually the prerogative of the '*augafa'apae* and her *auluma* – titled village maiden and the women’s guild respectively, it is not as specialised as the building of houses and boats. The same applies to the weaving of house blinds which is usually a domestic activity in which, all family members, including men and children, are involved rather than it being a designated activity for a specialised group of weavers. The point is, the term '*tufuga*' is a reserved designation for a limited

¹⁰¹ The title '*Falefā o le 'āiga Sā Lemalama*' refers to the four builders from the Lemalama family whose names are Leifi, Moe, Solofuti and Segi. According to tradition, these builders originated the craft of building houses and boats. The first house to be built was the house of the Tuimanu'a (Simanu, 2002, pp. 539-540).

number of people who have mastered a particular skill or craft (Allardice, 1985, p. 92). It denotes speciality and achievement in the highest level within the Samoan occupational structure.

It is also important to realize that while the different *faiva* discussed above have been the trademarks of certain families, such *faiva* are not necessarily culturally inaccessible to other ambitious and capable Samoans. For instance, in terms of house-building, it is at the *matai tufuga*'s own discretion to personally hand-pick a few apprentices to be his – ‘*au tufuga*’ – team of builders. Usually, the apprentices are family members including the master builder's sons who may be old enough to be officially initiated into learning the family trade (Kramer, 1995, p. 97). However, this does not mean that the *matai tufuga* will not choose a non-relative, especially if the *matai tufuga* is aware of the availability of a certain reliable young man who may also be well known as a proven ‘*lima lelei*¹⁰²’ – good hand. At times, the *matai tufuga* may afford to overlook in his selection, or else another *matai tufuga* might solicit the young man's service.

In certain cases, the non-relative may even excel to become the leading hand and then eventually become equally masterful as the *matai tufuga*. In such a case, two things usually happen next; one the masterful apprentice may be chosen to lead the building team in the absence of the *matai tufuga*, or two the apprentice may decide to pick his own team of builders and therefore become a *matai tufuga* himself. Additionally, if the latter occurs, then the apprentice and the *matai tufuga* work out the most culturally accepted manner in which

¹⁰² Lima lelei simply means skilful but conveys the notion of high quality and perfection (Allardice, 85, p. 33). People with this rare quality add value and quality to any project be it a house, boat, tattoo, fishing trip and et cetera. Subsequently, they also add to the status of the *matai tufuga* (master builder/carpenter/tattooist) or *tautai* (master fisher). Lima lelei also means being generous.

the two will part ways. Mutual respect is usually central in these situations where the apprentice will seek the approval of the *matai tufuga* for the former's proposed venture and the latter's approval in terms of *fa'amanuiaga* – blessings on the success of the apprentice in becoming another *matai tufuga*. This is equivalent to the Western notion of graduation. Furthermore, the two master builders often make promises to support each other whenever unforeseen needs, in relation to building projects, arise.

Furthermore, the success of the *Soa* – apprentice, during the tenure of his employment is subject to the availability of at least two factors. The first is the apprentice's willingness to continue putting into practice the extra knowledge shared by the *matai tufuga*. The second factor is the willingness of the *matai tufuga* to consistently and adequately analyse, guide and support the apprentice (Helu-Thaman, 2007, p. 55). This mutual relationship is crucial in the formation of a dynamic *faiva*. It also benefits the *matai tufuga* in terms pragmatically contributing to the making of another *matai tufuga* (Krämer, 1995). The fact that the *matai tufuga* has mentored and consequently produced another quality *matai tufuga* will undoubtedly ensure the quality of the former's products, status, and subsequently his marketability as well.

In summary, Samoan people's learning, as encapsulated in the process of knowledge production, starts very early in life and subsequently gets elevated into actually putting into practice what one has learnt orally and visually. Pragmatically, learning through trial and error allows for personal assessment and also for an analysis by the people with the know-how of the areas in which the apprentice could further improve. A masterful and consistent utilization of one's wealth of knowledge will certainly lead to the realization of another's *faiva*, irrespective of whether such *faiva* is temporary or permanent. Additionally it is through the same process that any person can entertain the possibility of appreciating more

than one *faiva*. Finally, as Samoan people acquire their *faiva*, they also realize that the possession of such *faiva* is not the end in or of itself. In fact, it only marks the beginning of the next big part of the journey at which the master becomes the role model both in terms of the way knowledge has been shared, as well as in the way the new master performs in her/his new capacity as a credible master of a new *faiva*.

7.3.3 Phase Three: Fa'atufūgaga – Practice

The acquisition of a *faiva* is a major achievement for a Samoan individual. It is often treated as a collective achievement for the players concerned, their families, well-wishers (*'au tapuā'i*) and supporters (Sunia, 2002). The discussion that ensues aims to clarify two important nuances with regard to performing a person's acquired *faiva*, especially after an individual has graduated from the status of being a *Soa* where s/he was subservient to the *matai tufuga*, to the stage where s/he is now the actual *matai tufuga*, who effectively, is the embodiment of proven knowledge, skill and 'wisdom'. The first nuance relates to the privileges that come with *faiva* acquisition while the second is concerned with the notion of completion, especially in terms of making the final product ready for the presentation phase. This involves being there at the end to present it, witness its reception and acceptance, receive her/his proper reward(s) in the form of Samoan *fa'aaloaloga* – gifts presentation, and to offer an appropriate reply (Krämer, 1994; McKay, 1957, p. 37).

In terms of privileges, the transition from the *soa* - apprentice status, to that of the *matai tufuga* – master, immediately produces some very real, tangible and enormous social and economic implications for the new masters and their families. Some people are literally shocked by the sudden changes in relationship and affiliations. These changes stem from factors like the new expectations of her/his family, colleagues and community of how s/he

should now act so that her/his behaviour is in line with the social, cultural, religious¹⁰³ and economic demands of the new status. Further, being aware of the achievement of the new master, other people will also immediately start addressing the new master with completely new but culturally appropriate sets of honorifics as though the new master is a totally different person altogether, as the following discussion will illustrate.

Using the context of house or boat building as an example, especially prior to the acquisition of a *faiva* and the subsequent change of status to *matai tufuga* – master, the *soa* was known only as one of the *'au tufuga* which means a member of the party of builders. If they are not *matai*, then they will always be referred to as *'tama o l e 'au tufuga* which literally translates as boys or young men of the building team. However, all of that will change once the *soa* becomes a *matai tufuga*. For example, irrespective of whether the new *matai tufuga* holds a *suafa matai* –matai name, or not, he will now be addressed as *Afioga*¹⁰⁴ *i le Agaiotupu* – which literally translates as your highness who is worthy to be seated to face royalties¹⁰⁵. Additionally, the new master's wife immediately acquires an elevated status as well and will now be addressed as *Meana 'i tāūa*¹⁰⁶ or *faletua* - important lady, rather than *fafine* – woman,

¹⁰³ Religious and cultural expectations of the Samoan people are sometimes inseparable. For example, during the 'ava ceremony the person whose turn it is to drink will receive the cup, tip a few drops of the 'ava drink to his/her side and at the same time will say, "*Le 'ava lea le Atua*" – here is the 'ava god. This custom was part of the traditional Samoan religion. Culturally, if the new master does not believe in the pouring of 'ava to the gods, it is inappropriate for him to defy the 'ava there. There are other culturally polite ways of handling the situation and these are some of the things that he should be aware of in his new status.

¹⁰⁴ The term *afioga* is used for *matai ali'i*, members of the royal families except for the title Malietoa and certain *matai ali'i* of the Malietoa family, God and et cetera.

¹⁰⁵ Krämer (1994, p. 152) defines *agaiotupu* as "the King's workmen".

¹⁰⁶ No other woman is rendered this designation but the wife of the master (builder, fisher, et cetera).

āvā ‘a le kamuta – wife of the builder, or *tinā* – mother. Further, the new *matai tufuga* now has the right to choose an ‘au tufuga – team of builders including a *soa*. He gets consulted for major building projects and therefore has the right to negotiate working and payment conditions (Tavale, 1999). In the case of a new *matai tufuga tā tatau* – master tattooist, this is the time when he can officially say of himself, ‘Ua fai la’u ‘ato (*āu*)’ which translates literally as, I now have my own basket of tattooing tools, but means I have now acquired the status of being a legitimate master tattooist.

It is important to note that within Samoa’s traditional social structure and economy the process discussed above generally governs the learning and acquisition of all other *faiva*, (*faiva o le tā tatau* – the vocation of tattooing, *faiva o le lāūga* – the occupation of speechifying, *faiva o le tautua* – the vocation of service, *faiva o le lāga ‘ie* – the occupation of weaving, and et cetera). For instance, traditionally, one of the pre-requisites for someone to be bestowed with a *matai* title, is that such a candidate has satisfactorily gone through the process of *tautua* – service (usually to the current or existing family *matai*, the family and the village) as they are part of the ‘au tautua or the serving group (Marsack, 1958, p. 11). On becoming a *matai*, an individual immediately has available to his disposal a *taupulega*, which is the same group of people as the ‘au tautua (service renderers), but in this context has the connotation of a planning council or people with whom to consult and collaborate. This is indicative of the social reality that the success or elevation of one member of the community is also the success of the rest of the community. With this in mind the master, for example the master builder, is challenged to present affordable but quality products plus a fair treatment of his ‘au tufuga so as to avoid being labelled as ‘alofia – which means being avoided or dodged by clients, workers, community and sometimes even family members (Simanu, 2002).

The other matter that a *faiva* holder is always cautious about is to ensure that all precautions have been exhausted to guarantee the successful completion of all projects undertaken. Uncompleted projects have major social and economic negative implications on both the master builder(s) and the clients alike. For example, a person with an incomplete *tatau* – male’s traditional full-bodied tattoo, will be labelled a *pe’a mutu* – a cut or chopped tattoo literally. The phenomenon of *pe’a mutu* attracts the stigma of being cowardice. It is synonymous with other defamatory terms, although sometimes used with challenging and encouraging motives, like ‘*leai se pute*’ or ‘*ai āte*’ which literally translate as no belly button and liver eater respectively. Furthermore, while the person with the *pe’a mutu* cobs the brunt of the disapproving public, the master tattooist is not totally free of the blame. This is because it could have been the method/style of performing the art, tattooist’s work ethics or personal hygiene that was a contributing factor to the *pe’a* being incomplete. In such cases, the tattooist might subsequently suffer being ‘*alofia* – being avoided as well.

In terms of house or boat building, non completion has another negative implication for the master builder’s reputation. It creates a welcome opportunity for a rival builder to complete the job and therefore improve the latter’s status and marketability. Furthermore, this failure on the part of the former master builder also provides for the public an opportunity to cast an early analysis of the builder’s work ethics and capability. The master builder in this case is further disadvantaged by not being able to present the final product, and therefore procure the client’s and the public’s final analysis of his creation, which is usually achieved upon presenting the finished product. As such, the failed *matai tufuga* is unlikely to be part of the dedication ceremonies and the subsequent celebrations.

7.3.4 Phase Four: Fa'aumusaāga – Dedication and Celebration

At the completion of a newly-built house for a chief or orator there may be an *umusāga*¹⁰⁷—a family gathering when he supplies hospitality and mats, while his visiting relatives bring gifts (McKay, 1957, p. 37).

Fa'aumusaāga literally translates as sacred oven but means dedication or official entering into. It is the *taualuga*¹⁰⁸ - formal climax that marks the completion or conclusion of a physical project. This occasion is always a cause for celebration, gift-giving and festivities amongst people who were involved in the project, their families, friends and visitors. In face value, these celebrations appear to revolve around food and feastings.

Obligatory customs in the Fa'a-Samoa... are built around feasts. Indeed, a keen observer of Samoan customs and traditions related to the ceremonial life of that country could hardly escape noticing the inextricable relationship between feasting ('aiga, ta'umafataga) and meaalofo (gifts), as the two activities are seldom practised in isolation. Many of Samoa's socially attractive customs are built around these activities (Ioane, 1983, p. 325).

Undoubtedly, food and gifts will be in abundance at these occasions. More than often, guests and other participants measure the success of these celebrations by the quantity and quality of these items especially given their centrality to the Samoan people's culture of *tali lumāfale* – hospitality. At the deeper level, however, they do not substitute the main focus of the celebration. That is, all the feasting and gift giving are but peripheral to the fact that the

¹⁰⁷ Short for *fa'aumusaāga*

¹⁰⁸ The term *taualuga* has two meanings. First, it means roof (Schultz, 1950a, p. 221). Second, it means the concluding "or closing dance at a social gathering, (and) is performed by the highest ranking *taupou*, who, as selected village ceremonial maiden, embodies the status of the group she represents" (Shennan, 1981, p. 202). The term *taualuga* is also a formal expression that is generally used to call an end to an event or gathering.

project(s), be it a family's guest house, a village's fishing/sailing boat, tattooing, or weaving, have been completed, presented and accepted. The satisfaction of having successfully completed a certain project and its subsequent presentation is very important to Samoan people (Simanu, 2002, p. 391), and it also always motivates the host and their family to gift their best to the builders in return. This is even more so if the finished product is a masterpiece, which every Samoan *matai tufuga* always strives to achieve.

Furthermore, *Fa'aumusāga* also emphasises and celebrates the 'presentation' of the final product (Schoeffel, 1999, p. 120) and final payment (Stair, 1897, p. 150). The owner of the work often does not always go through the labour of putting up a *fa'aumusāga* if he feels that the end product is not up to an acceptable standard. However, the Samoan sense of *fa'aaloalo/va fealoa'i* – respect, often supersedes in such situations. Gifts therefore get exchanged subsequently nevertheless, but observers can easily judge the satisfaction level of the stakeholder by the quality and quantity of the gifts, and the manner in which they are presented.

The term *fa'aumusāga*¹⁰⁹ is generally used to refer to the dedication of houses, boats and tattoos (Sunia, 2002). *Fa'aumusāga* literally means sacred oven. The origin of the name is difficult to establish but it is generally understood that *fa'aumusāga* is related to the occasion of the dedication and celebration of the first Samoan house ever built. This house, according to one tradition, was built for the Samoan deity *Tagaloa* (Fata, personal communication). *Fa'aumusāga*, in this context, conveys the spiritual nuance of the Samoan *faiva* of house building and perhaps other *faiva* like hunting and fishing, especially in the sense that there is *sā* – sacredness, taboo and solemnity involved. Samoan tradition teaches that calamity and

¹⁰⁹ *Umusā* is the verb form of the noun *umusāga* or *fa'aumusāga*.

misfortune will befall the project and the people involved if the *'au tapua'i* – group of well-wishers fail to pray/wish for the safety and good fortune of the former. This negativity on the part of the *'au tapua'i* is called *tapatautali* which simply means moaning and complaining about the work (Tuitolovaa, 1985). Such negativity is always frowned upon and therefore discouraged within fa'aSamoa.

Similar to the notion *fa'aumusāga* is the more straightforward term *fa'aulufale*, which means to make to enter. It is usually used to refer to the dedication of church buildings, school buildings and other major village building projects (Simanu, 2002).

Another type of dedication or celebration is called *'fa'alelegāpepe*¹¹⁰, which literally translates as the flying of the butterflies but means the joyous display of the end product of numerous days of hard labour (Stair, 1897, p. 144). It is a specific term for the completion and the subsequent public display and presentation of woven products, usually fine mats and

¹¹⁰ The term *fa'alelegāpepe*, according to one tradition (Pualau, personal communication 29 October, 2010), signifies the origin and the uniqueness of the *tōga* – Samoan fine mat. That is, the *tōga* was woven onboard a vessel during a voyage to Tonga by the pregnant queen Sina. Sina's intention was that if the child in her womb was a girl, then the mat would be used as a *'ie āvaga'* – mat for a marriage dowry, but if it was a boy, then the mat would be used as *'ie e sama ai le tatau'* – mat to celebrate the completion of the boy's full-bodied tattoo. Sina gave birth before the mat was completed, which is why at the bottom of the *'ie tōga*, the ends of the pandanus materials are always left hanging and untied to indicate the state of the *'ie* by the time Sina ceased working on it due to the birth of her child. These hanging ends are called *pepe* and the term *fa'alelegāpepe* therefore means the flying of the fine mats. It is a formal public announcement that the weaving project has successfully been completed.

It should be noted, however, that another version of the *'ie tōga* claims that it was woven and completed by a couple Fane'a and Fane'a, of whom Fane'a the woman was the great, great, great-grandmother of a certain Sina (Krämer, 1994, pp. 31-32). This version emphasises the point that the *'ie tōga* was the main currency in marriage negotiations, especially of Samoan royal families. In any case, therefore, the celebration which concludes the weaving of *'ie tōga* bespeaks of two important facts; one the successful culmination of the *faiva* of weaving and two, the availability (presentation) of more *'ie tōga*, currency, for future occasions.

siapo (tapa). This occasion marks the successful completion of a weaving project which is usually carried out by the female members of the village in groups called *fale lalaga* – literally means house of weaving. At times, the weaving of certain mats, especially the large and very fine mats, may last a year or even more (Krämer, 1994, pp. 30-31). *Fa'alelegāpepe* is therefore indicative of a major achievement, let alone success for the weavers and their respective families, guilds and villages.

In more recent times, the Samoan people have also celebrated the academic successes of their members by the inception of the '*samigāsili*¹¹¹', tradition which means the celebration of coming first in a class and schools. The notion of *samigāsili* is borrowed from the traditional practice of putting a boat into the sea for the first time and manning it with a team of master fishers who would set out on a fishing expedition straight away. If the fishing expedition is a success, the boat would usually be regarded as a total success. In terms of educational success therefore, the intention of the *samigāsili* is dualistic; to celebrate the current success and to wish the successful achiever more success in journeying through uncharted waters of future educational careers or what the Samoan people refer to formally as '*faiva o le mafaufau*' – vocation of the mind.

Furthermore in the occasion of the *umusāga*, Samoan protocol demands that the *matai tufuga*'s wives, who are known as the '*meana'i tāua*' – important ladies, hold primary esteem and are therefore presented with the first and best gifts (Simanu, 2002, p. 536).

¹¹¹ The term *samigāsili* comes from two words: *samiga* which is a noun that means putting into the sea and *sili* which means first. The term thus stems from the tradition of putting a boat or a canoe into the sea for the first time, a ceremonious act which marks both the completion of the construction of the boat and also the beginning of the vessel's engagement in either the taking of fishing expeditions or partaking in interisland voyages.

Subsequently, gifts are then presented to the *matai tufuga* and their team of *tufuga*. Traditionally, before the commencement of a building project, the host is responsible for providing a separate house for the *meana'i tāūa* in which to reside during the duration of the project. This is due to the fact that *meana'i tāūa* plays the crucial *faiva o le tapua'i*, which is worshipfully wishing away any curses or calamities from the builders, the host family and also the project itself. Again, the Samoan proverb, “*E lē sili le ta'i i le tapua'i*”, is central in this arrangement. Further, the treatment of the *meana'i tāūa*, especially within the context of the Samoan notion of *faiva*, is indicative of the high regard that is always accorded to Samoan women. *Tapua'i* also includes the continuous analysis of the progress of the project. This analysis is the basis upon which the *meana'i tāūa* and perhaps the *taufale* are able to provide advice to the master builder on either the treatment of the workers, how the hosts might be feeling so far, or on certain aspects of the project that need further attention. In most cases, the *matai tufuga* often acknowledges the advice from the *meana'i tāūa*.

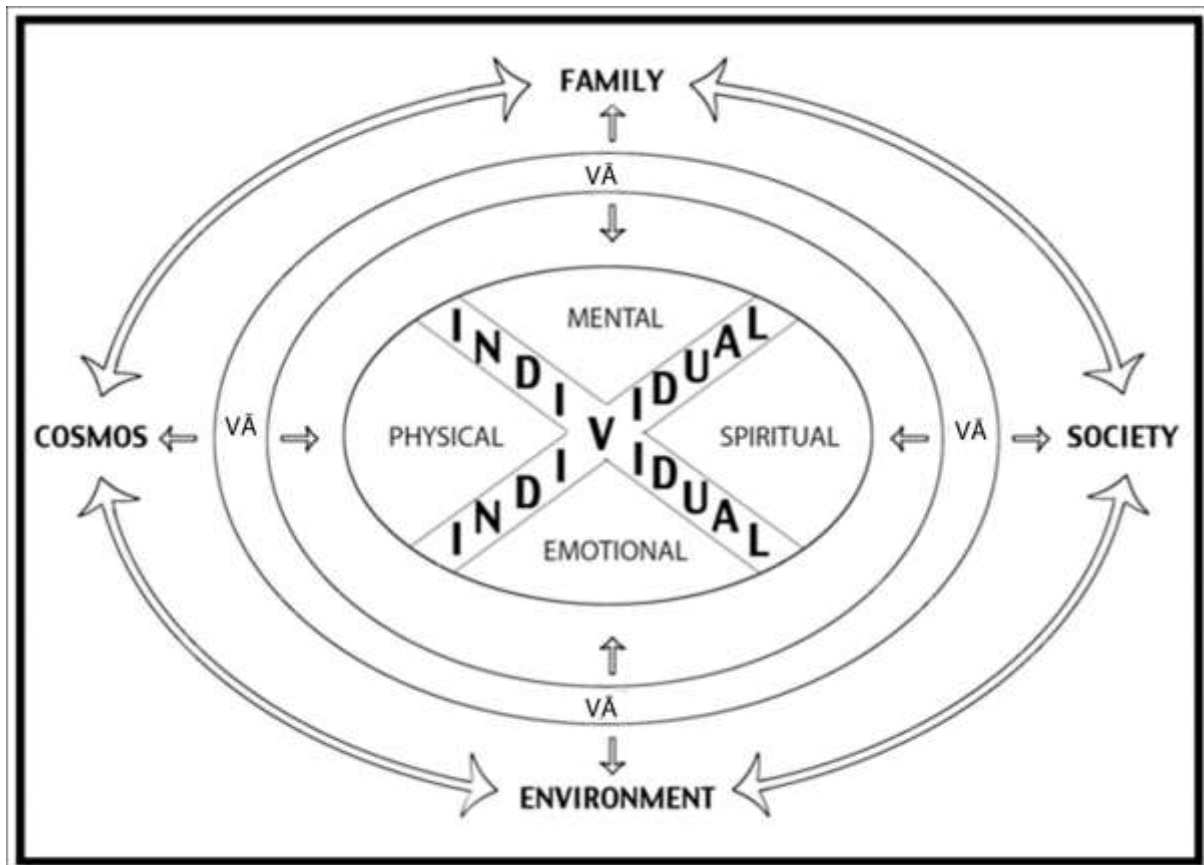
In summary, the Samoan process of knowledge production, as embodied in the four phases (*Fefa'asoa'iga*, *Soa*, *Fa'atufugaga* and *Fa'aumusaāga*) of *Faiva*, provides a succinct picture of the intricacies involved in the collective task of raising a Samoan individual to become an honourable, knowledgeable, resourceful and beneficial person to her/his family and society. Change is expected both within each phase and also at the transitional points between each phase albeit the level and speed of such change(s) are subject to environmental, biological, as well as encoding and decoding factors that are both intrinsic and extrinsic to the individual. Further, change must also be consistent both within each phase as well as at transitional points. That is, individuals who achieve and progress well would also acquire their *faiva* accordingly and therefore become successful. Conversely, individuals who fail to realise any change would therefore not transit and progress but become burdensome to Samoan society. In fact, such people may even employ (or perhaps abuse) the same process

of knowledge production, but on a tangent, in order to achieve negative faiva (see discussion on 'Faiva as theoretical perspective at end of this chapter).

7.4 *Faiva - A Holistic Approach*

The foregoing exposition of the notion of faiva not only elucidates the Samoan process of knowledge production but also reveals the centrality of the Samoan individual within the Samoan society. The Samoan individual is developed collectively. The discussion that ensues explains the five dimensions (see Figure 7.2) of the Samoan person in relation to her/his centrality to the main objective of the process of knowledge production, which is for the individual to become successful (Macpherson, 2004, pp. 168-169; Va'a, 2001). Four of these dimensions; Physical, Mental, Spiritual and Emotional are intrinsic to the individual. The fifth dimension, namely *Vā* – (relational) space, is extrinsic but ironically un-detached from the individual. Additionally, the individual is supported by four different but related support systems within the Samoan social structure. These are Family, Society, Environment and Cosmos.

Figure 7.2: The Centrality of the Samoan 'Individual' within the Samoan Society



7.4.1 Physical Dimension

The Physical dimension refers to the body which is developed very early in life and throughout one's lifetime. It also includes sexuality, age and familial designations. The development of the physical happens through participation in chores around the home (Holmes, 1957, p. 403), in entertainment, sports and other physical activities. The traditional forms of such activities may differ dramatically from their contemporary correspondents. However, this element of difference is perhaps irrelevant as it is the participation factor that is salient to the development of a Samoan person's physical prowess. Further, the physical also includes the recognition of the significance of each body part and also the cultural importance of body arts like *tatau* – traditional male full body tattoo, and *malu* – traditional female tattoo. *Tatau* and *malu* are not just body arts; they are symbols of access to certain functions. For

example, untitled men with *tatau*, formally referred to as *soga'imiti*, are the first preferences to serve in the house of *matai* during meetings and official ceremonies.

7.4.2 Mental Dimension

The second dimension, Mental, refers to the development of the individual's mental faculties. This often occurs through memorising voluminous information like genealogies, honorifics of different people (titles) and different villages, legends and important proverbs that originate from the experiences and *faiva* of the Samoan people. This is usually done through oral (*tu'umumusu/tu'utaliga*), songs and visual (modelling) traditions. For example, the skills required for developing one's mental capabilities in cultural knowledge like speechifying and participation in the 'ava ceremony are learnt more effectively by listening consistently to, and watching how masterful *matai* and *taulele'a* use them (Simanu, 2002, p. 237). This is supported by medical science which found that the brain is sharper in memory work when it is young, albeit highly undependable in the sphere of decision-making (Jensen, 2006, 2008, September 8). Further, the involvement of the *ao sinasina* or guardians of knowledge (M. D. Olson, 1997) in mental development is indicative of the fact that the shared knowledge is tested and proven, and is therefore worth obtaining.

7.4.3 Spiritual Dimension

The Spiritual dimension includes one's awareness and connectedness to various available spiritualities. It is developed and nourished with information from diverse forms of Christianity, non-Christian religions and the Samoan traditional religion¹¹². The dominance of Christianity in Samoa has not been completely effective in eradicating the yearning within many Samoan people to obtain certain aspects of the Samoan traditional religion (Tui Atua,

¹¹² Samoan people still recite salutations to their deity Tagaloa during funerals (Tui Atua, 2009d).

2007a, 2009a). The practise of the Samoan *taulāsea* – traditional healer is still vibrant both in and outside of Samoa, and also amidst strong Christian circles.

7.4.4 Emotional Dimension

The Emotional dimension refers to feelings and often involves emphasising the importance of the sense of humility that is achieved through a denial-like approach called *fa’afitifiti* – denial, as in *fa’afitifiti ‘ava* – one’s denial of the good and high quality of his/her ‘ava sticks (Simanu, 2002). For example, in the event of hosting guests, the ceremony called ‘ava ‘o le *feiloa’iga*, which translates literally as ‘ava of the coming together, is usually the first official part of the occasion. Each matai of the host village brings along an ‘ava stick for the welcoming ceremony. After collecting the ‘ava sticks from the matai of the host village, their spokesperson will orate (*sufi ‘ava*) as the collected ‘ava sticks are passed over to the visiting party. Such a formal speech always includes the following lines of *fa’afitifiti ‘ava*; “*Talofa i lau fa’asoa lē lava. Ua mativa tuāmaōta o ‘āīga ia*” – we are sorry that the ‘ava sticks you are presented with is inadequate (or inferior) for you to share around. The farmlands of these royalties are poverty-stricken (Ibid p. 355). Words and phrases to this effect are always said even if the ‘ava sticks are plentiful and of the highest quality (See Appendix 7). It is the culturally accepted way of showing respect although it perhaps sounds like the hosts lack self-confidence (‘Aiavao, 2004, pp. 103-104). But this is the way Samoan individuals are taught of how to develop and control their emotions; do the best but always maintain humility even in the face of plenty. This spirit of humility is also central to the construction of traditional Samoan *tulāfono*, which “are not abstract principles, rules or regulations devoid of feeling or emotion. They are...recognition of the importance of both the mind and soul to the exercise of law-making” (Tui Atua, 2007c, pp. 2, 11). Emotions, therefore, especially in connection with the mind, permeate the essence of true *fa’aSamoa* or the Samoan way of life.

7.4.5 Vā Dimension

$V\bar{a}^{113}$ – space between, is both internal and external to the individual. Internal $v\bar{a}$ refers to the inter-relatedness between and among the individual's internal dimensions. It is concerned with the inner being and the individual's decision-making faculties. People who cherish this internal $v\bar{a}$ are often at peace with themselves first before they have a positive impact on the lives of other people.

On the other hand, $v\bar{a}$ as external circumvents the whole individual (Figure 7.3). Its externality makes the individual susceptible to becoming either positive or negative, but $v\bar{a}$ is never detached from the individual. It puts the individual within view of the surrounding support systems like Natural Environment, Society, Cosmos and Family to which the individual is answerable (Figure 7.3). This is because $v\bar{a}$ is not just an empty space between, but relational space (Allen, 1993 as cited in Refiti, 2008, p. 99), 'negotiated space' (Mila-Schaaf & Hudson, 2009, pp. 113-114). Samoan people endeavour to maintain "relationships between people, *aiga*, villages, districts and finally between people and *Le Atua*" (Tuala-Warren, 2002, p. 14). $V\bar{a}$ has a life that is contingent upon the strength of the relationships between the individual and the support systems. It might be either positive or negative but never absent. Subsequently therefore, the meaning of this $v\bar{a}$ changes subject to its context (Wendt, 1996, p. 8). Thus in terms of people relationships, it is social $v\bar{a}$ and it changes subject to the social status of the person or people with whom the individual comes into contact. For instance, Samoan people have learnt that the proper term for saying goodbye to a very close relative or friend is '*tōfā*' (toh-far) or '*fā*' in short. Conversely, saying goodbye to a guest, stranger, matai, an elderly person, or a religious minister, would require the usage

¹¹³ A more extensive discussion of the notion $v\bar{a}$ is presented in Chapter Five.

of one of the more formal terms like *soifua*, *tōfā soifua* or *'ia soifua ia*. Hence, *tōfā* and *fā* become culturally inappropriate. Further, *vā* within the contexts of the environment and the cosmos, is spiritual *vā* or *fa'asinomaga vā* (designation) as implicated in the culture of burying one's placenta or umbilical cord in their own section of land (Tui Atua, 2007a), and et cetera. Therefore *vā*, being an active or relational space, rather than mere emptiness, is crucial in facilitating the individual's relationships with all major support systems available to her/him.

7.4.5.1 Support Systems that are Available for the Samoan Individual

It needs to be noted first that the notion of support in the current project is not restricted to just an upward or vertical direction as portrayed by the metaphor of the house posts in the *Fonofale* model (Pulotu-Endemann, 2009). In the current study, the concept of support refers to a multi-directional affair between the individual and the various support systems within the Samoan social structure. As such, support could be realised physically and tangibly as exemplified in the Samoan custom of receiving *'ie tōga* or financial assistance from family members for one's *fa'alavelave* – crisis (Suaalii-Sauni, 2006, p. 191). Similarly, it could also be an abstract principle that is used to conceptualise the enactment of the individual's multiple and diverse relationships with society, environment, cosmos, and family. For example, the somewhat utopian spiritual concept of a heaven and the traditional Samoan ancestor worship (Tui Atua, 2007a), albeit futuristic and intangible, do provide some positive mental or spiritual support for certain Samoan people who could not be supported otherwise. Ultimately, the influences of the four support systems mentioned above become the collective catalyst for the individual's success or downfall. A very brief description of these four support systems now follows.

In the context of the current work, **Society** refers to institutions, other than the family, that provide social support for the Samoan individual. It includes the networks or friends (peers), village groups like *matai*¹¹⁴, *'aumaga*, *aualuma*, *mafutaga a nu'u* (village associations)¹¹⁵, schools (including pastors' schools), day care, church, prisons and sport organisations. The contribution of these components of society, either collectively or individually, to the shaping of the Samoan person's life is perhaps more real, influential, effective and long lasting than generally accepted.

The **Environment** as a support system is inclusive of land, forest, sea and the animal kingdom. The security of a Samoan person's *fa'asinomaga* – designation (Tui Atua, 2007a), especially in terms of land and title, is summed up in the Samoan expression "*O le tagata ma lona āiga, o le tagata ma lona fa'asinomaga*" - the person and her/his family, the person and her/his designation (specifically land and title). It means that a Samoan individual is destined for a place within the Samoan social structure to become sustained by it and also to contribute toward relevant entities within it (Tuitolova'a, personal communication 27 June, 2009). This is evident in the strong Samoan tradition of naming certain body parts like *fatu* (heart), *'ele'ele/palapala* (blood), and others, after environmental elements where such terms also mean rock and earth respectively (Milner, 1966, p. 172; Tui Atua, 2007a, pp. 3, 4, 9). Samoan people believe that the environment, including land and sea, is their heritage from God.

¹¹⁴ This is in reference to the people who live in the Samoan village and therefore operate in accordance with the expectations of the respective village group with which they affiliate.

¹¹⁵ These kinds of associations are very common within Samoan communities outside of Samoa.

Cosmos covers the Samoan person's connectedness to the universe and outer space in terms of deities, irrespective of whether such are traditional, Judaic or otherwise. For example, the *Ātua* district deified the planet Jupiter (*Tupualēgase*) and therefore offered annual sacrifices to it (Stair, 1896, p. 55). Heavenly bodies also became very instrumental in terms of guidance and direction for Samoan people's land journeys and ocean voyages (Salesa, n.d.). Further, Samoan people still observe many traditional beliefs like taboos related to land, pregnancies, fishing, funerals, and others (Simanu, 2002; Tui Atua, 2007a). Land, being an intersect of environment and cosmos, especially with regard to traditional rituals like garland making during the *palolo*¹¹⁶ season and land taboo(s) (Tui Atua, 2009a, p. 116), signifies that an overlap in support is expected between and among the support systems available to the Samoan individual.

The placing of the **Family** on the same bar as other support systems is consistent with the notion that support is not necessarily restricted to a vertical and hierarchical structure. Rather, support is inclusive of the multidirectional influences of enablement and empowerment that the Samoan individual receives from different and differing support avenues. Family includes both nuclear and extended type families although such notions are importations into the Samoan social reference. This is because in certain circumstances, the notion of family may also include very close and long-term family friends as implicated by the Samoan terms *fa'a'āiga* - to treat like a family, and *feōsia'i* - mutual and reciprocal support or acknowledgment. Samoan people invest in their families and vice versa. The reciprocal nature of this relationship means that the support that the family currently provides

¹¹⁶ The palolo – *viridis*, is considered by the Samoans as a fish and is a delicacy. Its appearance, which is once a year around October-November, is always welcome with excitement as portrayed in the practice of preparing ornaments and sweet smelling garlands for the fishermen to wear during *tā gā palolo* – fishing for the palolo (Tui Atua, 2007a).

to the individual will be reciprocated by the individual in due time either in terms of material possessions or educational and other achievements which usually translate to an elevated status for the whole family.

Given this, the individual, rather than the family, is the centre of the Samoan social structure (Figure 7.3). It follows logically therefore that the general understanding that the Samoan family is the ‘foundation’ of the Samoan society (Krämer, 1994, p. 33; Nayacakalou, 1960, p. 106; Pulotu-Endemann, 2009; Suaalii-Sauni, 2006, pp. 191-193) needs to be revisited. This is especially so in light of the many issues and pressures surrounding the contemporary Samoan family in New Zealand (Anae, 2001; Cowley, 2005; Tiatia, 1998) and abroad (Vakalahi & Gordinet, 2008). To this end, the ensuing discussion therefore aims to further explicate two questions; why the notion that the family is the foundation of Samoan society is problematic, and why the social structure of the Samoan family, community and society is horizontally oval rather than hierarchically vertical.

The discussion commences with the premise that the notion of ‘family as foundation’ is problematic for these reasons. One, such a conceptualisation tends to create an immediate sense of false responsibility by which the family is put up to be answerable, unnecessarily, to all consequences. It presents the family as the institution that is solely responsible for either making or breaking its individual members.

In most cases, the failure of the individual, is regarded as the failure of the family, and perhaps likewise with success. But further questioning of the participants in line with the principles of *Fa’afaletui*¹¹⁷ revealed that this line of conceptualisation often produces premature conclusions and is therefore ill informed perhaps.

¹¹⁷ See Chapter Three for the discussion of the Fa’afaletui notion.

The family, just like other forces, is as much a contributing agency to the formation of the individual's life choices. It is therefore fair to argue that the family is not the foundation but one of the multiple agencies of influence, perhaps the major one, to which the individual is answerable. This is because if foundation means the contributing factors toward the development of the individual, then school, friends, church and all such influences should be foundational as well.

Furthermore, the argument that the family is foundational also denies the changing nature of the contemporary family. For example, in many cases, both parents work while the children are either looked after by nannies, day-care institutions, other siblings, grandparents, or being involved with school and friends for the major part of the day. It is an undeniable reality that other agencies, in addition to the family, are spending more hours of the day with our children (Gottfredson, Cross, & Soule, 2007; Zimmermann, 2007). It means that such agencies are actively involved in the moulding of some of the children's behaviours during these formative and receptive years of their lives. In this case then, the contemporary Samoan parents' contribution to their children's education is perhaps minimal compared to the other 'competing' support systems. Further, research has identified at least seven risk factors of which schools have been implicated as contributing to young people's offending (Sutherland, 2011, pp. 2-5). The point is, the individual stands exposed to influences from the four main support systems because s/he is as much a member of the other three as s/he is a member of her/his biological family. Similarly, the individual may be a member of the family albeit partially or totally unsupported by it (negative $v\bar{a}$) but finds meaningful support from other factions of society (positive $v\bar{a}$), like the environment or even the cosmos.

With regard to the alternative argument that the individual is the centre of the Samoan social structure, the following discussion contends that placing the individual at the centre is logical

from two perspectives. First, as far as traditional *fa'aSamoa* is concerned, the importance or centrality of the individual to both the family and the community is evident from the time of birth and throughout her/his lifetime. For example, the traditional ritual of cutting the umbilical cord of a baby on the '*upeti* (if it is a girl) or on the war club (if it is a boy) to wish them certain *faiva* (Turner, 1884, p. 79), is indicative of the fact that the individual's wellbeing is paramount to everyone right from infancy. Another example is the culture of *fa'afaiilelegātama*, which is the presentation of fine mats and sleeping mats by the baby's father's family to the baby's mother's family to formally acknowledge the baby's legitimacy (Beckwith, 1944). Further, Samoan parents, mother especially, also engage in the preparation of special fine mats for a girl's dowry (Krämer, 1994, pp. 30-35). These traditions are indicative of the fact that the individual's wellbeing is a communal concern.

The second perspective, which is perhaps an extension of the first, states that the birth of a child is traditionally not just a family occasion but a communal one as well. It is often celebrated by not just the immediate family but also friends, village, church, village school(s) and et cetera. This is indicative of the fact that the Samoan process of knowledge production focuses on preparing the individual to become a resourceful contributor towards the multiple institutions to which s/he will be affiliated later in life. That is why very early in life, the children are instructed on how to relate to each other both within and without of the family (Krämer, 1995, pp. 62-63). The involvement of other institutions, rather than just the family in the life of an individual is also strongly evident in the role of other village groups like '*aumaga* and *aualuma* guilds, the pastors' and mainstream schools, sports clubs and et cetera, where the individual is collectively drilled into becoming a good and resourceful Samoan person. Further, the involvement (or non-involvement) of the family and other entities (support systems) in the development of an individual means that such entities are also contributing factors to the individual's successes and failures. At times, other support

systems may effect more influence than the family. Further, given recent developments in law formation (2007 ammendment of section 59 of the Crimes Act 1961 and the subsequent passing of the Anti-smacking Bill in New Zealand) and stronger emphasis on the rights of children (Viccica, 1989), coupled with the poor support during the transition from traditional methods of discipline to more positive alternatives, many families are either in confusion or in an incapable situation in terms of effecting discipline. Many families in general and Samoan families in particular, have found the transition too swift that many are either ill-prepared or totally unprepared to meet its demands. As such, the usual argument that young people participate in socially reprehensible activities due to ‘family disfunctionality’ therefore excuses other systems like the state (law-making bodies, CYF , Police, Schools and et cetera) and religion of their shared responsibility to the individual.

Thus far, the discussion of the notion of *faiva* as a process of Samoan knowledge production has demonstrated that both the process through which a Samoan person learns the important skills of life as well as making all support systems functional for the individual contribute immensely to the development of the individual. The remainder of this chapter will elucidate one further argument. The first is that this same process of knowledge production is the same process that researchers could use when doing research “with” (rather than “on”) the Samoan community and perhaps other similar communities. In this sense, Faiva is also a Methodology as the discussion will demonstrate. Two, the discussion will also explain how this nuance of Faiva could also be taken as an alternative theoretical approach to further our understanding of crime commission and crime control within the New Zealand criminal justice system. This respective section also answers the question of how the Samoan process of knowledge production, which is so positive and should therefore culminate, logically, in the acquisition of a positive *faiva*, could otherwise be somewhat construed to also include the realisation of a negative *faiva* like being involved in socially reprehensible activities.

7.5 *Faiva as a Theoretical/Criminological Perspective*

“...theory without research is mere speculation; research without theory is merely data collection...” (Tolich & Davidson, 2003, p. 17).

The aim of this final section of the chapter is to explain how the notion of *faiva* could be applied as an alternative theoretical viewpoint from which to further our understanding of the phenomenon of crime. Understanding crime is a “theoretical challenge to criminologists” (van Dijk, van Kesteren and Smit, 2007, as cited in Rosenfeld & Messner, 2009, p. 446). The discussion will make plain the proposal that ‘crime commission, albeit negative and anti-social, is in fact a *Faiva* - Vocation’. That is, the process through which a positive *faiva* is learnt and produced is exactly the same process through which a negative *faiva* is acquired. This is especially so given the context of the fact that individuals who engage in criminal activities are often unconcerned about whether the means to an end are legitimate or not, so long as the goals are achieved (Agnew, 1992; Kaufman, Rebellon, Thaxton, & Agnew, 2008).

7.5.1 Crime Involvement is a *Faiva*

Crime involvement is a *faiva*, irrespective of whether such a thesis associates negative nuances to an all positive notion as *faiva*. But given that *faiva* in this sense means vocation, it therefore resonates with the concept of ‘criminal career’ (Brame, Mazerolle, & Piquero, 2010; Polaschek, Collie, & Walkey, 2004). The following discussion therefore aims to clarify the proposal that crime is a *faiva*, by doing two things. The first is to explain and elaborate on how, from the perspective of the Samoan process of knowledge production, crime commission could be considered as a *faiva*. The second is to explain how the notion of success, both societal and individual, has created open-ended opportunities where the

objectives and goals to be successful have perhaps undermined the legitimacy of the catalysts for achieving such goals.

The four phases of the Samoan process of knowledge production embodied in *faiva* could be summarised by the notion of learning. That is, learning is central to each phase and also to the process of knowledge production as a whole. Further, learning is facilitated both positively and negatively irrespective of whether the action is intentional or unintentional. Samoan learning is generally seen as inclusive of cultural, spiritual and academic information although some argue that Samoan parents thought of academic learning as a teacher-specific rather than part of the parental role (Valdez, Dowrick, & Maynard, 2007). Moreover, learning is crucial for the recipients of knowledge, especially in the sense of internalising such in accordance with the demands of either the primarily intended *faiva* or of any secondary one. In this sense, *Faiva* resonates with Sutherland and Cressey's (as cited in Colvin & Pauly, 1983, p. 516 and; Lanier & Henry, 1998, p. 6) 'differential association theory', which purports that during the process of learning criminal behaviour, there is also emotional attachment involved. In terms of crime therefore, a *faiva* of offending and law breaking is partly an outcome of learning such knowledge and skills off relevant influential people and circumstances, just like learning a positive *faiva*.

The allusion in the data to learning negative habits implicates both 'parents' or 'family' and 'mates' as the main culprits. Although none of the participants who reported on, or indicated witnessing the commission of any anti-social activities, actually blamed their own specific parents/families/children for these actions, and that all such reports were from participants who were mainly parents who reported on other young people, the fact remains that such reports were based on an observation of some instances of people learning off other people. The learning of negative habits both through family environments as well as through

influences external to the family is a reality which subsequently leads to the acquisition of negative *faiva*. In a sense, a criminal *faiva* is learnt through similar means, if not the same, as learning a positive *faiva*. While this reasoning is similar to ‘Freudian-influenced psychoanalysis’, which emphasises the failure aspect of family socialization, and the subsequent ‘defective personality’ of the child (Lanier & Henry, 1998), it differs in the sense that the *Faiva* perspective does not consider criminal behaviour as indicative of a ‘defective personality’, but rather as reflective of the purposeful act of creatively taking advantage of the situation either for one’s benefit or for the interests of a group to which the perpetrator belongs. For example, Samoan people, in reference to individuals who consistently act antisocially, often use the expression, “*Poto i mea valea*” which translates literally as being ‘clever in foolish things’. The expression implicates an irony in which both positive (*poto* - clever) and negative (*valea* - foolish) notions combine in one act; thus creativity-wise, clever, but activity-wise, foolish. In any case, this scenario purports that a criminal *faiva* perhaps also allows a person to behave against her/his self-interest especially in the face of possible ridicule that is attracted by a negative *faiva*. Similarly, Samoan people often use the expression, “*E so’o a le moa sope i le moa sope*” (the fringed-chicken takes after the fringed-chicken) to implicate the understanding that young people who commit antisocial activities are only perpetuating what they have learnt from their parents and guardians.

In addition, a criminal *faiva* also has two other important elements; temporal and goal. The temporal element refers to whether someone’s involvement with crime is permanent or temporary. There is really no formula to calculate or detect beforehand the tenure of a person’s criminal life. But given the highly communal nature of the Samoan society, which thrives in the public ridicule of deviancy as a sign of disapproval (Simanu, 2002), a criminal *faiva* would perhaps be more temporary than long-term. Factors like a matured attitude, family influence, shame and religious conversion contributed to a temporal life of crime.

Research evidence which suggests that involvement in criminal activities change with age as represented by the ‘age-crime curve’ (Francis, Soothill, & Ackerley, 2004, p. 105) support these findings. Additionally, young males are more likely to offend (Statistics New Zealand, 2010b) and their criminal activities often peak at adolescence (Agnew, 2003; Kaufman et al., 2008). Francis et al (2004) explain further that “ the amount of crime at a particular age is a combination of two factors – the number or proportion of individuals engaged in crime (the prevalence of crime) and the frequency with which these individuals are committing crime” (p. 105). In this sense therefore, it would follow that the tenure of one’s criminal involvement is also relative to their perceived ‘needs’ and priorities. Once needs and priorities change, interest in criminal activities also vary or even cease. Further, the temporary nature of one’s criminal involvement would also make it possible to acquire multiple *faiva* at any one point in time.

The acquisition of multiple *faiva* avails the holder of such *faiva* to the possibility of having the freedom to choose one *faiva* over the other in accordance with the needs and demands of the situation at hand. At times, this could lead to ‘crimes of omission’ which are perhaps either intentional or unintentional. From a Samoan perspective, crimes of omission sometimes prove to have more detrimental effects socially than crimes by commission. For example, Queen Taufau, Queen Salamasina’s¹¹⁸ grand daughter, wished to will the throne over to her son Tupuivao as her successor. But given that Tupuivao’s preoccupation with his *faiva* as a master hunter (*ali’i seu*) of wild pigeons, a *faiva* which has both a sports and royal connotations, rather than his *faiva* as a *aloali’i* – crown prince and a master designer of earthmounds – *tia seu* (Freeman, 1944, pp. 148-149), his right to the throne was effectively

¹¹⁸ Queen Salamasina was the first person to hold all four paramount royal titles and therefore become the first national ruler of the Samoan archipelago, except for the Manu’a group at the eastern-most part of Samoa.

forfeited. This happened after Tupuiavao declined three urgent messages asking for his immediate return to his dying queen mother. The fun and personal success he experienced during his ‘foresting’ – *ta’avao* were perhaps too overwhelming that the throne became second best. Consequently, Queen Taufau declared, “*Ua tafea le utu a Taufau*” – Taufau’s rights to the throne are now terminated (Krämer, 1994). Subsequently, Taufau nominated her nephew Faumuinā, who was the son of her sister Sina, as her successor, an act that effectively deprived Tupuiavao of royal ascendancy.

Soon after the death of the queen mother, Tupuiavao declared war upon Faumuinā but lost and was consequently banished to the island of Tutuila where he died. It is important to note here that Tupuiavao’s primary *faiva* was to be the crown prince for which he was groomed from a very young age. But his taking up of other alternative *faiva* like pigeon hunting and mound building (J. D. Freeman, 1944) led directly to the development of negative attitudes like taking things for granted and fighting which led to his ultimate demise. This perhaps indicates that Samoan people’s involvement in some ‘illegal’ activities sometimes is more ‘neglect-related’ than ‘criminally-intent-related’, especially if the possibility of having to choose one *faiva* over the other is available and also when fun, enjoyment and perhaps economic increase, are prevailing factors.

The second element, goal, refers specifically to the notion of success of which two measurement factors were identified. The first is success in economic terms while the second is success in the sense of identity and status.

The goal of economic success often incorporates socio-economic factors as well as factors that relate to people’s monetary statuses (Baron, 2006). Talking about crime in terms of economic benefits is not novel. For example in Jones’ (2007) review of Alan Wright’s book *Organised Crime*, Jones noted that “organized criminal activity runs parallel to legitimate

business as they are both profit-making in nature. As such it is only the means by which profit is made that differentiates between legitimate business and what Hobbes terms ‘dirty business’” (p. 224). Other studies also found that criminal activities are often associated with economic goals where “monetary expectations and achievements were associated with crime” (Baron, 2006, p. 209). Realistically therefore, the economic impacts of a criminal faiva cannot be overlooked or denied.

Macpherson’s (2004) observations of the Samoan people that their “materials aspirations...and the demands of Samoan custom are infinite and the sources of capital to meet these are not” and that Samoans are “calculative and instrumental” (pp. 167-168), are perhaps suggestive of the fact that Samoan people’s struggle to achieve financial success is a reality. As such, their involvement in anti-social activities is presented as another way to meet certain financial needs as well, which, according to Agnew (1987) and the general strain theory, is accepting the presentated or available negatively-valued stimuli to achieve success.

Macpherson (2004, p. 168) further explains that Samoan people outside of Samoa assess the financial benefits of the new destinations and move around nationally or internationally to find which place yields more economic benefits and returns for the family. This observation could be extended to include some Samoan people’s involvement in crime as well, especially in light of the findings that ‘vibrant consumer society increases’, potentially present a situation that is conducive for crime (Triggs, 1997 as cited in Statistics New Zealand, 2006, p. 4).

The second measurement factor for success that was identified in this analysis is encapsulated in the notions of identity and status. This is evident in both the discourses as well as the activities of some participants, especially members or affiliates, former or current, of certain gangs. The analysis revealed a philosophy of identity that is not based on any physical

location but on one's world view of belonging. As such, the connections and one's awareness of certain identity factors, rather than an actual place, become the significant factors in the assignment or reassignment of belongingness (Castles & Davidson, 2000). This is similar to Cohen's (1965) idea of differential opportunity where youths with less or limited opportunities may not achieve well and therefore experience "status frustration" (Lanier & Henry, 1998, pp. 218-219). The current study explores this status frustration as learned in a different way, that is, *faiva*.

Moreover, participants who have never been to Samoa, and moreover, one informant being a third generation New Zealand-born, of Samoan descent, all convey strong trans-nationalistic feelings as though this notion of being Samoan is their 'abstract' home away from home. It must be noted however that this idea of belongingness is a crucial aspect of Samoan identity as implicated by notions like '*lotonu'u*' – patriotism (Simanu, 2002, pp. 55-56), and *sa'ili mālō* – nation seeking (Simanu, 2002; Va'a, 2001). Furthermore, Samoan expressions like "*E maota tau'ave Samoa*" - Samoan people carry their houses, but means the honorifics that pertain to a title or its holder, reside with such title or person irrespective of the geographical location of the person. So a Samoan person could be physically detached from a place, perhaps due to migration and relocation, but is actually still a vital component of that place through this philosophy of belonging (McCarthy, Shaban, & Stone, 2011; McDade, 2001). Additionally, the person concerned feels obliged to maintain ties with the family as the practices of remittance perhaps further illustrate (McGarvey & Seiden, 2010; Tamasese, Parsons, Sullivan, & Waldegrave, 2010b).

Moreover, what the data also implicates is that persistence on Samoan belongingness is a worthwhile course, especially if it is based on important historical events like Samoa's

independence from colonial powers in 1962¹¹⁹. Such tangible evidence arguably has provided a certain degree of justification for some criminal involvement – “*that is why we do what we do*” (Tuli), and some assurance that the ‘mission’ of guarding the ‘name of Samoa’ is a worthwhile course – “*protect the name of Samoa*” (Pulou). This idea is also reflected in Macpherson’s account of the Samoan people resisting the Germans, then the New Zealanders, in order to maintain their autonomy, of which Macpherson (2004) purports that “good governance is no substitute for self-governance” (p. 166). The point is that securing one’s sense of belonging may involve participating in an alternative faiva like antisocial activities or crime affiliation. It is also from this perspective that one could make sense or understand why young Pacific Islanders in general and Samoans in particular react very negatively to police and how treatments of minority cultures have been perceived as racially discriminating, as indicated in the excerpts above.

In the final analysis, doing crime as a faiva – vocation, means that people commit crime because one, they know how to do it in such a way that the possibility of getting caught is monitored and therefore minimised, they know that the rewards and benefits outweigh the costs and that there is celebration if successful. People’s involvement in crime could be either temporary or long term, subject to the perpetrator’s needs and situation. The narratives show that embracing anti-social activities involves a lot of sharing of knowledge, learning of skills, mentoring, apprenticeship, and celebration, just like learning a positive faiva. Further, the goals and aims of legitimate faiva to be successful are also the aims of negative faiva, only that the means to get there are perhaps illegitimate. So long as the New Zealand society is run on the basis of a capitalistic model, illegitimate faiva will also be around.

¹¹⁹ Some young participants of the current study were active members of a recently formed gang that is composed of mainly Samoans.

7.6 Conclusion

The notion of *Faiva* – vocation – is a useful way of explaining the participants' understanding of crime. *Faiva*'s four phases – *Fefa'asoaā'iga* (Sharing), *Fa'ata'ita'iga/Soa* (Apprenticeship), *Fa'atufugaga/Fāusaga* (Practice) and *Fa'aumusāga* (Dedication-Celebration) contribute collectively toward providing a holistic view of how Samoan people construct their knowledge system(s) which often culminate in the acquisition of primary and secondary (temporary) *faiva*. This process provides an alternative way of theorising about crime commission and crime control. From this perspective, it is argued that crime commission is a *faiva*. This is because crime commission follows the same process by which any other *faiva* is acquired. Further, the fact that crime acquisition is a negative *faiva* does not matter because the elements of sharing, learning, apprenticeship and celebration are still involved. Moreover, doing crime fulfils various goals either on a temporary or long term basis, depending on the person's needs, circumstances, affiliations and level of maturity. Viewing crime commission as a *faiva* is this thesis' contribution to knowledge accumulation, especially in explaining how Samoan people react to different situations and pressures.

CHAPTER EIGHT: CONCLUSIONS

The villager does not operate by a body of civil law but by a code of honour. If he receives a wrong, he does not seek redress. He wants revenge. The taking of revenge is a virtue in village eyes. A man who does not take revenge is not a man. The revenge-seeker cannot be negotiated with because his intent is bound up with honour. It is an absolute (Judge Epati, 2008)

8.1 Introduction

Judge Epati's summation above bespeaks the Samoan people's philosophy of justice and fairness. The impact of this philosophy of life on the way Samoan people operate in relation to New Zealand's criminal justice system and crime control practices may yet to be fully realised. This research project set out to investigate the attitudes of Samoan participants toward the New Zealand criminal justice system. The investigation started with the two key questions of: 1. How Samoan people perceive the New Zealand criminal justice system and, 2. How Samoan people's knowledge systems shape their reactions to crime. Other questions that guided the investigation are set out in Chapter One. The specific areas about which participants were invited to share their views included the criminal justice system as a whole, the incidence of crime, especially in relation to Samoan people's involvement in its creation, as well as to the overall control of crime in New Zealand, and the criminal justice professionals both in terms of their performance generally and also their treatment of Samoan people in particular, compared to people from other ethnic groups. The rest of this chapter will outline and discuss five key conclusions and implications of this study.

8.2 Key Conclusions

The first conclusion relates to the applicability of established criminological theories to understanding Samoan people's involvement in anti-social activities. That is, while Eurocentric and mainstream theoretical perspectives like Cultural Criminology and General Strain Theory were useful in providing an overall conceptualisation of Samoan people's

involvement in criminal activities, it was found that using such theories alone would not have achieved the fuller understanding of Samoan people's philosophy of justice upon which their attitudes toward the criminal justice system are embedded. This thesis therefore argues that in order to realise some positive results when working with Samoan people, it is necessary and required that elements of the Samoan philosophy of justice, like respect, reciprocity, fairness and honour must be incorporated into policies and programmes that are intended for these people. Furthermore, these elements must be also understood from the point of reference of the Samoan people. This is because Samoan people still maintain strong connections to *fa'aSamoa* – Samoan way – and continue to be influenced by *fa'aSamoa* irrespective of whether they were born and raised in Samoa or outside of Samoa. This was evident in the type of nationalism that some participants have demonstrated by organising and belonging to criminal groups that were founded solely on events like Samoa's independence, which occurred in Samoa, not New Zealand. These participants were second and third generation New Zealand-born and have never been to Samoa.

The second conclusion is related to methodology and states that the development and application of Pacific and migrant-specific research approaches for the enhancement of our knowledge of Pacific peoples and their concerns should achieve at least three things. One, such an endeavour should be properly informed by cultural knowledge to avoid the misrepresentation of Pacific pedagogies and epistemologies. Two, it should always go hand-in-hand with established mainstream epistemologies in a complementary manner so that the 'un-Samoan' and 'un-Pacific' elements of Samoan people's experiences are catered for in research. Finally, the two points above should allow for a process of assessment and analysis that is developmental and robust like that through which the *kakala* approach has been put through, where its author has endorsed and encouraged its being amended and extended by

other scholars, as the current study also had the privilege of so doing. This process is not currently happening to other Pacific-specific research models.

The third conclusion is that the New Zealand criminal justice system and the Samoan people are often incomprehensible to each other. This is because there is a severe lack of access by both parties to information that is readily and mutually understood. To the Samoans, the criminal justice system and its processes are filled with the complexities of technical language and bureaucratic maze that are disempowering and criminalising. To the criminal justice system similarly, its professionals are guided by Eurocentric nuances of justice that may be devoid of culturally informed understandings of the same notions – justice and fairness. Ignorance is therefore mutually experienced in this sense.

The fourth conclusion states that crime is a permanent feature of our society. As such, the thesis argues that the criminal justice system needs to put more emphasis into educating the public on how to live and be safe in a society in which crime is a common and permanent occurrence. Part of such an edification process includes strengthening and empowering institutions like families, schools and churches so that both old and young people are socialised together towards promoting positive values and goals. Legislations and practices that potentially divide up family members and disaggregate social organisations are detrimental to the wellbeing of families and individuals. For example, one participant in this study lamented the way the police treated and arrested her in front of her children and family after someone called the cops on her for hitting her four year old son. She agreed with the inception of the anti-smacking law, but she resented how the police took her away while her son was crying and trying to run after the departing police car. This thesis argues that there are safer, more constructive and productive ways to handle this permanent phenomenon in our society.

Similarly, the final conclusion of this thesis states that crime is a learnt *faiva* – vocation – and that the current state of affairs in our society has produced an environment that is conducive for sharing, learning and practising ideas on how to commit crime better. This study found that even places like correctional facilities that are meant to rehabilitate offenders have become learning centres on how to commit crime in a harder-to-detect manner. Rival gangs share ideas on when and how to go under-ground. The process by which Samoan people learn, practise and acquire positive *faiva* is the same process by which young people are learning negative *faiva* – crime. This is the story with the wannabes. This thesis therefore recommends that more serious effort and ample resources should be channelled towards putting in place programmes that will ‘meaningfully’ enhance young people’s learning of positive *faiva*. Such programmes should also take into account the various cultural elements with which Pacific islanders, including Samoans, find motivation, direction, destination and safety.

With the above conclusions, this thesis has answered the key questions of: 1) how Samoan people perceive the New Zealand criminal justice system and 2) how Samoan people’s process of knowledge production shapes their reactions to crime. Succinctly, Samoan people’s attitudes are informed by a philosophy of justice that is different from that which forms the essence of the New Zealand system. To Samoan people, their philosophy of justice is village-based and revolves around the kind of reciprocity and fairness that see revenge and honour as closely linked, if not synonymous. That is, the Samoan person who is wronged will seek revenge rather than redress “because his intent is bound up with honour. It is an absolute” (Epati, 2008). The New Zealand system, on the other hand, is encapsulated within a body of Westminster-based civil and criminal laws.

8.3 Opportunities for further research

The findings from the current study cannot be generalised across the New Zealand Samoan population or on Samoan populations in other countries, including Samoa. However, given the dominance of Samoan people and their concepts within the Pacific group in New Zealand, it is recommended that more research be conducted to further gauge how far the criminal justice system is prepared to incorporate some elements of Samoan conflict resolution philosophy and practices, especially regarding processes of crime control, within the New Zealand criminal justice system. Moreover, similar research, but on a bigger scale, should be conducted to find further answers to how Samoan people view crimes that are considered violent within the New Zealand criminal justice system. Finally, this thesis suggests that the process of Samoan knowledge production needs to be revived so that young people and adults can share and learn social and educational values in a more meaningful way. Another reason why it is important to conduct research in this area relates to the question of change and transition. That is, it would be beneficial to find out how the Samoan social system prepares Samoan people to cope with challenges of relocation, urbanisation, and multi-ethnic associations. The process of Samoan knowledge production is discussed in full in chapter seven.

APPENDICES

Appendix A: Ethics Approval Letter



MEMORANDUM

Auckland University of Technology Ethics Committee (AUTEC)

To: Robert Webb
From: **Madeline Banda** Executive Secretary, AUTEC
Date: 4 November 2008
Subject: Ethics Application Number 08/132 **E agatonu a Manu'a o fesili: investigating perceptions and attitudes of Samoan people in Auckland towards crime in New Zealand.**

Dear Robert

I am pleased to advise that, as Executive Secretary for the Auckland University of Technology Ethics Committee (AUTEC), I have approved minor changes to the applicant and use of koha. This delegated approval is made in accordance with section 5.3.2 of AUTEC's *Applying for Ethics Approval: Guidelines and Procedures* and is subject to endorsement at AUTEC's meeting on 8 December 2008.

I remind you that as part of the ethics approval process, you are required to submit the following to AUTEC:

- A brief annual progress report using form EA2, which is available online through <http://www.aut.ac.nz/about/ethics>. When necessary this form may also be used to request an extension of the approval at least one month prior to its expiry on 8 August 2011;
- A brief report on the status of the project using form EA3, which is available online through <http://www.aut.ac.nz/about/ethics>. This report is to be submitted either when the approval expires on 8 August 2011 or on completion of the project, whichever comes sooner;

It is a condition of approval that AUTEC is notified of any adverse events or if the research does not commence. AUTEC approval needs to be sought for any alteration to the research, including any alteration of or addition to any documents that are provided to participants. You are reminded that, as applicant, you are responsible for ensuring that research undertaken under this approval occurs within the parameters outlined in the approved application.

Please note that AUTEC grants ethical approval only. If you require management approval from an institution or organisation for your research, then you will need to make the arrangements necessary to obtain this. Also, if your research is undertaken within a jurisdiction outside New Zealand, you will need to make the arrangements necessary to meet the legal and ethical requirements that apply within that jurisdiction.

When communicating with us about this application, we ask that you use the application number and study title to enable us to provide you with prompt service. Should you have any further enquiries regarding this matter, you are welcome to contact Charles Grinter, Ethics Coordinator, by email at charles.grinter@aut.ac.nz or by telephone on 921 9999 at extension 8860.

On behalf of the AUTEC and myself, I wish you success with your research and look forward to reading about it in your reports.

Yours sincerely

Madeline Banda
Executive Secretary
Auckland University of Technology Ethics Committee

Cc: Laumua Tunufa'i laumua.tunufai@aut.ac.nz

Appendix B: - Focus Groups

Focus Group 1 Participants (18-25 years of age)

	Names	Gender	Employment Status	Country of Birth	Region in Auckland
1	Tuli	Male	Tertiary Student	NZ	South
2	Lima	Female	Tertiary Student	NZ	East
3	Koru	Male	Tertiary Student	Samoa	East
4	Taua	Male	Employed	Samoa	South
5	Rata	Female	Employed	NZ	South

Focus Group 2 Participants (Adults)

	Names	Gender	Employment Status	Country of Birth	Region in Auckland
1	Numera	Female	Employed	Samoa	East
2	Jasmine	Female	Employed	NZ	South
3	Nathan	Male	Employed	NZ	South
4	Vainiu	Male	Employed	Samoa	West
5	Eliapo	Male	Employed	NZ	Sout
6	Moni	Male	Employed	Samoa	South
7	Peta	Female	Employed	Samoa	North

Appendix C: Interview Topics and Questions



(Welcome, explanations and introductions. Sign consent forms).

This interview should take about 45 minutes (1.5 hours for focus group discussions).

A. Level of Understanding of the New Zealand criminal justice system

1. Who do you think makes laws in NZ?
2. Whose job is it to make sure that people obey the laws?
3. Please explain to me what a person needs to do if s/he breaks the law and is reported to the police.
4. In the 12 month period just passed, do you think there were more or less crimes in
 - a. Your area?
 - b. Auckland wide?
 - c. NZ?
5. On a scale of 0-5, 0 being no knowledge at all and five being highly knowledgeable, how do you rate your knowledge of:
 - a. Crime rate(s) in NZ? – explain and give examples
 - b. The causes of crime in NZ? – explain and give examples
 - c. Criminal law – explain and give examples
 - d. What a violent crime is – explain and give examples
 - e. Region with the highest crime rate
 - f. Ethnic group who commit more crime

Note: Refer to Showcard Five

SITUATION ONE: Suppose a seven-year old boy at church pushes another seven-year old boy. The second boy falls to the ground, and his mother sees everything from inside the church.

- g. What would you do if you were the mother of the boy who got pushed?
 - h. What would you do if you were the boy who got pushed?
 - i. Suppose some church elders also saw what happened with the boys. What would you do if you were an elder who saw what happened?
6. Please name some crime prevention programmes that you know of.
7. Have you heard of these programmes? Do they work?
 - a. Genesis
 - b. 274
 - c. Crime prevention unit

- d. Effective interventions
 - e. SAFE
 - f. Youth Offending Teams
8. What do you think is the type of programme that will work to make people stop doing crime? (How can we stop people from breaking the law?)

B. Source of knowledge of crime...

1. How do you know about criminal matters in New Zealand?
2. So far, what has been the best way for you to know about crime?
3. What is your preferred way of knowing about criminal matters in NZ?
 - a. Why?
4. Have you ever received any information to explain to you your rights in relation to NZ justice system? Please explain
5. Which of the following has been, for you, the best source of your current knowledge of crime?
 - a. Parents/guardians
 - b. Other family members
 - c. Friends
 - d. Professional people – police, teachers, lawyers, social workers, other
 - e. Church
 - f. other
 - i. How did you get the information from them?
 - ii. Do you know what your parents know about crime?
6. For adults:
 - i. How do you teach values to your children? (O a ni auala e te faaaogaina e a’oa’o ai i lau fanau mea e te manatu e taua mo i latou?)
 - ii. Do you know what your children know about crime?
7. Do you discuss or share information/knowledge about crime with your parents/children?
8. Has the occurrence of crime affected the way you live your life in your neighbourhood?
9. What kind of person/people would you be more fearful of if you walk alone in the dark in your neighbourhood?
10. What kind of person/people would you be more fearful of if you are at home alone:
 - a. During the day?
 - b. During the night?

C. Attitudes towards the criminal justice system

1. In your view, how do you find the New Zealand justice system
 - a. Fairness
 - b. Easy to find your way around – user-friendliness
 - c. Easy to understand
2. How do you feel about:
 - a. Sentencing? – ask for further clarification.
 - b. Crime control

D. Attitudes towards criminal justice professionals

1. What do you think of the: Refer to survey answers and ask for clarification of answers regarding how Samoan people are treated, compared to other ethnic groups, by:
 - a. Police?
 - b. Lawyers and judges?
 - c. Prison and parole system(s)?
2. If you witness a crime who would you feel most comfortable to report it to? (O ai e faigofie ia oe ona logoina pe a e vaaia le fa'atinoina o se sollitulafono?)
 - a. Why?
3. Would you report it to the police?
4. Which of the following would you report to the police?
 - a. Rape
 - b. Assault
 - c. Theft
 - d. Drugs
 - e. Speeding

Why/not?

5. What other activities would you report to the police?
 - a. Why?

SITUATION TWO: A police officer investigates Tomasi's assault on his wife. Tomasi tells the sergeant that he didn't assault his wife; he just pulled his wife by her dress and shoved her onto the couch.

- a. On this scale (show participant), how acceptable is Tomasi's argument to you? (O le a le maualuga o lou taliaina o le fa'amatalaga a Tomasi?)

1	2	3	4	5
Totally unacceptable (matua'i ou le talia lava)			Totally acceptable (matua'i ou talia lava)	

Why? (Further questioning subject to participant's response).

6. Would you report a crime that occurs in your own family?
 - a. Why/not?
7. What other crime would you not report to the police?
8. What are some reasons why you would not report a crime?

NOTE: Explore how the notion of SHAME may influence the nature of reporting a crime, especially if it is in the family/friends.

E. Understanding of Criminal behaviour

1. Could you please mention as many activities as you possibly could, that you think are not lawful in NZ?
2. In your view, what do you think are the some key reasons why Samoan people in NZ commit crime?

SITUATION THREE: Dan pokes his finger at Lima who was walking home from school with his sister. Lima chases Dan, chokes Dan and says to Dan, "I'll give you a hiding next time!"

- a. How acceptable are Lima's actions? (Fa'amata e sa'o le mea ua faia e Lima?)

1	2	3	4	5
Totally unacceptable (matua'i le sa'o lava)			Totally acceptable (matua'i sa'o lava)	
Why? Please explain.				

SITUATION FOUR: James and Semi work as carpenters with Fletcher's. James tells Semi to do what James wants instead of following the supervisor's instructions, especially when the supervisor is not on site, but Semi refuses to obey James. James often calls Semi names and uses foul language against James. Consequently, Semi punches James.

- b. How acceptable are Semi's actions to you? (I lau vaai, fa'amata e te talia le mea ua faia e Semi?)

1	2	3	4	5
Totally unacceptable				Totally acceptable

(Further questions and discussion according to answer)

3. Please arrange the following crimes in the order of severity; number one being the most severe and so on.

Property Damage
Drugs
Dishonesty
Administrative
Sexual Abuse
Murder
Physical assault

4. What punishment/penalty would you suggest for each of the above crimes?
5. What do you think is the best way to control crime?

If you would like to suggest changes to the NZ criminal justice system, what would they be?

Appendix D: - Survey Questions

TREATMENT OF SAMOAN PEOPLE

For Show Card One: Please indicate your view of how Samoan people are treated by (interviewer to mention relative service), compared to other ethnic groups

NOTE: Provide more information for all and proper Samoan explanations for participants who speak and understand only Samoan

SEVERITY OF PENALTIES

For Show Card Two: Please indicate on PICTURE TWO your view of the severity of punishment that you think is usually given for the crimes listed

NOTE: Provide more information for all and proper Samoan explanations for participants who speak and understand only Samoan

ATTITUDES TOWARD JUSTICE SYSTEM SERVICES

For Show Card Three: Please indicate your view of the level of performance of the following services with 0 being no view or do not know, 1 being the lowest and 5 being the highest

NOTE: Provide more information for all and proper Samoan explanations for participants who speak and understand only Samoan

REPORTING OF CRIME TO POLICE

For Show Card Four: Would you report any of the following crimes to the police?

NOTE: Provide more information for all and proper Samoan explanations for participants who speak and understand only Samoan

Appendix E: - Showcards for Survey Questions

SHOWCARD ONE (ĀTA MUAMUA): TREATMENT OF SAMOAN PEOPLE BY

(Tick box that applies)

POLICE	BETTER SILI ATU	EQUAL TUTUSA	WORSE LEAGA ATU	NO VIEW LE ILOA
Palagis				
Asians				
Middle-Easterns				
Maoris				
Other PI's				
JUDGES/LAWYERS	BETTER (SILI ATU)	EQUAL (TUTUSA)	WORSE (LEAGA ATU)	NO VIEW (LE ILOA)
Palagis				
Asians				
Middle-Easterns				
Maoris				
Other PI's				
PRISON SERVICES	BETTER (SILI ATU)	EQUAL (TUTUSA)	WORSE (LEAGA ATU)	NO VIEW (LE ILOA)
Palagis				
Asians				
Middle-Easterns				
Maoris				
Other PI's				
PROBATION/PAROLE	BETTER (SILI ATU)	EQUAL (TUTUSA)	WORSE (LEAGA ATU)	NO VIEW (LE ILOA)
Palagis				
Asians				
Middle-Easterns				
Maoris				
Other PI's				

SHOWCARD TWO (ĀTA LONA LUA): SEVERITY OF PUNISHMENT

	Too Harsh (Mamafa Tele)	Fair (Talafeagai)	Too Light (MāMā Tele)	Don't Know (Lē Iloa)
Murder				
Physical Assault				
Theft				
Rape				
Drugs				
Traffic Offences				

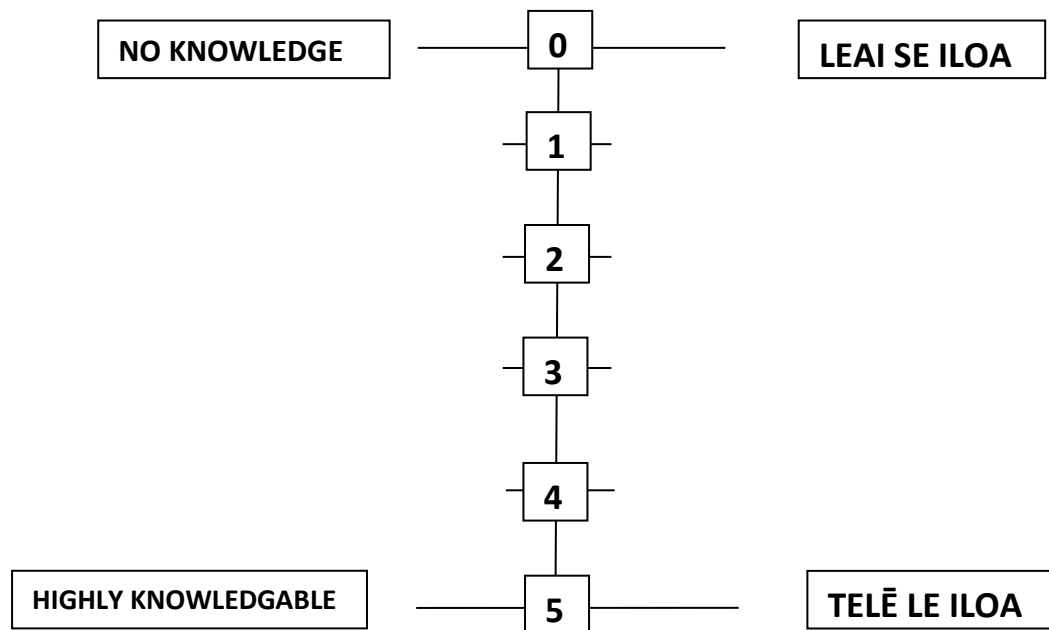
SHOWCARD THREE (ĀTA LONA TOLU): JUSTICE PROFESSIONALS

	0	1	2	3	4	5
Police						
Lawyers						
Judges						
Prison Services						
Social Work (CYFS)						

SHOWCARD FOUR (ĀTA LONA FĀ): REPORTING CRIME TO POLICE

	YES	NO
Man hits woman		
Rape		
Physical assault on another adult		
Burglary		
Child abuse and neglect		
Child molest		

SHOWCARD FIVE (ĀTA LONA LIMA): LEVEL OF KNOWLEDGE (Interview Questions:- Section A, Q5)



Appendix F: - Information Sheet (English)

Participant Information Sheet

The Project Title:

‘E āgatonu ā Manu’a ‘o fesili: Investigating the Attitudes of an Auckland Samoan Population toward the New Zealand Criminal Justice System

My name is **Laumua Fata Tunufa’i**. I am a PhD student in the School of Social Science at AUT University. I respectfully invite you to participate in a study that is part of my PhD Thesis. The purpose of this study is to investigate the perceptions of, and attitudes of Samoan people towards crime. You are invited to participate in a personal interview, which should take half an hour to forty five minutes of your time. The information you provide will be valuable for analysis and the writing of the report in the form of a thesis.

This study will provide government departments and ministries like police, corrections, justice, and ministry of social development with insight into how Samoan people view crime. I believe our Samoan people can also benefit from this study in terms of presenting our collective views on crime in the form of research findings.

There are no physical, psychological, or emotional risks of this study to you as a participant. There is also no cost for you to participate in this study. You will remain anonymous during and after the study. In compliance with the Privacy Act 1993, the information you provide will be used only for the purpose for which it was collected, and will also kept confidential. The information will be kept in a locked safe at AUT University for up to six years.

Additionally, you have the right to discontinue the interview, and therefore withdraw from this study at any time. Upon withdrawing yourself from this study, you also have the right to request the destruction of any copy of the information that you have provided to the researcher. You also have the right to share any concern that is related to the nature of this study to the Project Primary Supervisor, Dr. Camille Nakhid on (09) 921 9999 ext 8401 or email CNakhid@aut.ac.nz

**Approved by the AUT University Ethics Committee on the 4th November, 2008; AUTECH
Reference number 08/132**

Appendix G: - Information Sheet (Samoan)

Pepa o Fa'amatalaga mo Ē 'Auai i le Su'esu'ega

Autu o le Su'esu'ega: Silafia ma Uiga o tagata Samoa e fa'atatau i le 'auala o lo o puleaina ai soligatulafono i totonu o Niu Sila.

Susuga e,

I le fa'aaloalo e tatau ai ua ou talosagaina ai lou finagalo malie ma lau fesoasoani i le fa'asoaina mai o sou silafia i se mata'upu o lo o su'esu'eina mai le Iunivesitē o AUT i Aukilani. O lenei su'esu'ega o se vaega o le fa'aailoga o le Doctor of Philosophy (PhD) o lo o ou galue ai nei.

O le sini o lenei su'esu'ega, o le sa'ilia lea ma le tu'ufa'atasia o le fa'autautaga a tagata Samoa i Aukilani e uiga i uiga ma amioga solitulafono. E lua ni vaega ua talosagaina ai lau fesoasoani; (1) o se fa'atalatalanoaga lea na o oe mo le afa itula, (2) o le fa'atalatalanoaga lea o oe fa'atasi ma nisi pe toafa pe to'alima mo le tasi le itula. O nei fa'atalanoaga uma o le a pu'eina i se la'au pu'e leo, ma o le a iloilo toto'aina ina ia tu'ufa'atasia i se auala faigofie ia nei finagalo fa'aalia.

O ni manatu e maua mai i lenei su'esu'ega, o le a maua ai e matagaluega a le mālō e pei o leoleo, falepuipui, fa'amasinoga, ma le matagaluega mo le atiina'eina o tagata, ia ni malamalama'aga e uiga i le silafia o tagata Samoa i mea nei o uiga fa'asolitulafono. E aogā foi e fa'aילוaina atu ai finagalo o tagata Samoa i se auala fa'a-su'esu'ega.

O le a le a'afia lava oe i le tino, mafaufau, ma lagona, a o e 'au ai i lenei su'esu'ega. E leai foi se tupe e te totogiina. Ina ia tusa ai ma le Tulafono o Fa'amatalaga Lilo 1993, o le a le mafai ai ona fa'alauiloaina lou suafa ma fa'amatalaga uma o le a e tuuina mai. O nei fa'amatalaga o le a fa'aaogaina tonu i le mafua'aga na aoina mai ai, ma o le a tueina malu i le Iunivesite o le AUT e o'o atu i le ono tausaga.

E le gata i lea, e ia te oe foi le aia tatau e te tu'ua ai lenei su'esu'ega i so o se taimi lava. E mafai foi ona e fa'asoaina ni ou popolega e uiga i lenei su'esu'ega i Lē ua va'aia lenei Su'esu'ega, Dr. Camille Nakhid i le telefoni (09) 921 9999; laina 8401, po o le imeli CNakhid@aut.ac.nz

Fa'afefai! Fa'afetai Tele Lava!

Appendix H: - Vignettes

SITUATION ONE: Suppose a seven-year old boy at church pushes another seven-year old boy. The second boy falls to the ground, and his mother sees everything from inside the church.

- a. What would you do if you were the mother of the boy who got pushed?
- b. What would you do if you were the boy who got pushed?
- c. Suppose some church elders also saw what happened with the boys. What would you do if you were an elder who saw what happened?

SITUATION TWO: A police officer investigates Tomasi's assault on his wife. Tomasi tells the sergeant that he didn't assault his wife; he just pulled his wife by her dress and shoved her onto the couch.

SITUATION THREE: Dan pokes his finger at Lima who was walking home from school with his sister. Lima chases Dan, chokes Dan and says to Dan, "I'll give you a hiding next time!"

SITUATION FOUR: James and Semi work as carpenters with Fletcher's. James tells Semi to do what James wants instead of following the supervisor's instructions. This often happens when the supervisor is not on site. Semi always refuses to obey James. James always calls Semi names and uses foul language against James because of James' refusals. Consequently, Semi punches James on the face.

Appendix I: - Consent Form (English)

Consent to Participate in Research



Title of Project: **‘E āgatonu ā Manu’a ‘o fesili: Investigating the Attitudes of an Auckland Samoan Population toward the New Zealand Criminal Justice System**

Project Supervisor: **Professor Charles Crothers and Dr. Robert Webb**

Researcher: **Laumua Fata Tunufa’i**

- I have read and understood the information provided about this research project (Information Sheet dated...../...../.....).
- I have had an opportunity to ask questions and to have them answered.
- I understand that the interview will be audio-taped and transcribed. I also understand that I will have the opportunity to read and correct the transcript of my interview, and sign it before it is used for analysis
- I understand that I may withdraw myself or any information that I have provided for this project at any time prior to completion of data collection, without being disadvantaged in any way.
- I agree to take part in this research.
- I wish to receive a copy of the report from the research:

Tick one: Yes ☐ No ☐

Participant signature:

Participant name:

Participant Contact Details (if appropriate):

.....

.....

.....

.....

Date: _____

Approved by the AUT University Ethics Committee on the 4th November, 2008 AUTC
Reference number 08/132

Appendix J: - Consent Form (Samoan)



Ioega e 'auai ai i le Su'esu'ega

Autu ole Su'esu'ega: 'E āgatonu ā Manu'a 'o fesili: Investigating the Attitudes of an Auckland Samoan Population toward the New Zealand Criminal Justice System

E o Va'aia le Su'esu'ega: Professor Charles Crothers and Dr. Robert Webb

Le e fa'atinoina le Su'esu'ega: Laumua Fata Tunufa'i

- Ua uma ona ou faitau ma ua ou malamalama i fa'amatalaga e uiga i lenei su'esu'ega (Pepa o fa'amatalaga aso:...../...../.....).
- Sa tu'uina mai le avanoa ou te fesili ai ma taliina ai fo'i a'u fesili.
- Ua ou malamalama e pu'eina ma lomina i se taimi ia lenei talanoaga. Ua ou malamalama foi e i ai le avanoa ou te faitau ai ma fa'asa'o ni vaega o le lomiga o lenei talanoaga, ma sainia a o le'i fa'aaogaina mo iloiloga.
- Ua ou malamalama e mafai ona ou tu'ua lenei su'esu'ega ma ave'esea ni fa'amatalaga ua ou tuuina atu a o le'i mae'a le aoina mai o fa'amatalaga, e aunoa ma le afaina ai o a'u i so o se auala.
- Ua ou loto malie e auai i lenei su'esu'ega.
- E fia maua sa'u kopi o le ripoti o lenei su'esu'ega:

Fa'asa'o le pusa e tasi: Ioe ☐ Leai ☐

Lau saina:

Lou suafa:

Appendix K: - Assent Form

Assent Form

For completion by legal minors (people aged under 16 years). This must be accompanied by a Consent Form. When pre-schoolers are involved, please use the special Children's Information Sheet in the Ethics Knowledge Base.



Project title: *E agatonu a Manu'a o Fesili: Investigating perceptions of and attitudes of Samoan people in Auckland towards crime in New Zealand*

Project Supervisor: *Dr. Robert Webb*

Researcher: *Laumua Tunufa'i*

- ☐ I have read and understood the sheet telling me what will happen in this study and why it is important.
- ☐ I have been able to ask questions and to have them answered.
- ☐ I understand that notes will be taken during the interviews and that they will also be audio-taped and transcribed.
- ☐ I understand that while the information is being collected, I can stop being part of this study whenever I want and that it is perfectly ok for me to do this.
- ☐ If I stop being part of the study, I understand that all information about me, including the recordings or any part of them that include me, will be destroyed.
- ☐ I agree to take part in this research.

Participant's

signature:

.....

Participant's

name:

.....

Participant Contact Details (if appropriate):

.....

.....

Date:

Approved by the Auckland University of Technology Ethics Committee on the 4th November, 2008; AUTEK Reference number 08/132

Appendix L: - Memorandum for Counselling for Research Participants



MEMORANDUM

To Laumua Tunufa'i
CC
FROM Stella McFarlane
SUBJECT AUT Counselling services for research participants
DATE 25.7.07

Dear Laumua

As manager of AUT Health Counselling and Wellbeing, I would like to confirm that we are able to offer confidential counselling support for the participants in your AUT research project entitled: *Perceptions of, and attitudes towards crime, of Samoan people in Auckland*. The free counselling will be provided by our professional counsellors for a maximum of three sessions and must be in relation to issues arising from their participation in your research project.

Please inform your participants:

- They will need to drop into our centres at WB219 or AS104 or phone 921 992 City Campus or 921 9998 North Shore campus to make an appointment
- They will need to let the receptionist know that they are a research participant
- They will need to provide your contact details to confirm this
- They can find out more information about our counsellors and the option of online counselling on our website
http://www.aut.ac.nz/students/student_services/health_counselling_and_wellbeing

If any of your participants are current AUT students, they are also entitled to see us re any of their counselling issues.

Yours sincerely

Stella McFarlane
Manager
Health, Counselling and Wellbeing

Appendix M: - Salutations for Funerals of *Tupu* (Kings) and *Tamaali'i* (Lords)

Tulouna le lagi tuatasi! Tulouna le pogisa ma le leai!
Salutations to the first heaven! Salutations to the darkness and the void!

Tulouna le lagi tualua! Tulouna le nanamu!
Salutations to the second heaven! Salutations to the sense of smell!

Tulouna le lagi tuatolu! Tulouna le efuefu!
Salutations to the third heaven! Salutations to the dust!

Tulouna le lagi tuafa! Tulouna le iloa!
Salutations to the fourth heaven! Salutations to the knowable!

Tulouna le lagi tualima! Tulouna le maua!
Salutations to the fifth heaven! Salutations to the obtainable!

Tulouna le lagi tuaono! Tulouna le 'ele'ele!
Salutations to the sixth heaven! Salutations to the earth!

Tulouna le lagi tuafitu! Tulouna le papatu!
Salutations to the seventh heaven! Salutations to the standing rock!

Tulouna le lagi tuavalu! Tulouna le ma'a ta'anoa!
Salutations to the eighth heaven! Salutations to the stones!

Tulouna le lagi tuaiva! Tulouna le mauga!
Salutations to the ninth heaven! Salutations to the mountains!

(Tui Atua, 2009b)

Appendix N: - Organization of the Occupations of the Samoan people

Men's Work					
1	Tufuga fau fale	House builder	12	Tufuga fai 'upega	Fishing/hunting net weaver
2	Tufuga fau va'a	Ship builder	13	Tufuga fai mātau	Fish hook maker (wood and turtle shell)
3	Tufuga tā va'a	Boat/canoe builder	14	Tufuga olo pā	Maker of fish hook shanks
4	Tufuga tā foe	Oar maker	15	Tufuga olo tupe	Play coins maker
5	Tufuga su'i lā	Sail maker	16	Tufuga fai pule ta'i fe'e	Maker of octopus hooks (primarily residents of Manono)
6	Tufuga tā 'umete	Wooden vessels maker	17	Tufuga fai fagā 'ofe	Maker of bamboo fish baskets
7	Tufuga tā nafa ma 'autā	Drum maker	18	Tufuga fai fagā ūla	Maker of baskets for crab catching
8	Tufuga tā uatogi	Club carver	19	Tufuga tefe	The incisor
9	Tufuga tā tao	Spear carver	20	Tufuga sele ulu	Head shearer
10	Tufuga tā tatau	Tattooer	21	Tufuga fai to'i ma'a	Stone axe maker
11	Tufuga tosi 'au	Tattoo tools maker	22	Tufuga fili 'afa	Rope maker
Women's Work					
23	Tufuga laga 'ie	Weaver of mats (dresses)	28	Tufuga fai 'ato mamanu	Basket weaver
24	Tufuga laga fala	Weaver of bed mats	29	Tufuga fai masoā	Preparer of starch
25	Tufuga laga pola	Weaver of house blinds	30	Tufuga fai lega	Preparer of curcuma yellow
26	Tufuga laga ili	Weaver of fans	31	Tufuga tutu lama	Preparer of lamp soot
27	Tufuga fai siapo	Bark cloth maker			

Source: Kramer, 1995, p. 97

Appendix O: - Map of Samoa



Source: Samoa Tourism Au

Appendix P: - Glossary

This glossary is constructed and arranged in accordance with the Samoan alphabet or ‘P Tautau’. As such, all the vowels appear together and at the beginning; consonants follow after in the following manner;

Aa Ee Ii Oo Uu Ff Gg Ll Mm Nn Pp Ss Tt Vv Hh Kk Rr

A

1. Ā’ana: The western-most district of the island of Upolu
2. Afio’aga: Village
3. Āgava’a: Skillful, appropriate, fitting
4. Āgatonu: Proper
5. ‘Ai: To eat
6. ‘Aiga: Feast
7. ‘Āīga: Family, related, relation
8. Aītu: Chost, fairy, evil spirit
9. Ālagā’upu: Proverb
10. Āo: Head (formal)
11. ‘Aulape: Agreement, consensus (specifically relating to matai council meetings)
12. Aualuma: Women’s guild
13. ‘Aumaga: Men’s guild in the village social structure
14. Atunu’u: nation
15. Ali’i: a) Lord, as in Lord Jesus...; b) Formal for male; c) Short for *Tamāli’i*
16. Āgatonu: To behave correctly
17. Alofa: a) Love; b) Common cross-gender name of a person
18. Atua: God
19. ‘Ava: a) Plant (*piper methysticum*); b) the drink (usually ceremonial but sometimes social) that is made from mixing its crushed tuber and roots with water; c) beard; d) formal for food.

E

1. Efuefu: Dust
2. 'Ele'ele: a) Earth, dirt, soil; b) Blood

I

1. 'Ie tōga: Samoan fine mat for official presentations
2. Ifoga: Ceremony to beg forgiveness as heads are covered with 'ie toga.
3. Iloa: To know; knowledge

O

1. 'Olo: Fortress
2. Ōu: Your (set of family members or set of body parts)
3. Ōta: a) My (affectionate way of referring to one's set of family members or one's set of body parts – f.i. ōta mata = my eyes, etc); b). To eat raw. Also refers to dish of raw fish with coconut cream, and cucumber salad.

U

1. 'Upolu: Main island, but second biggest, in the Samoan archipelago
2. 'Upu: Word

F

1. Fa'aaloalo: Respect
2. Fa'ai'u: To bring to a close, conclude
3. Fa'afetai: Thank you
4. Fa'afitifiti: To deny or in denial.
5. Fa'alavelave: Trouble, hindrance or disruptive occurrence(s)
6. Fa'alupega: Honorifics, formal address for Samoan people according to their personal, village and district titles
7. Fa'amālō: To congratulate (v) or congratulation (n)
8. Fa'amalumalu: Overall protecting role
9. Fa'anoi: To borrow or to excuse

10. Fa'aola: To revive, Saviour (as in Jesus), to save
11. Fa'aSamoa: Samoan way
12. Fa'asinomaga: Designation
13. Fa'asoa: a) To share; b) Sharer
14. Fa'atāfea: Banishment by way of putting banished people out to sea to be adrift
away from land
15. Fa'atonutonu: To guide and control
16. Fa'atufugaga: Trade, skill or vocation
17. Fa'autaga: Formal way to refer to the foresight of matai tūlāfale
18. Fa'avae: Foundation
19. Faife'au: Pastor, Reverend, Priest, Minister of Religion (informal)
20. Faiga: 1) Doing; 2) Norms
21. Faiva: a) Fishing, fishing trip; b) Vocation, work, occupation, employment
22. Fafaga: a) Food; b) To feed
23. Fāgogo: Myth, tale
24. Fale: House
25. Faletua: Wife (formal) of faife'au, matai ali'i, men of high social standing.
26. Fanua: 1) Land; 2) Placenta
27. Fatu: 1) Rock; 2) Heart
28. Feagaiga: Covenant
29. Fe'au: a) Chores especially around the home or village; b) Formal for faeces
30. Fe'e: Octopus
31. Fesili: a) To ask, question or query (verb); b) Question (noun)
32. Filifili: To choose, deliberate or decide
33. Finagalo: Formal for opinion or wish
34. Fofoga: Formal term for face, mouth, eyes, nose
35. Folafofa: To announce or to acknowledge.
36. Fono: a) Meeting; b) Food, as in '*fono o le 'ava*'; c) Mend (n) or to mend (v).
37. Fuga: a) Flower; b) Lass; c) Name of a fish in the tropics; d) A prominent matai title
in the district of Sāfata, Upolu.

G

1. Gāsese: To cook (formal)
2. Gau: Broken or snapped; lose (money) through gambling.

L

1. La'au: Tree, plant, wood
2. Lagi: 1) Heaven; 2) Formal reference to the passing of a royalty or paramount chief
3. Lātou: Them, they
4. Lava: a) Enough
5. Lē: a) Not; b) The one (person); thing
6. Lēpaga: Type of fishing (specifically for sharks)
7. Loloto: Deep
8. Lona: Her (hers) or his
9. Lulu: Owl
10. Lupe: Dove, pigeon

M

1. Mafaufau: To think
2. Mafutaga: Fellowship or get-together
3. Malu: Female body tattoo
4. Mānaia: a) Son of the matai ali'i, usually unmarried and leader of the 'aumaga; b) Nice
5. Manono: The island closer to the island of Upolu of the two small islands between Upolu and Savai'i islands.
6. Manu: a) Bird; b) Animal; c) A matai title in some villages
7. Manu'a: Eastern-most group of islands in the US Territory of American Samoa.
8. Matai: A person upon whom a Samoan title has been bestowed
9. Matai Ali'i: Short for matai tamāāli'i (see Tamāāli'i under 'T')
10. Matai Tulāfale: Matai that usually orates or makes formal speeches on behalf of the matai ali'i and the family, village or district.
11. Matapālapāla: Careful, thorough, patient
12. Mativa: Poor (adj) or poverty (n)
13. Matu'u: Sea heron

14. Māvaēga: Death wish, will
15. Moana: Ocean
16. Moe: To sleep
17. Muamai: First to arrive here
18. Mulimai: Late comer

N

1. Nu'u: a) Village; b) Council (f.i. nu'u o matai – matai council)
2. Naumati: Barren, land that lacks water and is therefore unfertile

P

1. Pa'itele: Name of the shark which for many years disrupted voyages between the islands of Savai'i, Apolima, Manono and Upolu, and which was subsequently killed by Ālo
2. Pala: Rotten
3. Palagai: Western or European
4. Palauli: Name of a village or district in the island of Savai'i
5. Palapala: a) Dirt, soil; b) Blood (human)
6. Palolo: Viridis – Coral worm
7. Poloa'iga: Directive, commandment, order
8. Pule: a) Authority, rule; b) Honorary designation for six villages (Sāfotulāfai, Sālelologa, Palauli, Sāle'aula, Sāfotu, Āsau) in the island of Savai'i
9. Pute: Belly button, umbilical cord

S

1. Sā: a) Sacred, curfew, ban, etc; b) Family (f.i. Sā Fatā – Family of Fata)
2. Sāle'imoa: A village in the island of Upolu
3. Sa'o: a) Straight, correct; b) Paramount matai
4. Savai'i: Name of the biggest island in the Samoan archipelago
5. Sesē: Wrong, mistake, err, lost
6. Si'i: To raise

7. Sina: a) Common Samoan female name but traditionally a name for daughters of paramount chiefs; b) White or grey hair.
8. Sinasina: White, grey
9. Siva: To dance (v); A dance (n)
10. Soga'imiti: A male with a full-bodied tattoo
11. Sui: a) To change (v), Change – money or clothes (n); b) Representative

T

1. Tagata: a) Person as in: le tagata; b) People as in: 'o tagata
2. Tala: a) Story, tale, words; b) Rounded end of the fale; c) Name of a person
3. Talafeagai: Fair, proper
4. Tama: Boy
5. Tamāālii: Offspring of royalty
6. Tapu: Taboo, sacred, forbidden
7. Tāuaga: Strainer used to extract coconut milk
8. Tauluga: Finale, conclusion
9. Tatau: Male body tattoo
10. Taupou: a) Daughter of the paramount chief; b) Virgin
11. Tautua: To serve (v); Service (n)
12. Taui: To reward (v); A reward (n)
13. Tausi: a) Wife of matai tūlāfale; b) To care, nurse, keep, etc
14. Tōfā: a) Honorific for matai tūlāfale; b) opinion (formal) of matai ali'i; c) Good bye
15. Tuāmaōta: Land, including plantations and crops, behind village dwellings.
16. Tufa'aga: Portion
17. Tufuga: Carpenter, builder, maker, tattooist
18. Tula: a) Bald, b) Head, top, perching tip for domesticated luring pigeons
19. Tūlāfono: Law, rule, legislation
20. Tupualēgase: Samoan name for the planet known as Jupiter
21. Tu'umumusu: To put through whisper
22. Tu'utaliga: To put to ear

V

1. Vā: a) Space between, gap; b) Fall out in a relationship
2. Vavao: a) Curfew (formal); b) To stop
3. Vasa: Ocean

REFERENCES

- 'Aiavao, A. T. A. (2004). *E vaetuli le fale Samoa a o le fa'sinomaga*. Apia: Institute of Samoan Studies of the National University of Samoa.
- Ablon, J. (1971). The social organization of an urban Samoan community. *Southwestern Journal of Anthropology*, 72(1), 75-96.
- Adami, M. F. (2005). The use of triangulation for completeness purposes. *Nurse Researcher*, 12(4).
- Adams, M. S., Robertson, C. T., Gray-Ray, P., & Ray, M. C. (2003). Labelling and delinquency. *Adolescence*, 38(149), 171-186.
- Afetermarket Business World. (2012). Technician attitude study. *Motor Age*, 131(11), 6.
- Agnew, R. (1992). Foundation for a general strain theory of crime and delinquency. *Criminology*, 30(1), 47-87.
- Allardice, R. W., &. (1985). *A simplified dictionary of modern Samoan*. Auckland: Polynesian Press.
- Anae, M. (2001). *To be or not to be...Samoa: NZ-born Samoan identity journey experiences*. presented at the meeting of the Measina a Samoa, Apia.
- Apple, M. (2001). Comparing neo-liberal projects and inequality in education. *Comparative Education*, 37(4), 409-423.
- Astley, J., Francis, L. J., & Robbins, M. (2012). Assessing attitude towards religion: The Astley-Francis scale of attitude towards theistic faith. *British Journal of Religious Education*, 34(2), 183-193.
- Axist Consulting. (2006). *Understanding recent movements in crime statistics*. Wellington: New Zealand Police.
- Baron, S. W. (2006). Street youth, strain theory, and crime. *Journal of Criminal Justice*, 34(2), 209-223.

- Barradale, V. A. (1907). *Pearls of the Pacific, being sketches of missionary life and work in Samoa and other islands in the South Seas*. London: London Missionary Society.
- Bartunek, J. M. (1992). Social cognition in organizational change: An Insider-Outsider approach. *The Journal of Applied Behavioral Science*, 28(2), 204-223. doi:10.1177/0021886392282004
- Becker, H. (1963). *Outsiders: Studies in the sociology of deviance*. New York: The Free Press.
- Becker, H. (1973). *Outsiders: Studies in the sociology of deviance*. New York: The Free Press.
- Beckwith, M. (1944). Polynesian story composition. *The Journal of the Polynesian Society*, 53(4), 177-203.
- Beirne, P., & Messerschmidt, J. (1995). *Criminology*. Orlando: Harcourt Brace & Company.
- Bernburg, J. G., & Krohn, M. D. (2003). Labeling, life chances, and adult crime: the direct and indirect effects of official intervention in adolescence on crime in early adulthood. *Criminology*, 41(4), 1287-1318.
- Berry, M., Philo, G., Tiripelli, G., Docherty, S., & Macpherson, C. (2012). Media coverage and public understanding of sentencing policy in relation to crimes against children. *Criminology and Criminal Justice*, 12(5), 567-591. doi:10.1177/1748895811432956
- Best, E. (1954). *Polynesian voyagers: the Maori as a deep-sea navigator, explorer, & colonizer*. Wellington: Government Printer.
- Bettinson, V. (2009). Extended sentences for domestic violence offences. *Journal of Criminal Law*, 73(6), 463-466.
- Bitchener, J. (2010). *Writing an applied linguistic thesis or dissertation: A guide to presenting empirical research*. London: Palgrave Macmillan.
- Blalock, H. (1967). *Toward a theory of minority-group relations*. New York: Wiley.

- Boyatzis, R. E. (1998). *Transforming qualitative information: thematic analysis and code development*. London: Sage.
- Braithwaite, J. (2002). *Restorative justice and responsive regulation*. Oxford: Oxford University.
- Braithwaite, J., & Strang, H. (2001). *Restorative justice and civil society*. Cambridge, UK: Cambridge University Press.
- Brame, R., Mazerolle, P., & Piquero, A. R. (2010). Criminal career progression among serious youthful offenders in Australia. *Journal of Criminal Justice*, 38(4), 340-347. doi:10.1016/j.jcrimjus.2010.04.001
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77-101.
- Bricknell, S. (2008). Trends and issues in crime and criminal justice. *Australian Institute of Criminology*(359), 1-6.
- Broidy, L. M. (2001). A test of general strain theory. *Criminology*, 39(1), 9-36.
- Brown, L. D., & Gaventa, J. (2009). Constructing transnational action research networks: Reflections on the Citizenship Development Research Centre. *Action Research*, 8(1), 5-28. doi:10.1177/1476750309335205
- Butterworths Legislation Series. (2013). *Crimes Act 1961: Butterworths Legislation Series: Including New Zealand Bill of Rights 1990* (17th ed.). Wellington: Lexis Nexis NZ Limited.
- Byrne, M. (2001). Data analysis strategies for qualitative research. *AORN Journal*, 74(6), 904-906.
- Cao, L. (2001). A problem in no-problem-policing in Germany: Confidence in the police, Germany and USA. *European Journal of Crime, Criminal Law and Criminal Justice*, 9(3), 167-179.

- Castles, S., & Davidson, A. (2000). *Citizenship and migration: Globalization and the politics of belonging*. Basingstoke: Macmillan Press.
- Chapman, B., Mirrlees-Black, C., & Brown, C. (2002). Improving public attitudes to the criminal justice system: The impact of information. *Probation Journal*, 50(1), 70-71.
- Charmaz, K. (2006). *Constructing grounded theory: A practical guide through qualitative analysis*. London: SAGE Publications Ltd.
- Chiovitti, R. F. (2008). Nurses' meaning of caring with patients in acute psychiatric hospital settings: A grounded theory study. *International Journal of Nursing Studies*, 45(2), 203-223.
- Churchward, C. M. (Ed.). (1959). *Tongan Dictionary*. Nuku'alofa: Tongan Government Printing Press.
- Cohen, S. (1996). Review of cultural criminology. *Justice Quarterly*, 13(4), 737-740.
- Coleman, C., & Norrie, C. (2000). *Introducing criminology*. Devon: Willan Publishing.
- Colvin, M., & Pauly, J. (1983). A critique of criminology: Toward an integrated structural-Marxist theory of delinquency. *American Journal of Sociology*, 89(3), 513-551.
- Correia, M. E., Reisig, M. D., & Lovrich, N. P. (1996). Public perceptions of state police: an analysis of individual-level and contextual variables. *Journal of Criminal Justice*, 24(1), 17-28.
- Cowley, E. T. (2005). *Some Samoans' perceptions, values and beliefs on the role of parents and children within the context of aiga/family and the influence of f'asamoa and the church on Samoan parenting* (MA). Auckland University of Technology, Auckland.
- Cribb, J. (1999). Being bashed: Western Samoan women's responses to domestic violence in Western Samoa and New Zealand. *Gender, Place and Culture: A Journal of Feminist Geography*, 6(1), 49-65. doi:10.1080/09663699925141

- Crichton-Hill, Y. (2001). Challenging Ethnocentric Explanations of Domestic Violence: Let Us Decide, Then Value Our Decisions--a Samoan Response. *Trauma, Violence, & Abuse*, 2(3), 203-214. doi:10.1177/1524838001002003001
- Davies, M. (1993). *Punishing criminals: Developing community-based intermediate sanctions*. Westport: Greenwood.
- Davis, S., & Tanner, J. (2003). The long arm of the law: Effects of labeling on employment. *The Sociological Quarterly*, 44(3), 385-404.
- De Venanzi, A. (2008). Social representations and the labeling of non-compliant youths: the case of Victorian and Edwardian hooligans. *Deviant Behavior*, 26, 193-224.
- Demker, M., Towns, A., Duus-Otterstrom, G., & Sebring, J. (2008). Fear and punishment in Sweden: Exploring penal attitudes. *Punishment & Society*, 10(3), 319-332. doi:10.1177/1462474508090228
- Dey, I. (2004). Grounded theory. In C. Seale, G. Gobo, J. F. Gubrium, & D. Silverman (Eds.), *Qualitative research practice*. London: Sage Publications Ltd.
- Domestic Violence Act 1995 2011.
- Doob, A. N., & Roberts, J. V. (1984). Social psychology, social attitudes, and attitudes toward sentencing. *Canadian Journal of Behavioural Science*, 16(4), 269-280.
- Downs, D. (Ed.). (1999). *Crime and deviance*. London: MACMILLAN PRESS LTD.
- Duranti, A. (1981). Speechmaking and the organisation of discourse in a Samoan fono. *The Journal of the Polynesian Society*, 90(3), 357-400.
- Epati, A. S., &. (2008). *Pacific jurisprudence: Issues and challenges*.
- Families Commission. (2009). *Family violence statistics report: A Families Commission report*. Wellington: Families Commission.
- Fanslow, J., Robinson, E., Crengle, S., & Perese, L. (2010). Juxtaposing beliefs and reality: Prevalence rates of intimate partner violence and attitudes to violence and gender

- roles reported by New Zealand Women. *Violence Against Women*, 16(7), 812-831.
doi:10.1177/1077801210373710
- Ferrell, J. (1999). Cultural criminology. *Annual Review of Sociology*, 25, 395-418.
- Filoiali'i, L. A., & Knowles, L. (1983a). The ifoga: The Samoan practice of seeking forgiveness for criminal behaviour. *Oceania*, 53(4), 384-388.
- Filoiali'i, L. A., & Knowles, L. (1983b). The ifoga; The Samoan practice of seeking forgiveness for criminal behaviour. *Oceania Publications*, 53(4), 384-388.
- Finch, J. (1987). Research note: the vignette technique in survey research. *Sociology*, 21(1), 105-114.
- Finckenauer, J. O. (2005). Problems of definition: What is organized crime? *Trends in Organized Crime*, 8(3), 63-83.
- Fletcher, J., Parkhill, F., Fa'afoi, A., Taleni, L. i. e. T., & O'Regan, B. (2009). Pasifika students: Teachers and parents voice their perceptions of what provides supports and barriers to Pasifika students' achievement in literacy and learning. *Teaching and Teacher Education*, 25(1), 24-33. doi:10.1016/j.tate.2008.06.002
- Francis, B., Soothill, K., & Ackerley, E. (2004). Multiple cohort data, delinquent generations, and criminal careers. *Journal of Contemporary Criminal Justice*, 20(2), 103-126.
doi:10.1177/1043986204263768
- Franco, R. W. (1991). *Samoan perceptions of work: moving up and moving around*. New York: AMS PRESS.
- Frank, J., Smith, B. W., & Novak, K. J. (2005). Exploring the basis of citizens' attitudes toward police. *Police Quarterly*, 8(2), 206-208.
- Fraser, J. (1896). Some folk-songs and myths from Samoa. *The Journal of the Polynesian Society*, 5(3), 171-183.
- Fraser, J. (1898). The Malayo-Polynesian theory 3. *The Journal of the Polynesian Society*, 7(1), 1-14.

- Freeman, D. (1984). *Margaret Mead and Samoa*. Bungay: Ricahrd Clay (The Chaucer Press) Ltd.
- Freeman, J. D. (1944). The Vailele earthmounds. *The Journal of the Polynesian Society*, 53(4), 145-162.
- Freiberg, A., & Moore, V. (2009). Disbelieving Suspense: Suspended sentences of imprisonment and public confidence in the criminal justice system. *The Australian and New Zealand Journal of Criminology*, 42(1), 101-122.
- Garland, D. (2006). Concepts of culture in the sociology of punishment. *Theoretical Criminology*, 10(4), 419-447.
- Garside, R. (2011). Crime: myth or reality? *Criminal Justice Matters*, 83(1), 18-18. doi:10.1080/09627251.2011.550151
- Gegeo, D. W., & Watson-Gegeo, K. A. (2001). "How we know": Kwara'ae rural villagers doing indigenous epistemology. *The Contemporary Pacific*, 13(1), 55-88.
- Glaser, B. G., & Strauss, A. (1967a). *The discovery of grouded theory: strategies for qualitative research*. New York: Aldine de Gruyter.
- Glaser, B. G., & Strauss, A. (1967b). *The discovery of grounded theory: strategies for qualitative research*. New York: Aldine de Gruyter.
- Goodman, R. A. (1971). Some aitu beliefs of modern Samoans. *The Journal of the Polynesian Society*, 80(4), 463-479.
- Gottfredson, D. C., Cross, A., & Soule, D. A. (2007). Distinguishing characteristics of effective and ineffective after-school programs to prevent delinquency and victimization. *Criminology and Public Policy*, 6(2), 289-318.
- Grimble, A. (1924). Canoes in the Gilbert Islands. *Journal of the Royal Anthropological Institute*, 54(January - June), 101-139.

- Gromet, D. M., & Darley, J. M. (2006). Restoration and retribution: How including retributive components affects the acceptability of restorative justice procedures. *Social Justice Research, 19*(4), 395-432. doi:10.1007/s11211-006-0023-7
- Haghighi, B., & Lopez, A. (1998). Gender and perception of prisons and prisoners. *Journal of Criminal Justice, 26*(6), 453-464.
- Hallsworth, S. (2006). Book reviews. *Criminology & Criminal Justice, 6*(1), 147-157.
- Hammer, R., Widmer, E. D., & Robert, C.-N. (2009). Subjective proximity to crime or social representations? Explaining sentencing attitudes in Switzerland. *Social Justice Research, 22*(4), 351-368. doi:10.1007/s11211-009-0094-3
- Hansen, K. (2008). Intimate partner violence: Perceptions of Samoan women. *Journal of Community Health, 33*(6), 389-394. doi:10.1007/s10900-008-9110-z
- Harland, A., & Borich, A. (2007). *Evaluation of youth offending teams in New Zealand*. Wellington: Ministry of Justice.
- Hau'ofa, E. (1994). Our sea of islands. *The Contemporary Pacific, 6*(1).
- Hayward, K. J., & Young, J. (2004). Cultural criminology: Some notes on the script. *Theoretical Criminology, 8*(3), 259-273.
- Health Research Council of New Zealand. (2005). *Guidelines on Pacific Health Research*. Auckland: Health Research Council of New Zealand.
- Health Research Council of New Zealand. (2006). *Strategic plan for Pacific health research: 2006-2010*. Auckland: Health Research Council of New Zealand.
- Helu-Thaman, K. (2007). Partnerships for progressing cultural democracy in teacher education in Pacific Island countries. In T. Townsend & R. Bates (Eds.), *Handbook of teacher education* (pp. 53-66). Netherlands: Springer.
- Henning, K., & Feder, L. (2005). Criminal prosecution of domestic violence offenses: An investigation of factors predictive of court outcomes. *Criminal Justice and Behavior, 32*(6), 612-642. doi:10.1177/0093854805279945

- Henry, F. (1958). *Tala faasolopito o Samoa*. Apia: Ofisa o A'oga.
- Higgins, H. J., & Wiest, L. R. (2006). Individual interviews as insight into children's computational thinking. *Australian Primary Mathematics Classroom*, 11(1), 25-29.
- Hirsh, S. (1958). The social organization of an urban village in Samoa. *The Journal of the Polynesian Society*, 67(3), 266-303.
- Hollander, J. A. (2004). The social contexts of focus groups. *Journal of Contemporary Ethnography*, 33(5), 602-637. doi:10.1177/0891241604266988
- Holloway, I., & Todres, L. (2003). The status of method: flexibility, consistency and coherence. *Qualitative Research*, 3(3), 345-357.
- Holmes, L. D. (1957). Ta'u stability and change in a Samoan village. *The Journal of the Polynesian Society*, 66(4), 398-435.
- Holmes, L. D., & Holmes, E. R. (1992). *Samoan village: Then and now*. New York: Harcourt Brace College Publishers.
- Home Office. (2007). *Crime in England and Wales 2006/2007*. London: Home Office.
- Hough, M., & Jacobson, J. (2008). *Creating a sentencing commission for England and Wales: an opportunity to address the prisons crisis*. London: Prison Reform Trust.
- Hough, M., & Roberts, J. (2004). *Confidence in justice: An international review*. London: The Institute for Criminal Policy Research, Kings College.
- Huffer, E., & So'o, A. (2005). Beyond Governance in Samoa: Understanding Samoan Political Thought. *The Contemporary Pacific*, 17(2), 311-333. doi:10.1353/cp.2005.0054
- Hurst, Y. G., McDermott, M. J., & Thomas, D. L. (2005). The attitudes of girls toward the police: Differences by race. *Policing: An International Journal of Police Strategies & Management*, 28(4), 578-593. doi:10.1108/13639510510628677

- Imig, D. G., & Imig, S. R. (2007). Quality in teacher education: Seeking a common definition. In T. Townsend & R. Bates (Eds.), *Handbook of Teacher Education* (pp. 95-112). Netherlands: Springer.
- Ioane, S. I. (1983). Turmoil in paradise: A view of the sociopolitical upheavals in Western Samoa, consequent on the marriage-of-convenience between the fa'a-Samoa and Western-oriented democratic ideologies. *The Journal of the Polynesian Society*, 92(4), 521-530.
- Jensen, F. E. (2006). Developmental factors regulating susceptibility to perinatal brain injury and seizures. *Current Opinion in Pediatrics*, 18(6), 628-633. doi:10.1097/MOP.0b013e328010c536
- Jensen, F. E. (2008, September 8). Teenage Brain [Video file]. Retrieved from <http://www.youtube.com/watch?v=0JRxwVpXFB0&feature=endscreen&NR=1>
- Jiang, S., Lambert, E. G., Wang, J., Saito, T., & Pilot, R. (2010). Death penalty views in China, Japan, and the US: An empirical comparison. *Journal of Criminal Justice*, 38(5), 862-869.
- Johnson, R. (2005, November 8). *The evolution of family violence criminal courts in New Zealand* presented at the meeting of the Police Executive Conference, Nelson.
- Jones, R. (2007). Organised crime. *Crime Prevention and Community Safety*, 9(3), 223-225. doi:10.1057/palgrave.cpcs.8150040
- Kaepler, A. L. (2005). Animal designs on Samoan siapo and other thoughts on West Polynesian barkcloth design. *The Journal of the Polynesian Society*, 114(3), 197-226.
- Kaplowitz, M. D. (2000). Statistical analysis of sensitive topics in group and individual interviews. *Quality and Quantity*, 34(4), 419-431. doi:10.1023/A:1004844425448
- Kaufman, J. M., Rebellon, C. J., Thaxton, S., & Agnew, R. (2008). A general strain theory of racial differences in criminal offending. *The Australian and New Zealand Journal of Criminology*, 41(3), 421-437.
- Kini, M. A. F. L. A. K. U. (2000). *O lou ala i malo*. Auckland

- Krämer, A. (1994). *The Samoa islands* (Vol. 1). Auckland: Pasifika Press.
- Krämer, A. (1995). *The Samoa islands* (Vol. 2). Auckland: Polynesian Press.
- Kupa, K. (2009). Te Vaka Atafaga: a Tokelau assessment model for supporting holistic mental health practice with Tokelau people in Aotearoa, New Zealand. *Pacific Health Dialog*, 15(1), 155-176.
- Kurtz, L. R., & L. Kurtz. (2008). *Crime and punishment: Changing attitudes toward* [Encyclopedia of Violence, Peace, & Conflict]. San Diego.
- Kury, H., & Ferdinand, T. (1999). Public opinion and punitivity. *International Journal of Law and Psychiatry*, 22(3-4), 379-392.
- Lacey, N. (2011). The prisoners' dilemma and political systems: The impact of proportional representation on criminal justice in New Zealand. *Victoria University of Wellington Law Review*, 42(4), 615-637.
- Lambert, S. D., & Loiselle, C. G. (2007). JAN Research Methodology: Combining individual interviews and focus groups to enhance data richness. *Journal of Advanced Nursing*, 62(2), 228-237. doi:10.1111/j.1365-2648.2007.04559.x
- Lanier, M. M., & Henry, S. (1998). *Essential Criminology*. Boulder: Westview Press.
- Lebedev, S. D. (2009). Students' attitudes toward religion. *Russian Social Science Review*, 50(5), 81-100.
- Lemert, E. M. (1967). *Human deviance, social problems, and social control*. Englewood Cliffs: Prentice-Hall.
- Lemert, E. M. (1995). Secondary deviance and role conceptions. In N. J. Herman (Ed.), *Deviance: A symbolic interactionist approach* (pp. 111-117). Lanham, MD 20706: General Hall.
- Letherby, S. (2003). *Feminist research in theory and practice*. Buckingham: Open University Press.

- Levin, B. (1999). Hate crimes: Worse by definition. *Journal of Contemporary Criminal Justice*, 15(1), 6-21. doi:10.1177/1043986299015001002
- Lilomaiaava-Doktor, S. (2009). Beyond "migration": Samoan population movement (malaga) and the geography of social space (va). *The Contemporary Pacific*, 21(1), 1-32.
- Lima, M. I., Simi, L. T., Fa'alogo, S. F., & Faalau, F. (2008). *A profile of traditional Pacific tattooing in New Zealand*. Auckland: New Zealand Ministry of Health.
- Lindgren, S. A. (2005). Social constructionism and criminology: Traditions, problems and possibilities. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 6(1), 4-22.
- Linkels, A. (1995). *Fa'a-Samoa: the Samoan way...between conch shell and disco - a portrait of Western Samoa at the end of the twentieth century*. Tilburg: Mundo Etnico Foundation.
- Little, A. (2000). Development studies and comparative education. *Comparative Education*, 36, 279-296.
- Lyng, S. (1990). Edgework: A social psychological analysis of voluntary risk taking. *The American Journal of Sociology*, 95(4), 851-886.
- Lyng, S. (2004a). Crime, edgework and corporeal transaction. *Theoretical Criminology*, 8(3), 359-375.
- Lyng, S. (2004b). *Edgework: The sociology of risk-taking*. New York: Routledge.
- Ma'ia'i, P. D. S., &. (2010). *Tusi 'upu Samoa: the Samoan dictionary of Papali'i Dr Semisi Ma'ia'i* Auckland: little island press limited.
- Macnaghten, P., & Myers, G. (2004). Focus groups. In C. Seale, G. Gobo, J. F. Gubrium, & D. Silverman (Eds.), *Qualitative research practice* (pp. 65-79). London: Sage Publications Ltd.

- Macpherson, C. (2004). Transnationalism and transformation. In V. S. Lockwood (Ed.), *Globalization and Culture Change in the Pacific Islands* (pp. 165-181). New Jersey: Pearson Prentice Hall.
- Macpherson, C., & Macherson, L. (2009). *The warm winds of change: Globalisation in contemporary Sāmoa*. Auckland: Auckland University Press.
- Macpherson, C., & Macpherson, L. (1990). *Samoan medical belief and practice*. Auckland: Auckland University Press.
- Madjar, I., McKinley, E., Jensen, S., & Van Der Merwe, A. (2009). *Towards university: Navigating NCEA course choices in low-mid decile schools*. Auckland: University of Auckland.
- Magnussen, L., Shoultz, J., Hansen, K., Sapolu, M., & Samifua, M. (2008). Intimate Partner Violence: Perceptions of Samoan Women. *Journal of Community Health, 33*(6), 389-394. doi:10.1007/s10900-008-9110-z
- Mandracchia, J. T., Shaw, L. B., & Morgan, R. D. (2013). What's with the attitude?: Changing attitudes about criminal justice issues. *Criminal Justice and Behavior, 40*(1), 95-113. doi:10.1177/0093854812459474
- Marsack, C. C. (1958). *Note on the practice of the court and the principles adopted in the hearing of the cases affecting (1) Samoan matai titles; and (2) land held according to customs and usages of Western Samoa*. Apia: Land and Titles Court.
- Marsh, D. (2005). Sociology and cultural studies at Bermingham and beyond: A response to Frank Webster. *Cultural Studies, 19*(3), 388-393.
- Mayeda, D. T., & Pasko, L. (2011). Youth violence and hegemonic masculinity among Pacific Islander and Asian American adolescents. *Critical Criminology, 20*(2), 121-139. doi:10.1007/s10612-011-9132-1
- Mayhew, P., & Reilly, J. (2007). *Community safety: Findings from the New Zealand crime and safety survey 2006*. Wellington: Ministry of Justice.

- Mazerolle, P., Piquero, A. R., & Capowich, G. E. (2003). Examining the links between strain, situational and dispositional anger, and crime: Further specifying and testing General Strain Theory. *Youth & Society*, 35(2), 131-157. doi:10.1177/0044118x03255029
- McCarthy, A., Shaban, R., & Stone, C. (2011). Fa'afaletui: A framework for the promotion of renal health in an Australian Samoan community. *Journal of Transcultural Nursing*, 22(1), 55-62. doi:10.1177/1043659610387154
- McDade, T. W. (2001). Lifestyle incongruity, social integration, and immune function in Samoan adolescents. *Social Science & Medicine*, 53(10), 1351-1362.
- McGarvey, S. T., & Seiden, A. (2010). Health, well-being, and social context of Samoan migrant population. *NABA Bulletin*, 34(1), 213-228.
- McGongle, S. (1996). Public accountability for police prosecutions. *Auckland University Law Review*, 8(1), 163-184.
- McIntyre, L. J. (2005). *Need to know: social science research methods* (1st ed.). New York: McGraw Hill.
- McKay, C. G. R. (1957). An introduction to Samoan custom. *The Journal of the Polynesian Society*, 66(1), 36-43.
- Mein, E. (2009). Literacy, knowledge production, and grassroots civil society: Constructing critical responses to neoliberal dominance. *Anthropology and Education Quarterly*, 40(4), 350-368.
- Meleisea, M. (1995). *The making of modern Samoa: Traditonal authority and colonial administration in the modern history of Western Samoa*. Suva: Fiji Times.
- Meleisea, M., Meleisea, P. S., Sio, G. P. S., Tavale, T., & Fitisemanu, T. (1987). The settlement of Samoa. In M. Meleisea & P. S. Meleisea (Eds.), *Lagaga: A short history of Western Samoa* (pp. 1-23). Suva: University of the South Pacific.
- Mila-Schaaf, K., & Hudson, M. (2009). The interface between cultural understandings: Negotiating new spaces for Pacific mental health. *Pacific Health Dialog*, 15(1), 113-119.

- Milner, G. B. (1961). The Samoan vocabulary of respect. *The Journal of the Royal Anthropological Institute of Great Britain and Ireland*, 91(2), 296-317.
- Milner, G. B. (Ed.). (1966). *Samoan dictionary*. Auckland: Pasifika Press.
- Milner, G. B., &. (2003). *Samoan Dictionary* Australia: McPherson's Printing Group.
- Ministry of Education. (2010). *Involving children and young people in research in educational settings*. Wellington: Ministry of Education.
- Ministry of Health. (1997). *Making a difference: Strategic initiatives for the health of Pacific people*. Wellington: Ministry of Health.
- Ministry of Health. (2010). *Faiva ora: National Pasifika disability plan*. Wellington: Ministry of Health.
- Ministry of Justice. (1996). *Restorative justice: A discussion paper*. Wellington: Ministry of Justice.
- Ministry of Justice. (2006). *Children and young people in conflict with the law: Asking the hard questions*. Wellington: Ministry of Justice. Retrieved from <http://www.justice.govt.nz/youth/media/belfast-congress-2006/index.html>
- Ministry of Justice. (2007). *Crime prevention unit: Effective interventions*. Wellington: Ministry of Justice.
- Ministry of Justice. (2008). *Statement of Intent 2008/2009-2010/2011*. Wellington: Ministry of Justice.
- Ministry of Justice. (2010). *The New Zealand crime and safety survey 2009: Main findings report*. Wellington: Ministry of Justice.
- Ministry of Justice. (n.d.). *Crime prevention unit: Crime reduction strategy priority areas and graphic*. Wellington: Ministry of Justice. Retrieved from <http://www.justice.govt.nz/cpu/crime-reduction-strategy/diagram.html>

- Ministry of Social Development. (2005). *Pacific youth development strategy: Deliver positive life-change and affirmation for all Pacific youth in Auckland*. Auckland, New Zealand: Ministry of Social Development.
- Ministry of Social Development. (2006). *Improving outcomes for young people in Counties Manukau: Auckland youth support network - plan of action 2006*: Ministry of Social Development.
- Moon, B., Hays, K., & Blurton, D. (2009). General strain theory, key strains, and deviance. *Journal of Criminal Justice*, 37(1), 98-106. doi:10.1016/j.jcrimjus.2008.12.011
- Moore, J. (2009). An exploration of the origin of classic grounded theory: Jennifer Moore looks at the origin, development, misinterpretation and misuse of grounded theory. *Nurse Researcher*, 17(1), 8-15.
- Morris, A. (2004). Youth justice in New Zealand. *Crime and Justice*, 31, 243-292.
- Morris, A., Reilly, J., Berry, S., & Ransom, R. (2003). *New Zealand national survey of crime victims 2001*. Wellington: Ministry of Justice.
- Morrison, B. (2009). *Identifying and responding to bias in the criminal justice system: A review of international and New Zealand research*. Wellington: Ministry of Justice.
- Morrison, S. L., & Vaiioleti, T. M. (2011). Inclusion of indigenous peoples in CONFINTEA VI and follow-up processes. *International Review of Education*, 57, 69-87. doi:10.1007/s11159-011-9190-3
- Moyle, R. (1988). *Traditional Samoan music*. Auckland: Auckland University Press.
- Nakhid, C., Tanielu, R., & Collins, E. (2009). The meaning of family and home for young Pasifika people involved in gangs in the suburbs of South Auckland. *Social Policy Journal of New Zealand*(35), 112-128.
- Nayacakalou, R. R. (1960). Land tenure and social organization in Western Samoa. *The Journal of the Polynesian Society*, 69(2), 104-122.
- New Zealand Police. (2007). *Annual report 2006/2007*. Wellington: New Zealand Police.

- New Zealand Police. (2012). *New Zealand Crime Statistics 2011*. Wellington: New Zealand Police.
- Nobles, R., & Schiff, D. (2009). Public confidence in criminal justice: The lessons from miscarriage of justice. *The Howard Journal of Criminal Justice*, 48(5), 461-471. doi:10.1111/j.1468-2311.2009.00588.x
- Nofziger, S., & Williams, L. S. (2005). Perceptions of police and safety in a small town. *Police Quarterly*, 8(2), 248-270. doi:10.1177/1098611103258959
- Nunkoosing, K. (2005). The problems with interviews. *Qualitative Health Research*, 15(5), 698-706. doi:10.1177/1049732304273903
- O'Brien, M. (2005). What is cultural about cultural criminology? *British Journal of Criminology*, 45(5), 599-612.
- O'Connor, C. D. (2008). Citizen attitudes toward the police in Canada. *Policing: An International Journal of Police Strategies & Management*, 41(4), 578-595. doi:10.1108/13639510810910671
- O'Reilly, J. (2010). *New Zealand police pre-charge warnings alternative resolutions: Evaluation report*. Wellington: New Zealand Police.
- O Alaga'upu fa'aSamoa*. (1958). Apia
- Olson, M. D. (1997). Re-constructing landscapes: The social forest, nature and spirit-world in Samoa. *The Journal of the Polynesian Society*, 106(1), 7-32.
- Olson, S. M., & Huth, D. A. (1998). Explaining public attitudes toward local courts. *The Justice System Journal*, 20, 41-61.
- Park, J., & Morris, C. (2004). Reproducing Samoans in Auckland "In different times": Can habitus help? *The Journal of the Polynesian Society*, 113(3), 227-263.
- Partridge, E. (2008). From ambivalence to activism: young people's environmental views and actions. *Youth Studies Australia*, 27(2), 18-25.

- Paternoster, R., & Iovanni, L. (1989). The labeling perspective and delinquency: An elaboration of the theory and an assessment of the evidence. *Justice Quarterly*, 6(3), 359-394.
- Paterson, J., Fairbairn-Dunlop, P., Cowley-Malcom, E. T., & Schluter, P. J. (2007). Maternal childhood parental abuse history and current intimate partner violence: Data from the Pacific Islands families study. *Violence and Victims*, 22(4), 474-488.
- Patton, M. Q. (2002). *Qualitative research and evaluation methods*. Thousand Oaks: Sage Publications.
- Paulin, J., Kingi, V., & Mossman, E. (2008). *The public defence service pilot evaluation: Third interim report*. Wellington.
- Paulin, J., Searle, W., & Knaggs, T. (2003). *Attitudes to crime and punishment: A New Zealand study*. Wellington: Ministry of Justice.
- Peteru, A. C. (2009). Where you live, where you are. In T. Suaalii-Sauni, I. Tuagalu, T. N. Kirifi-Alai, & N. Fuamatu (Eds.), *Su'esu'e manogi - In search of fragrance: Tui Atua Tamasese Ta'isi and the Samoan indigenous reference*. Apia: National University of Samoa.
- Petty, R. E., Fazio, R. H., & Briñol, P. (2009). *Attitudes: Insights from the new implicit measures*. New York Psychology Press.
- Piquero, L., & Sealock, M. (2010). Race, crime, and general strain theory. *Youth Violence and Juvenile Justice*, 8(3), 170-186. doi:10.1177/1541204009361174
- Polaschek, D. L. L., Collie, R. M., & Walkey, F. H. (2004). Criminal attitudes to violence: Development and preliminary validation of a scale for male prisoners. *Aggressive Behavior*, 30(6), 484-503.
- Pratt, G., &. (1893). [Pratt's grammar and dictionary of the Samoan language]. Papakura: Southern Bookbinding.
- Presdee, M. (2000). *Cultural criminology and the carnival of crime*. London: TJ International Ltd.

- Prieur, A., & Savage, M. (2011). Updating cultural capital theory: A discussion based on studies in Denmark and in Britain. *Poetics*, 39(6), 566. doi:10.1016/j.poetic.2011.09.002
- Pulotu-Endemann, F. K. (2009). *Fonofale model of health*. presented at the meeting of the Pacific models for health promotion, Massey University Wellington.
- Pulotu-Endemann, F. K. (2009). *Fonofale model of health*. presented at the meeting of the Pacific Models for Health Promotion, Massey University Wellington.
- Refiti, A. L. (2008). The forked centre: Duality & privacy in Polynesian spaces & architecture. *AlterNative: An International Journal of Indigenous Scholarship*, 4(1), 97-106.
- Richardson, R. J., & Walker, D. (1974). Public attitudes toward the criminal justice system. *Policy Studies Journal*, 3(1), 37-44.
- Roberts, J. V. (1992). Public opinion, crime and criminal justice. In M. Torny (Ed.), *Crime and Justice. A Review of Research* (Vol. 16, pp. 99-180). Chicago: The University of Chicago Press.
- Roberts, J. V. (2007). Public confidence in criminal justice in Canada: a comparative and contextual analysis. *Canadian Journal of Criminology and Criminal Justice*, 49(2), 153-184.
- Roberts, J. V., & Stalans, L. J. (2004). Restorative sentencing: Exploring the views of the public. *Social Justice Research*, 17, 315-344.
- Robinson, P. H. (2003). The virtues of restorative processes, the vices of restorative justice. *Law Review*, 1, 375-388.
- Rose, D. R., & Clear, T. R. (1998). Incarceration, social capital, and crime: Implications for social disorganization theory. *Criminology*, 36(3), 441-471.
- Rosenfeld, R., & Messner, S. F. (2009). The crime drop in comparative perspective: the impact of the economy and imprisonment on American and European burglary rates. *The British Journal of Sociology*, 60(3), 445-471.

- Salesa, D. (n.d. *Finding and forgetting the way: Navigation and knowledge in Samoa and Polynesia*. presented at the meeting of the Princeton Workshop in the history of science,
- Samoa Cultural Committee. (1955). *Samoa: Its customs and traditions*. Pago Pago: Department of Education.
- Scammell, M. K. (2010). Qualitative environmental health research: an analysis of the literature, 1991-2008. *Environmental Health Perspectives*, 118(8), 1146-1155. doi:<http://dx.doi.org.ezproxy.aut.ac.nz/10.1289/ehp.0901762>
- Schoeffel, P. (1999). Samoan exchange and 'fine mats': An historical reconsideration. *The Journal of the Polynesian Society*, 108(2), 117-148.
- Schoenecke, M. (1996). Cultural criminology - Book review. *Journal of Popular Culture*, 30(3), 250-251.
- Schroeder, R. D., & Ford, J. A. (2012). Prescription Drug Misuse: A Test of Three Competing Criminological Theories. *Journal of Drug Issues*, 42(1), 4-27. doi:10.1177/0022042612436654
- Schultz, E. (1906). Proverbial expressions of the Samoans. *The Journal of the Polynesian Society*, 58(4), 139-184.
- Schultz, E. (1911). The most important principles of Samoan family law, and the laws of inheritance. *The Journal of the Polynesian Society*, 20(2), 43-53.
- Schultz, E. (1949). Proverbial expressions of the Samoans. *The Journal of the Polynesian Society*, 58(4), 139-184.
- Schultz, E. (1950a). Proverbial expressions of the Samoans. *The Journal of the Polynesian Society*, 59(3), 207-231.
- Schultz, E. (1950b). Proverbial expressions of the Samoans. *The Journal of the Polynesian Society*, 59(1), 35-62.

- Schultz, E. (1950c). Proverbial expressions of the Samoans. *The Journal of the Polynesian Society*, 59(2), 112-134.
- Searle, W., Knaggs, T., & Simonsen, K. (2003). *Talking about sentences and crime: The views of people on periodic detention*. Wellington: Ministry of Justice.
- Sharp, E. B. (2006). Policing urban America: a new look at the politics of agency size. *Social Science Quarterly*, 87(2), 291-307.
- Shennan, J. (1981). Approaches to the study of dance in Ocenia: Is the dancer carrying an umbrella or not? *The Journal of the Polynesian Society*, 90(2), 193-208.
- Shirley, I., Dupis, A., Tie, W., Davidson, C., Kiro, C., Mulitalto, T., & Bartley, A. (1998). *Dealing with crime. A crime profile commissioned by the Auckland City Council for safer Auckland city*. Palmerston North: Auckland City Council.
- Shoultz, J., Phillion, N., Noone, J., & Tanner, B. (2002). Listening to women: Culturally tailoring the violence prevention guidelines from the put prevention into practice program. *Journal of the American Academy of Nurse Practitioners*, 14(7), 307-015.
- Silvia, P. J. (2003). Throwing away the key: Measuring prison reform attitudes. *Journal of Applied Social Psychology*, 33, 2553-2564.
- Silvia, P. J., Graham, J. S., & Hawley, C. N. (2005). Changing attitudes toward prison reform: Effects of similarity to prisoners on attraction and rejection. *Journal of Applied Social Psychology*, 35(2), 248-258.
- Simanu, A. M. (2002). *O si manu a ali'i: A text for the advanced study of Samoan language and culture*. Honolulu: Pasifika Press.
- Sims, B. A. (1997). Crime, punishment, and the American dream: Toward a Marxist integration. *Journal of Research in Crime and Delinquency*, 34(1), 5-24.
- Singer, M. S., & Jonas, A. (1985). Attitudes toward actors in the justice system: Police and students in New Zealand. Part 1 - Perceptions of police and university students: A New Zealand study. *Police Studies*, 8(1), 51-57.

- So'o, L. L. (2009). 'Navigating our future together: A humble comment on the thoughts of a man of exceptional talent. In T. Suaalii-Sauni, I. Tuagalu, T. N. Kirifi-Alai, & N. Fuamatu (Eds.), *Su'esu'e manogi: In search of fragrance*. Apia: Government Printing Press, Ministry of Women, Community and Social Development.
- Solera, O. (2010). The definition of the crime of aggression: Lessons not learned. *Case Western Reserve Journal of International Law*, 42(3), 801-823.
- Sprott, J. B., & Doob, A. N. (1997). Fear, victimization, and attitudes to sentencing, the courts, and the police. *Canadian Journal of Criminology*, 39(3), 275-291.
- St Amand, M. D., & Zamble, E. (2001). Impact of information about sentencing decisions on public attitudes toward the criminal justice system. *Law and Human Behavior*, 25(5), 515-528.
- Stair, J. B. (1895a). Flotsam and jetsam from the great ocean: or, summary of early Samoan voyages and settlement. *the Journal of the Polynesian Society*, 4(2), 99-131.
- Stair, J. B. (1895b). Samoa: Whence peopled? *The Journal of the Polynesian Society*, 4(1), 47-58.
- Stair, J. B. (1896). Jottings on the mythology and spirit-lore of old Samoa. *The Journal of the Polynesian Society*, 5(1), 33-57.
- Stair, J. B. (1897). *Old Samoa or Flotsam and Jetsam from the Pacific ocean*. Papakura: The Religious Tract Society.
- Statistics New Zealand. (2002). *Samoan people in New Zealand*. Wellington: Statistics New Zealand.
- Statistics New Zealand. (2006). *Crime in New Zealand: 1996-2005*. Wellington: Statistics New Zealand.
- Statistics New Zealand. (2007). *Pacific profiles: 2006 Samoan people in New Zealand*. Wellington: Department of Statistics.

- Statistics New Zealand. (2009a). *QuickStats about Pacific peoples - 2006 census*. Wellington: Statistics New Zealand Department.
- Statistics New Zealand. (2009b). *Review of crime and criminal justice statistics report 2009*. Wellington: Ministry of Justice.
- Statistics New Zealand. (2010a). *Demographics of New Zealand's Pacific population - Pacific progress 2010*. Wellington: Ministry of Pacific Island Affairs.
- Statistics New Zealand. (2010b). *Young males most likely group to be apprehended by police*. Wellington: Statistics.
- Statistics New Zealand. (2011). *Progress report for 2009 review of crime and criminal justice statistics: July 2011*. Wellington: Statistics New Zealand.
- Statistics New Zealand. (n.d.). *Overview of recording and counting crime*. Wellington: Statistics New Zealand.
- Statistics New Zealand, & Ministry of Pacific Island Affairs. (2010). *Demographics of New Zealand's Pacific population: Pacific progress 2010*. Wellington: Statistics New Zealand
- Ministry of Pacific Island Affairs.
- Stevenson, R. L. (1967). *A footnote to history: Eight years of trouble in Samoa*. London: Dawsons Publishing.
- Stewart-Withers, R. (2011). Re-positioning the experiences and situation of single mothers: Accounts from Samoa. *Women's Studies Journal*, 25(1), 47-62.
- Strauss, A., & Corbin, J. (1998). *Basics of qualitative research: techniques and procedures for developing grounded theory*. Thousand Oaks: Sage Publications Ltd.
- Suaalii-Sauni, T. (2006). *O le matuamoep: Competing 'spirits of governing' and the management of New Zealand-based Samoan youth offender cases* (PhD). University of Auckland, Auckland.

- Sunia, F. I. F. (Ed.). (2002). *Lupe o le Foaga*
- Sutherland, A. (2011). The relationship between school and youth offending. *Social Policy Journal of New Zealand*(37), 51-69.
- Tagaloa, M. S. (2009). *Tafesilafa'i: Towards a Samoan epistemology in the diaspora*. Claremont School of Theology, Parkway.
- Tamasese, T. K., Parsons, T. L., Sullivan, G., & Waldegrave, C. (2010a). *A qualitative study into Pacific perspectives on cultural obligations and volunteering*. Wellington: Pacific Section and The Family Centre Social Policy Research Unit.
- Tamasese, T. K., Parsons, T. L., Sullivan, G., & Waldegrave, C. (2010b). *A qualitative study into Pacific perspectives on cultural obligations and volunteering*. Wellington: The Family Centre.
- Tamasese, T. K., Peteru, C., Waldegrave, C., & Bush, A. (2005). O le taeao afua, the new morning: a qualitative investigation into Samoan perspectives on mental health and culturally appropriate services. *Australian and New Zealand Journal of Psychiatry*, 39(4), 300-309.
- Tamua, E., Lay, G., Murrow, T., & Meleisea, M. (2000). *Samoa*. Auckland: Pasifika Press Ltd.
- Tanielu, R., & Johnson, A. (2013). *More than churches, rugby & festivals: A report on the state of Pasifika people in New Zealand*. Manukau: The Salvation Army Social Policy and Parliamentary Unit.
- Tauafiafi, A. F. (2011, 13 July). Apia riots resolved. *Samoa Observer*.
- Tavale, T. T. (1999). *O le ala i le pule o le tautua*. Auckland: Wordsell Press.
- Taylor, G. W., & Ussher, J. M. (2001). Making sense of S&M: a discourse analytic account. *Sexualities*, 4(3), 293-314.
- Taylor, I., Walton, P., & Young, J. (1975). *Critical criminology*. London: Routledge and Kegan Paul.

- Tcherkezoff, S. (2000). The Samoan category matai ('chief'): A singularity in Polynesia? Historical and etimological comparative queries. *The Journal of the Polynesian Society*, 109(2), 151-190.
- Tiatia, J. (1998). *Caught between cultures: a New Zealand-born Pacific Island perspective*. Auckland: Christian Research Association.
- Tiby, E. (2007). Constructions of homophobic hate crimes: Definitions, decisions, data. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 8(2), 114-137. doi:10.1080/14043850701686196
- Tiffany, S. W. (1979). Port Town village organisation in Western Samoa. *The Journal of the Polynesian Society*, 88(2), 127-176.
- Tofaeono, A. a. (2000). *Eco-Theology: Aiga - The household of life: a perspective from living myths and traditions of Samoa*, Neuendettelsau.
- Tolich, M., & Davidson, C. (2003). The fascinating world of social science research. In C. Davidson & M. Tolich (Eds.), *Social Science Research in New Zealand: Many Paths to Understanding* (2 ed.). Auckland: Pearson Education.
- Tolmie, J. (2007). Crime in New Zealand over the last ten years: a statistical profile. In J. Tolmie & W. Brookbanks (Eds.), *Criminal Justice in New Zealand* (1st ed., pp. 39-72). Wellington: Lexis Nexis NZ Limited.
- Trojanowicz, R., & Bucqueroux, B. (1998). *Community Policing: How to Get Started*. Cincinnati: Anderson Publishing.
- Tuagalu, I. (2008). Heuristics of the va. *AlterNative: An International Journal of Indigenous Scholarship*, 4(1), 107-126.
- Tuala-Warren, L. (2002). *A study into the ifoga: Samoa's answer to dispute healing*. Hamilton, New Zealand: The University of Waikato.
- Tufts, J. (2000). Public attitudes toward the criminal justice system. *Juristat: Canadian Centre for Justice Statistics* 20(1), 1-21.

- Tui Atua, T. T. T. E. (2007a). In search of harmony: Peace in the Samoan indigenous religion. In T. T. E. Tuiatua, T. Suaalii-Sauni, M. Henare, J. P. Te Paa, & T. K. Tamasese (Eds.), *Pacific indigenous dialogue on faith, peace, reconciliation and good governance* (pp. 1-12). Apia: Government Printing Press.
- Tui Atua, T. T. T. E. (2007b). *Physician, heal thyself: Planning and "making right" (pono) for the next generation*. presented at the meeting of the The big island liturgy and arts centre conference, Hilo, Hawaii.
- Tui Atua, T. T. T. E. (2007c). *Samoa jurisprudence and the Samoa lands and titles court: The perspective of a litigant*. University of Auckland. Auckland.
- Tui Atua, T. T. T. E. (2008, 28 January). *Water and the Samoa indigenous reference*. presented at the meeting of the Te Au o te Moana: Across Oceania, Le'auva'a Samoa.
- Tui Atua, T. T. T. E. (2009a). *Bioethics and the Samoa indigenous reference*. Oxford: UNESCO.
- Tui Atua, T. T. T. E. (2009b). Samoa jurisprudence and the Samoa lands and titles court: The perspective of a litigant. In T. Suaalii-Sauni, I. Tuagalu, T. Kirifi-Alai, & N. Fuamatu (Eds.), *Su'esu'e manogi=In search of fragrance: Tui Atua Tupua Tamasese Ta'isi and the Samoa indigenous reference*. Apia: The Centre for Samoa Studies, National University of Samoa.
- Tui Atua, T. T. T. E. (2009c). *Whispers and vanities in Samoa indigenous religious culture*. presented at the meeting of the World Parliament of Religions, Melbourne.
- Tui Atua, T. T. T. E. (2009d, 3 December). *Whispers and vanities in Samoa indigenous religious culture*. presented at the meeting of the World Parliament of Religions, Melbourne.
- Tuiatua, T. T. (1994). The riddle in Samoa history: The relevance of language, names, honours, genealogy, ritual and chant to historical analysis. *The Journal of Pacific History*, 29(1), 66-79.
- Tuitolovaa, A. L. (1985). *Raianapoinisiana: tusi tala faa-Samoa*. Apia: Samoa Printing.

- Tunufa'i, L. (2005). *The price of spiritual and social survival: Investigating the reasons for the departure of young New Zealand-born Samoans from a South Auckland Samoan Seventh-day Adventist church* (Master of Arts). Auckland University of Technology, Auckland.
- Turner, G. (1884). *Samoa: A hundred years ago and long before*. London: Sounthern Reprints.
- Turner, G. (1984). *19 years in Polynesia*. Papakura: Southern Bookbinding.
- TVNZ. (2010). John Key's full address to the National Party conference.
- U.S. Chamber Survey Centre. (1980). INTERNATIONAL BUSINESS ATTITUDES SURVEY: Executives Forecast Continuing Inflation. *Nation's Business*, 68(6), 68.
- UNESCO. (1992). *The Samoan fale*. Bangkok: UNESCO Office for the Pacific States.
- University of Birmingham. (2008). *Sociology: Centre for contemporary cultural studies*. Retrieved 20 August 2008, 2008, from <http://www.sociology.bham.ac.uk/cccs.shtml>
- Va'a, L. F. (2001). *Saili matagi: Samoan migrants in Australia*. Apia: Bluebird Printery Ltd.
- Vaioleti, T. M. (2006). Talanoa research methodology: A developing position on Pacific research. *Waikato Journal of Education*, 12, 21-34.
- Vaioleti, T. M. (2011). *Talanoa, manulua and founga ako: Frameworks for using enduring Tongan educational ideas for education in Aotearoa/New Zealand* (PhD). University of Waikato, Hamilton, New Zealand.
- Vakalahi, H. F. O., & Gordinet, M. (2008). Family and culture, and the Samoan youth. *Journal of Family Social Work*, 11(3), 229-253.
- Valdez, M. F., Dowrick, P. W., & Maynard, A. E. (2007). Cultural misperceptions and goals for Samoan children's education in Hawai'i: Voices from school, home and community. *The Urban Review*, 39(1), 6792. doi:10.1007/s11256-007-0048-8

- Van Kesteren, J. (2009a). Public Attitudes and Sentencing Policies Across the World. *European Journal on Criminal Policy and Research*, 15(1-2), 25-46. doi:10.1007/s10610-009-9098-7
- Van Kesteren, J. (2009b). Public attitudes and sentencing policies across the world. *European Journal on Criminal Policy and Research*, 15(1-2), 25-46. doi:10.1007/s10610-009-9098-7
- Viccica, A. D. (1989). The promotion and protection of children's rights through development and recognition of an international notion of juvenile justice and its child-centered perspective in the United Nations. *Nordic Journal of International Law*, 58(1), 68-93.
- Von Hofer, H. (2005). Crime and punishment in Scandinavia. In U. Bondeson (Ed.), *Crime and justice in Scandinavia* (pp. 57-68). Copenhagen: Forlaget Thomson.
- Vowles, J. (2006). New Zealand. *European Journal of Political Research*, 45(7-8), 1207-1220. doi:10.1111/j.1475-6765.2006.00677
- Waikai, S., Shelton, D., Trestman, R. L., & Kesten, K. (2009). Conducting research in corrections: Challenges and solutions. *Behavioral Sciences and the Law*, 27(5), 743-752.
- Warner, K., Davis, J., Walter, M., Bradfield, R., & Vermey, R. (2009). Cauging public opinion on sentencing: can asking jurors help? *Trends and Issues in Crime and Criminal Justice*, 371, 1-6.
- Waters, I., & Brown, K. (2000). Police complaints and the complainants' experience. *British Journal of Criminology*, 40(4), 557-772.
- Webster, F. (2004). Cultural studies and sociology at, and after, the closure of the Birmingham school. *Cultural studies (London, England)*, 18(6), 847-862.
- Weinrath, M., Clarke, K., & Forde, D. R. (2007). Trends in fear of crime in a western Canadian city: 1984, 1994, and 2004. *Canadian Journal of Criminology and Criminal Justice*, 49(5), 617-646.

- Wellford, C. (1975). Labeling theory and criminology: An assessment. *Social Problems*, 22(3), 332.
- Wells, K. (1995). The strategy of grounded theory: possibilities and problems. *Social Work Research*, 19(1), 33-37.
- Wendt, A. (1996). Tatauing the post-colonial body. *Span*, 42-43, 15-29.
- Williams, L., McCreanor, T., & Barnes, H. M. (2003). *A reveiw of mental health promotion literature and analysis of evidence to inform mental health promotion practice in Aotearoa/New Zealand*. Auckland: Mental Health Foundation of New Zealand.
- Willig, C. (2009). *Qualitative Research in Psychology: Adventures in theory and method* (2 ed.). London: Open University Press.
- Wittebrood, K., & Junger, M. (2002). Trends in violent crime: A comparison between police statistics and victimization surveys. *Social Indicators Research*, 59(2), 153-173. doi:10.1023/a:1016207225351
- Wood, B. (2011). *Attitudes towards business organizations*. ProQuest, UMI Dissertations Publishing.
- Yamamoto, M. (1994). Urbanisation of the chiefly system: Multiplication and role differentiation of titles in Western Samoa. *The Journal of the Polynesian Society*, 103(2), 171-202.
- Young, W., Morris, A., Cameron, N., & Haslett, S. (1997). *New Zealand National Survey of Crime Victims 1996*. Wellington: Ministry of Justice.
- Zimmermann, C. A. (2007). Routine activity theory and the handling of children and policy makers. *Criminology and Public Policy*, 6(2), 16-32.