'THE TRIAL':¹ A PARODY OF THE LAW AMID THE MOCKERY OF MEN IN POST-COLONIAL PAPUA NEW GUINEA

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According to students of legal pluralism, the relationship between Western law and local dispute management processes, remedies, and so on is multiple and complex. Legal pluralism studies have not ventured very far outside the arenas of conflict resolution, be they authorized or private. In this article, I argue that legal pluralism has imposed methodological blinders upon significant expressive dimensions of its problem. In a satirical mock-trial that took place in rural Papua New Guinea, legal and indigenous constructions of order met not, as one might expect, instrumentally in the context of negotiating the resolution of a 'trouble case', but creatively combining in play to result in a multi-voiced, comic discourse. The law is shown to have rhetorical value, particularly in colonial and post-colonial settings where it may be deployed or invoked to represent and convey ambivalent attitudes about both justice and local constructions of personhood.

Legal pluralism reflects a view of social order as being made up of multiple regulatory agencies. Legal pluralism studies have particularly, although not exclusively, focused on political situations, such as those in colonial or post-colonial states, where indigenous and judicial institutions remain largely foreign in relationship to the other — for instance, independent — even after prolonged periods of interaction with colonial rulers and Western-style legal systems.² Of the many points one can take from three decades of legal pluralism scholarship,³ among the least controversial, yet certainly the most important, is that the influence of Western law on colonized cultures is neither as all-encompassing as the state might try to claim it to be, nor as contemptible and incompatible as anti-colonial activists might insist.

My aim in this article is to show that, despite their many successes, legal pluralism studies have tended to overlook an expressive dimension of their problem. That is, they have ventured little attention beyond the arenas of conflict resolution, be they authorized, private, or mixed. To do so, I discuss an episode that took place in post-colonial Papua New Guinea (PNG), during which legal and indigenous constructions of order met, not instrumentally, say, to contribute to the settlement of another trouble case (Lipset 1997: 217-76), but in creative play, combining to result in a multi-voiced parody. One of my conclusions is that the law may not only be used politically, but may also have rhetorical value, particularly in colonial and post-colonial settings, where

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it may be deployed to represent and convey ambivalent attitudes, not only about justice, but no less about local constructions of personhood. In other words, instead of adopting a unilateralist or dialectical view of the relationship of law to local concepts of order, a view which privileges the law, I conclude that this relationship may also give rise to a decentred discourse, a discourse in which multiple voices simultaneously assert and contest plural versions of authority, creating a legal heteroglossia that is ‘forever being shaped and yet never congealing’ (Bakhtin 1984a: 16). In this moment of PNG history, I should add, the state itself has become decentred rather than dominant.

While such leading students of play-related phenomena as Bateson (1953) and Goffman (1974) focused on its microcosmic dimensions, namely, how play may be cognized or situationally communicated, my purpose requires a somewhat broader historical and political contextualization of the relationship between play and culture. The view of this relationship which I favour is one that Bakhtin has called ‘dialogism’. In Bakhtin’s view, forms of discourse that emerge in diverse and politically complicated circumstances are ‘unfinalized’, rather than subordinate to a definitive authoritative position. In other words, to a certain extent at least, they remain independent of a ruling monologue, such as those issued by state or church (Bakhtin 1984a: 32). Among favoured Bakhtinian imagery we find ‘unmerged voices’, ‘carnival’, ‘thresholds’, ‘double-voiced discourse’, ‘contrapuntal voices’, ‘combined images’, ‘ambivalence’, and ‘two-in-one images’. These reveal a view of discourse as anything but reductionist, static, or structural. Dialogism, moreover, construes discourse as not just composed of actual voices talking back and forth. Discourse is made up of voices that are saturated with the words of others, whether or not dialogue is actually taking place. Dialogism therefore refers to both present and absent interlocutors. It therefore focuses not only on the ways in which language may be used socially, but also on how metaphor, style, intonation and so forth may themselves be understood as rejoinders, typically between opposing regimes, rejoinders, that is, which struggle with and against each other to compose an open-ended discursive field.

In this article, I consider a relationship between forms of indigenous satire, irony and parody and the law as dialogical. My text is an improvised, mock ‘trial’ that was ‘convened’ in a village in the Murik Lakes region in rural PNG in 2001. In my use of such terms as ‘satire’ and ‘parody’, I am employing terms and categories which derive from local usage; it should not be thought that I am imposing classical Western tropes on this PNG context. It is important to avoid reducing Murik parody, however, either to emphasize the law, as some legal anthropologists might prefer, or to emphasize the element of comic discourse in it, as students of play might want to do. ‘The trial’ did not take place at random. Nor was it merely a script (Nelson & Seidmen 1984; Schank & Abelson 1977) ‘about’ a ‘judge’ weighing the ‘guilt’ or ‘innocence’ of a ‘defendant’. It was ‘convened’, as I show below, by means of and in the parodic scripts of Murik joking relationships, ethos, and images. Rather than being deployed as a threat, or a bargaining chip, ‘the trial’ became a metaphor that drew upon Murik satire and creativity, mocked local order, and mocked the judicial system of the post-colonial state. In other words, the dialogicality of this performance saturated ‘the trial’ so thoroughly that neither the metaphor
of the law nor the comic rendition of Murik personhood which informed local voices should be privileged either exegetically or by the actors who created it. ‘The trial’, as a representation, was dialogically absorbed by, just as it simultaneously absorbed, an ongoing genre of indigenous parody. Murik joking partners assimilated ‘the law’, for their comic purposes, just as ‘the law’ informed their comic discourse mocking personhood. ‘The trial’ stood for both an historical moment in PNG and an ongoing cultural dynamic within Murik society.

The precise significance of ‘law’ depicted below therefore remains refractory, unfinalized, and reflexive. The imaginative caricature of ‘a trial’ might well be understood as an insubordinate mockery of the state’s claim that it, and only it, may define the rights and judge the conduct of the citizen; alternatively, it might be understood as an indirect acknowledgement of its sovereignty. Or it may, perhaps, be both. The caricature of the moral person might also be construed doubly, as both insubordinate and unequivocal. Either way, this creative mixing of the prosaic and the formal did not reflect a moment or a phase that would or should eventually defer to the official, monologic voice of legal authority. It was not a passing moment on the road towards that, or any other inevitable end. The contrapuntal imaginations, the one answering the other, belong to a labyrinthine situation in Papua New Guinea, a situation in which the significance of the law remains subject to interpretation, a situation whose future is indeterminate and unpredictable.

**Legal pluralism in a weak state**

The history of state-based law and unofficial forms of social control in PNG ought properly to be traced back to *Crime and custom in savage society* in which Malinowski (1926) argued that although moral order in Trobriand society was stateless, it was none the less safeguarded by interdependent, reciprocal relationships and the obligations created by them. ‘Law and order’, Malinowski concluded, ‘arise out of the very processes which they govern’ (1926: 122-3). During the colonial era (1884-1975), representatives of which were largely absent in *Crime and custom*, villagers were subject to a regime of petty, paternalistic rules and ordinances which were known in official parlance as Native Regulations. They were intended to keep Papua New Guineans ‘obedient and unobtrusive’ (Kituai 1998: 7) by restricting movement from villages, imposing night-time curfews, banning gambling and alcohol consumption, and even requiring the wearing of clothes on the upper body. The official policy of the chief administrator of the territory of Papua, Sir Hubert Murray, ‘vigorously opposed the setting up of tribunals composed of indigenes and administering customary law’ (Epstein 1974: 3). Murray held that indirect rule was impossible due to the barbaric nature of local-level authority.8

It is true that both the German and Australian colonial authorities appointed village officials who heard complaints. In both cases, the system of government was generally undifferentiated and decentralized, with most functions being carried out by district officers (*kiap*), who operated as administrators, policemen, magistrates, and jailers, in other words, as multi-powered bosses at local levels (Gordon & Meggitt 1985: 52 ff., Kituai 1998: 19-41;
McPherson 2001; Rowley 1965: 76). Multi-powered, but at the same time manipulable: ‘in this environment, kiaap courts provided additional fora that could be incorporated into local political strategies’ (Dinnen 2001: 23). In the early 1950s, Paul Hasluck (1976), who served as Australia’s Minister for Territories between 1951 and 1963, instituted a system of democratically elected Local Government Councils; this was part of a move to begin the unification of the country by increasing indigenous participation. The Councils appeared in a few areas at first and then, over the years, became more prevalent (Lynch 1969). In 1966, the separate court system for native affairs, which had been presided over by district officers, was abolished and replaced by an integrated, pyramidal court system – national, district, and local – that was based on English common law (Derham 1963; see also Fenbury 1978: 116 ff.). The Supreme Court soon became known as the ‘White Court’, whose efficacy and import, of course, depended on one’s perspective. The new system guaranteed equal legal access and orientated itself to the preference for mediation and consensus settlements in indigenous custom, but contained no reference to specific offences. Schemes were introduced to train local men in procedures and rules of evidence so that they could serve as full-time magistrates in local courts (Barnett 1969: 159). Three indigenous magistrates were appointed in 1967. Ten years later, there were a total of about 140 serving at local and village levels.

At Independence in 1975, the post-colonial state adopted this structure, preserving the form as it existed during the final decade of Australian rule (Chalmers & Paliwala 1977: 67 ff.). At the top remained a supreme court. Each region had a district court, and below it, local courts, which were originally designed to serve the populace. Local courts were located in town centres at considerable distances from villages. Villagers rarely went to them for justice (Scaglion 1976). Village courts were instituted in 1973 as part of the run-up to Independence. By 1985, about 75 per cent of the country had access to them (Keris 1987: 71). They were intended to apply customary rules and procedures to dispute settlement. Magistrates were selected from among local leadership, and were familiar with customs, people, and events. These courts were meant to be less formal and imposing than the urban courts. ‘Wide variation in modes of procedure and styles of operation is permitted, in keeping with the variability of Melanesian customary law’ (Scaglion 1990: 19-20; see also Hutchins 1990; LiPuma 2000).

Many courts did not conform to this expectation. Some magistrates, styling themselves after the judges in urban courts, tended to impose judgments rather than using mediation techniques (Iamo 1987; A. Strathern 1981: 16). A number of communities rejected the system altogether because of its association with state control; others resisted it, either on the grounds that the village courts would serve only the interests of a rising, local elite or because of their domination by a local male gerontocracy (Fitzpatrick 1980). Another criticism of the village courts, particularly in the highlands, has been that they have reinforced the subordination of women and children (Garap 2000). By the 1980s, however, the village courts were held to be making use of both formal mediation and custom in creative ways (Scaglion 1979; Zorn 1991). They had not displaced indigenous remedies, but had come to occupy ‘a regulatory position somewhere in between’ (Goddard 2000: 243) local society and the state.
However village court practices may be evaluated, the overall effectiveness of the legal system in PNG has been in persistent decline; this is part of the more general process of deterioration which many commentators see as afflicting PNG’s endemically ‘weak state’ (Dinnen 2001; see also Larmour 1998; Migdal 1988; Morauta 1987; Standish 1994, 2001; cf. Lipset 1989). Criminal violence and lawlessness, the renewal of tribal warfare in the highlands (Gordon & Meggitt 1985), election-related fighting, and rampant petty theft, armed robberies, rapes, and homicides perpetrated by urban youth gangs who are popularly known as raskols in Tok Pisin,12 have given rise to ever increasing fears about personal security throughout the country (see also Dinnen 1998; Dinnen & Ley 2000). Curfews and special policing operations13 have had little or no effect. Although longitudinal data confirming the breakdown of order in PNG are sadly lacking, there can be little doubt that confidence in the state has been declining steadily since Independence. On the one hand, the perceivedfailings of PNG state institutions may be measured in terms of institutional ineffectiveness and lack of resources. On the other hand, Dinnen rightly notes that the weakness of the justice system must take ‘deeper dislocations’ into account, namely the ‘context of rapid, often bewildering change … [and] new forms of social and economic marginalization’ (2000: 69).

The year 2000 was the Silver Jubilee of PNG’s Independence. While a large-scale celebration was staged in the national capital, Port Moresby, in the provinces little was done to mark the occasion and only a minimum of government support was provided. At Kundiawa in Simbu Province, dance groups performed largely ignoring the rather jaded speeches of local dignitaries apologizing for limited government support paid to the dancers. A platoon of women … also marched and drummed, their … bodies glistening with black tree oil, satirizing colonial policemen while demanding public order. In effect denying the ability of the state to assist their community, they were asserting that they would themselves keep their own young people under control (Standish 2000: 1).

An enfeebled, fragile, corrupt, deeply underfunded, post-colonial state faced many challenges in 2001. Chief among them was the task of trying to rebuild a system of law and justice, both in terms of recreating its legitimacy and rehabilitating its institutional abilities, so as to combine the legal-bureaucratic functions of the state together with the polyphony of local-level values and processes to which the overwhelming majority of rural Papua New Guineans still adhered.

Law and order in a Sepik village

The village of Darapap is situated on the remote outer margins of this weak state and its overextended, deeply compromised legal system. Darapap is one of five communities located on the Murik Lakes, a system of brackish coastal lagoons in the delta of the Sepik River into which the Pacific Ocean ebbs and flows. The local people, who are known in Papua New Guinea (as well as in the ethnographic literature) as ‘Murik’, speak a common language and share a common ethnohistory; they also share a common network of kin and
affinal ties and a distinctive adaptive strategy. The big, dugout outrigger canoes that were once built by the Murik male cults have given way to fibreglass dinghies (see Figure 1) and powerful outboard motors, which have reduced the time it takes to travel the 60 miles between the village and the provincial capital by more than half. Darapap nevertheless remains little more than a backwater of the global village. The community is not in receptivity mode, awaiting the imminent arrival of modernity; it is instead a place where modernity has already come and gone, leaving in its wake a few services and then moving on.

Darapap is populated by just over 600 people who still live in the same kind of buildings that their ancestors constructed. It is a village of pile-houses built out of ‘bush’ materials, thatch, posts, poles, and floorboard, all bound together by cane lashings. These materials are still gathered from the shallow swamps and the mangrove forests along which the people live. The villagers go to town regularly to buy foodstuffs and other commodities. But they also still practise aquatic foraging, supplemented by hereditary, inter-tribal trade based upon gift exchange and/or barter. While battery-operated ‘boomboxes’ are plentiful, there is no electricity or running water in the village. There is no hospital or aid post. There is no primary school. There is a Seventh Day Adventist Church, which has had a continual missionary influence in the community since the early 1950s. The church building is also built from bush materials. Linguistic and economic changes are certainly taking place within the community; for one thing, the Murik vernacular slowly seems to be giving way to Tok Pisin (or PNG Pidgin English), but outwardly the village looks much the same as in 1981, when I first visited it. 14

The sociology of Darapap remains lived out in kin groups. Families – sibling and cognatic descent groups – serve both as units of reproduction and production and still fulfil ritual obligations, largely during mortuary rites. The male and female cults go on modulating the tenor of daily life through relent-
less joking relationships (cf. Knauft 2002: 32). The people practise elaborate ceremonial relationships as part of these two secret societies, relationships they call the *mwara yakabor* in Murik and *pilai kandere* in Tok Pisin. Women, as nieces with classificatory fathers’ sisters, and men, as nephews with their classificatory mothers’ brothers, mercilessly prod and tease one another about alleged sexual indiscretions and supposedly boundless appetites in the same way (see Barlow 1992; cf. Lipset 1997: 135–76).

Meanwhile, *Gaingin* spirits, representing the masking society, constantly patrol the avenues and walking paths of Darapap with great delight (see Figure 2). This society allocates the privilege of donning a particular masked costume to each of its constituent age-grades. In costume, the masker may chase and spear anyone junior to himself. In pre-colonial times, this masking society served as a training-ground for the male cult. Today, although the latter remains housed in its own building, the power and frequency of its ritual activity have diminished, much like that of the post-colonial state. No longer are the young initiated and sent off to war. No longer does the state reliably regulate daily urban life.

Village governance is conducted by a ceremonial gerontocracy, comprising the men and women who head descent groups, together with democratically elected officials: a councillor, his committee man and a magistrate who is appointed by the councillor. The locality remains in semi-autonomous control of the negotiation of dispute-resolution processes (Moore 1979); these are managed in both Murik and Western terms (Lipset 1997: 135–76). Customary social control involves direct negotiation; this can give rise to avoidance relations which are normally concluded by ritual commensality involving private meetings during which disputants exchange dishes of food, air differences and pay compensation. Although village courts are not convened, moots are held by councillors and magistrates when needed. Disputants and onlookers assemble in the public space which is normally used for village meetings. Every few years, on secondment from the district seat or the provincial capital,
police appear in the village, in response to one kind of crime or another, either to drag an individual or a handful of people off to face a regional court, or else to engage in some other dramatic, and often brutal, show of force. All this might seem to suggest a society imbued with deeply conservative cultural traditions. It should be remembered, however, that Darapap has experienced over a century of interactions with the forces of modernity, most notably those enshrined in state judicial systems with their time-honoured principles of professed impartiality.

It is true that Murik youths joined the colonial police services both before and after the First World War with a steady trickle of men taking service as policemen, prison-warders, and so forth not only under the Australians and in the forces of post-Independence PNG, but also under the Japanese occupation forces during the Second World War. And it is no less true that the long shadow cast by Sir Michael Somare, the first prime minister of the post-colonial state of Papua New Guinea (1975-81), and native son of the Murik Lakes, has loomed large over this somewhat attenuated but persistent relationship (Somare 1975). Sir Michael has affected Murik identity in and orientation towards the state in a culturally distinctive way. On the other hand, he is thought to have occasioned very little in the way of concrete development gains in any significant area of PNG life. In 2001, like so much of rural Papua New Guinea, the moral imagination of Darapap village remained deeply embedded in local constructions of personhood even though villagers had no choice but to recognize the legal requirements of citizenship, however poorly equipped the state actually was to penalize those who defied its authority.

A peoples’ ‘court’

Although the village looked much as it did in 1981, one building on the foreshore stood out for me when I returned there for the fifth time in 2001. Rather than being constructed from bush materials, it had a wooden planking frame and walls made of aluminium sheeting. On the corrugated metal roof of this architectural anomaly were bolted three solar panels (see Figure 3). Referred to in Tok Pisin as the ‘Haus Sola’, the building had been constructed by local carpenters in 1999 as part of a government-sponsored project to stimulate a commercial fishery in the Lower Sepik. It had been equipped with two freezers in which fish were to be stored before being ferried to market in the provincial capital. Off to one side of its porch were about ten automobile batteries linked by cable to the solar panels, and opposite it was a counter with a built-in metal sink. Inside, a single room with plank floorboards was rimmed with a bench meant to facilitate the process of weighing and cleaning fish. The two freezers were kept in the interior room, which was illuminated by a couple of fluorescent lights. The commercial fishing scheme had not yet been implemented. Most of the time, the building therefore remained empty except for the young people who sometimes loitered there during the day.

Late one morning in early January 2001, I found myself on the porch of the Haus Sola among about six young and middle-aged men who were doing
just that. They were all joking partners, related matrilaterally and with ties to the male cult. As is often the case, the horseplay and quick, irrepressible banter of Murik comedy commenced (see Figure 4). All of a sudden, an impromptu ‘peoples’ court’ convened itself inside the building before a self-proclaimed ‘judge’, a middle-aged man named Smith Jakai Tamau, who was barefoot and clad casually, like everyone else, in shorts and a button-down shirt. ‘Judge Smith’ was a former village councillor and the heir of an important headman.
The ‘defendant’, Frankie, related as classificatory sister’s son and joking partner to ‘Judge Smith’, was to stand ‘trial’ (see Figure 5). Others in attendance were Luke, who was another one of Frankie’s senior joking partners, Beldon, Jeffrey Marabo, and two or three more young men. Other people came and went. At one point, Gaingiin, the most junior spirit in the men’s masquerade, stopped by. And I, also classed as one of Frankie’s senior joking partners, was present. Rumors about which these self-same joking partners had been gossipping, to the effect that Frankie had had an affair with his wife’s mother while visiting the ‘bush Murik’ village of Boig, were to be levelled as ‘charges’ against him. As the group improvisation began to develop (Sawyer 2002), and realizing that something of special interest to me was taking place, I turned on my untrustly little tape recorder.

The ongoing direction of linguistic change being what it is, the ‘trial’ took place primarily in Tok Pisin laced with the Murik vernacular. The following excerpts have been culled from a much longer transcript. I present it so as to preserve the integrity of the moment as much as possible. Without altering the overall sequence, I have sought to aid intelligibility by presenting the transcribed material in separate short sections, following each with a brief exegetis. Each utterance is numbered and followed by an English translation, where appropriate.

1. Luke: Harim, eh! Man ia em i trebel i stap!
   [Hear ye! The accused is here!]
   [We have got to his case now.]
3. … Frankie: Yu gat ol witnes!? Husat witnes nau?
   [You have witnesses!? Who is a witness?]
4. Voice: Mi yet mi wanepla i stap.
   [I am here.]
5. Voice: Kom!

[Come!]

6. Frankie: Yu laik ploim kon!

[You like to plough corn!]

7. Voice: Mipela no toktok long toktok belong kot!

[We are not talking properly for court, or talking in proper court language!]

8. … Frankie: Juj i stap, inap long em kom long harim kot bilong …

[The judge is here. He will come and hear [my] … case.]

(Someone pounds the wall)


[Beat the hand-drum. The drumbeat of the hand-drum should be loud, so everyone will hear it.]

The dialogized play of law and Murik comedy is instantly audible and intelligible in this initial segment. On the one hand, in lines 1-5, a mock-attempt was being made, through the call for special language and the use of percussion, to mimic the script of ‘a trial’. That is, the convening of an official gathering of credible ‘facts’, with witness confirmation, before an impartial adjudicator, was being simulated. On the other hand, in line 6, kon, the Tok Pisin word Frankie may have used to mean ‘corn’, as part of his insulting rejoinder to his accuser, might actually have been kan, the word for ‘cunt’. The repartee of Murik joking partners is called gwaga’iin in their vernacular, which means ‘play talk’, and is translated as tokpilai in Tok Pisin. But ‘to play’ in Murik always has a lewd and sexually charged connotation. So Frankie’s gibes, ‘You like to plough corn!’, might just as well have been, ‘You like to plough cunt!’. The voice in line 7 would seem to confirm this interpretation. Certainly, men’s joking discourse consists in large part in creating and reveling in just this kind of bawdy double-entendre. It is an antic discourse in which Murik ribaldry mocks Murik virtue. Interpreting dialogical relations between the discourse of ‘court’ and Murik comedy challenges both me and the reader, who would emphasize either the legal or the comedic metaphor whenever it comes into play, with a tricky methodological problem. The law may radiate influence beyond its official confines (Santos 1987), but, in the local setting, so does Murik comedy. Clearly, the voices of one and the other were immersed within each other so thoroughly on this occasion that neither may be afforded a clear analytical priority. The entertainment was not in any ultimate sense ‘about’ the law, a ‘judge’, or ‘a trial’. It was a satire, simultaneously ‘about’ both the law and Murik personhood.

10. ‘Judge’ Smith: Mama bilong meri bilong yu salim tok tasol em laik maritim yu ken?

[The mother of your wife sent word that she wants to marry you again?]

11. Frankie: Mi, eh?

12. ‘Judge’ Smith: Yeah.


[Look, he tramped up ‘the mountain’ and went to her.]


[He is immoral! This woman, she is a mother. She gave birth [to your wife]. You took her, you slept with her, got up. You have a child. Why did you mount this mother again?]
In Murik, affinal decorum between mother and daughter’s husband should be shame-ridden and deferential. Largely mute, in this avoidance relationship only a minimum of face-to-face, direct communication ought to take place. Moreover, as I argued in Mangrove man (1997), concepts of the ‘good’ and the ‘right’ are a part of an ongoing dialogue about the reproduction of moral personhood. In Murik culture, an idealized vision of new motherhood, particularly in ‘her’ qualities of nurture, unconditional generosity, and chastity, contends against, and runs counter to, the assertion of more self-centred aspects of experience. Frankie, having allegedly had an affair with his wife’s mother, was accused of having gone ‘up the mountain’ to her in line 13, which is to say, he had climbed an inclined path to Boig village, located just inland from the Murik Lakes, or had climbed up onto her ‘mountain’. Line 6 refers to a major theme of the incessant parody that goes on between the classificatory mother’s brother and his sister’s son: the scandals and grotesque embodiments of ‘immoral men’ (nor mwaro). Endowed with a huge phallus and boundless appetite for erotic intrigue, his id answers the quietist, maternal ethics enacted in siblingship, conjugal fidelity, and affinal etiquette. The accusation levelled in lines 10 and 14 by ‘Judge’ Smith against ‘defendant’ Frankie immersed ‘the court’ in the moral imagination of Murik comedy and momentarily removed it from judicial mimicry. Was this an actual, ‘real’ allegation? Or, was the ‘judge’ creating it in the spirit of cultural whimsy? Whether true or false, Frankie was willing to ‘play’ with the charge levelled against him in two ways: first, he was willing (below, in lines 15 and 19) to oblige his mother’s brother, whom he would otherwise tease in kind, and, secondly, he was willing to reject the charge as if it were genuine.

15. … Frankie: Em i no mama tru bilong dispela meri nau mi maritim.  
[[She] is not the ‘true’ mother of the woman I just married.]

16. Beldon: Sapos olesem –  
[If so – ]

17. … Frankie: (laughter) Mi nogat wanpela rong bilong mi, tasol yupela pointim mi …  
[(laughter) I have not committed a crime, yet you accuse me … ]

18. Voice: (inaudible) …

19. Frankie: Em mama bilong dispela meri …  
[She is the mother of this woman … ]

20. DL: Em konpes!  
[He confessed!]

As a result of difficulty in making out the words on my tape, it is not clear to me what exactly was going on during this sequence. But I think that two key points can be made here. One is that Frankie was drawing the ordinary Murik distinction between a biological and adoptive relationship which is evident in his use of the word, ‘true’. The other is that while using this term to try to dispute the mock-allegation, Frankie code-shifted in line 17 back to mock ‘trial’ mimicry. Here, the desire to repudiate ‘the charge’ against him and to defend his honour has motivated a movement away from joking discourse and back to the caricature of official, legal language. A third, less evident point, but one about which I am also reasonably confident, is how much the ethos of this moment was one of merriment and farce. I must ‘confess’: I too was in its thrall, and my enchantment is demonstrated by the sudden, peremptory report of my verdict upon the ‘proceedings’ (line 20).
21. … ‘Judge’ Smith: Nau, dispela meri bilong we?  
[Now, where is the girl from?]
22. Frankie: Em bilong Boig.  
[She is from Boig.]
23. … ‘Judge’ Smith: Yu wet, yu yet. Yu save olsem dispela. Hau bai dispela meri i kom na i stap long Boig?  
[You wait a second! You know this. How did [your wife] end up in Boig?]
24. Frankie: OK, mi stori pastaim na yu bai yu harim, eh?  
[OK, I will tell you and you will hear it, eh?]
[When they took this child, how did they do it? How did she come … to Boig? – ]
[When the little boy died, OK, they adopted this little girl and she came and stayed with them. And when I married her, I didn’t marry her in Boig.]
27. ‘Judge’ Smith: Yu maritim em we?  
[Where did you marry her?]
28. Frankie: Mi maritim em autsait, long Angoram.  
[I married her in Angoram, outside of the village.]
29. … ‘Judge’ Smith: Long Angoram, em bin stap wantaim husat?  
[In Angoram, with whom was she staying?]
30. Frankie: Em stap wantaim bikpela susa bilongem, marit long Joseph Aigut ia. Stori ia, em i kli nau?  
[She was staying with her elder sister who is married to Joseph Aigut. Is the story now clear?]
31. … ‘Judge’ Smith: Nogat, em i no go streng tingting bilong mi yet.  
[No, I still haven’t sorted this out yet in my head.]
32. Frankie: Yu toke.  
[You talk.]
33. … ‘Judge’ Smith: OK, lukim, sapos na meri bilongyu kom na mi askim em?  
[OK, what if your wife comes here and I myself ask her?]
34. Frankie: OK, mi bai mi go long Point na bai mi kisim meri ia i kom na bai mi askim em, ‘yu kom long wanem ples tru?’  
[OK, I will go to the Point and I will get her and … ask her, ‘Where do you truly come from?’]

Epistemologically, contexts of legal pluralism engender a labile view of knowledge. Notice that laughter, and the moral imagination of Murik comedy, have subsided and yielded to a relatively earnest, magisterial mode of investigation throughout this segment. ‘The judge’ critically examines Frankie’s claim that his wife was adopted (lines 21 ff.) and in so doing assumes control and asserts his mock-authority. He wants to establish how mother and daughter came to their relationship and implies that Frankie can provide ‘objective’ answers to his questions (line 23). Notice as well how unevasive Frankie is. He willingly complies with ‘Judge’ Smith (line 24). His wife, he grants, was adopted by a woman from one of the horticultural villages inland from the Murik Lakes.\(^\text{18}\) However, Frankie emphasizes the disconnection in her relationship to Boig village by citing ‘the fact’ that he married her elsewhere, namely, in Angoram, the district seat (lines 26-30). As the questioning develops, Frankie, ‘the defendant’, seems to be winning his case. He agrees to bring his wife to ‘court’ and have her ‘testify’ about her origins (line 34). Previously,
Frankie switched from Murik parody to judicial parody. In what ensues below, ‘the judge’ takes the opposite tack for a moment before combining the two voices with a non-verbal flourish. In response, Frankie answers in the voice of official mimicry, but quickly returns to that of Murik parody.

35. ‘Judge’ Smith: Y u harim tu? Na olesem adoptim pikinini, tasol, em i adoptim pikinini, em i street. Em mama pinis bilongen. Na yu rong! Em i rong long komantap longen! … [Did you hear? Adopted the child. They adopted the girl! … She is her mother. You are immoral! It was immoral to mount her!]

36. Frankie: OK.
37. … ‘Judge’ Smith: Rong i kamap olesem; (sotto voce) yu kwapim mama bilongyu! [A crime has been committed; (sotto voce) you screwed your mother!]
38. Frankie: Na mi laik save, husat tru i lukim mi kwapim em? [I want to know, who really saw me screw her?]
39. Voices: Ehhhhhh!
40. Frankie: Mi laik save. [I want to know.]
41. ‘Judge’ Smith: Andrew i lukim yu. [Andrew saw you.]
42. … Frankie: Y u holim stik bilongem liklik tu? [Have you held his stick a little too?]
43. ‘Judge’ Smith: Mi no holim stik bilongem. Nau [Andrew] i tokim mi olesem, mi lukim – [I haven’t held his stick. Now [Andrew] has spoken to me, ‘I saw – ’]
44. Frankie: Ah. Em i tokim yu. [Ah. He spoke to you.]
45. ‘Judge’ Smith: Em tokim mi, yu kwapim mama bilong meri bilongyu. [He told me that you screwed the mother of your wife.]

In line 37, the voice in which ‘the judge’ makes his accusation – namely, that Frankie had ‘screwed his mother’ – combined judicial parody with Murik affinal terminology according to which a man’s mother-in-law may both be addressed and referred to as ‘mother.’ When Frankie demands to know the identity of ‘the witness’ to his alleged indiscretion (line 38), the thought of watching such an act provoked a squeamish chorus of culturally normative revulsion (line 39). This is a particularly notable moment in the dialogue. Frankie’s demand for an eyewitness testimony is asserted in both a Murik and legal voice, which overlap momentarily, the Murik also being absorbed, like the court, in maintaining a cultural distinction between representation, appearances and reality, beginning in early childhood. Retreating, Frankie shifts from this double parody back to the conventional script and the pseudo-aggressive ethos of Murik male comedy (line 42). Citing the reported speech of a corroborating witness as authoritative, the ‘judge’ reiterates the charge, no longer in a stage whisper, but now in an uncompromising double voice, which was at once a mock ‘formal allegation’ delivered in terms characteristic of Murik parody (line 45). He goes on in the latter.

46. … ‘Judge’ Smith: Y u kon man! Harim, yu kon man, kon man! [You are a kon man! Listen, you are a kon man, a kon man!]
47. DL: (laughs)
48. Frankie: (laughs) Hey!
Frankie stands ‘accused’ of having been and wanting again to be ‘a father’ with the woman again (line 49). In other words, he is ‘charged’ with having asserted and wanting to reassert the sexual privileges of a husband in a wife, except that ‘the wife’ was, in the event, his wife’s mother. ‘The judge’ concludes that ‘the defendant’ must be incarcerated should this be so (line 51). The playful double-entendre, involving the use of the word for corn, returns us to the conventional repartee of Murik joking, which is now expanded to impugn the character of ‘the defendant’ as a whole (line 55). This reproach is joined with an insubordinate caricature of the judicial authority of the state. ‘The court has spoken,’ the ‘Judge’ declares to Frankie, ‘you are a kon man!’ (line 57).

Frankie continues to protest. Again, the two voices have become dialogically fused to the great amusement of the actors (line 59). A double parody of both Murik personhood and law has been momentarily synthesized. In what follows, Frankie and ‘Judge’ Smith persist in this double-voiced play.

Frankie, amused, brashly likens himself to a ‘one-fish’ man. In *Tok Pisin*, ‘one-fish’ refers to a loner (a fish, who doesn’t swim with the school); it refers, perhaps, to a shameless rake, or a rogue, that is, to an individualist who is above both custom and law (see also Epstein 1999: 24). ‘Judge’ Smith takes a dubious view of the tag, and instantly translates it into the terms of Murik comedy.

60. Frankie:  

*laughs* Mi papa bilong wan pis!

*[laughs] I am the greatest ‘one-fish’ man of all!*
While imputations of depravity and sexual licence are staple fare in Murik male comedy, one particular detail in ‘the judge’s’ redefinition of a ‘one-fish’ man deserves further comment (line 61). ‘The judge’ suggests that ‘the defendant’ solicited his wife’s mother to perform an act of prostitution by tying a currency note to his penis, a ‘2 kina woman’ being slang for a prostitute. Both the language of the investigation, the colonial lingua franca, Tok Pisin, and the monetized phallus, as an image of procurement, remind us of the thorough embeddedness of Murik culture within the post-colonial state.

‘Judge’ Smith then went on to reiterate his view that ‘the defendant’ ought to serve time and put an end to ‘the deliberations’. The real world returned to awareness: Frankie announces that time has passed and a moment later, word arrived that some trading partners would not show up as expected to sell sago. People dispersed anyway. Nothing more happened, although in subsequent days I heard a number of people making mock threats to resume ‘the trial’.

**Play and legal reality in a post-colonial moment**

In the 1960s and 1970s, studies of legal change explored the ways in which law can sometimes reshape local culture (e.g. Burman & Harrell-Bond 1979). Law was widely thought to be a strong force for modernization. Since the 1980s, it has been viewed more cautiously. Its influence on indigenous order has been construed as incremental, sometimes even negligible. Indigenous cultures have come to be seen as possessing the resilience to ‘resist and circumvent penetration or even capture and use the symbolic capital of state law’ (Merry 1988: 881). There are, as I have shown, expressive dimensions of this resilient relationship, as well as instrumental ones. However, so far as I know, the law as a discursive medium, particularly as imagined from the standpoints of such vital cultures – whether comically, inquisitively, defiantly, or fearfully – has not been theorized at all.

In anthropology, understanding the relationship between comedy and moral order has posed a long-standing problem for social theory. Durkheim’s disciple, Radcliffe-Brown, viewed mock-disrespect in joking relationships as a means by which individuals related through marriage might substitute sham conflicts for real ones (1940). Gluckman developed the orthodox view of the relationship of comedy to political hierarchy in analyses of Swazi and Zulu ‘rites of rebellion’. Ritual licence, expressed in mock-contempt for and
mock-denunciations of the king, ultimately results in the preservation of a status quo. ‘The conflicts can be stated openly when the social order is … indubitable – when there are rebels and not revolutionaries. In such a system, the licensed statement of conflict can bless … order’ (Gluckman 1956: 134). This, then, is an approach which treats rites of rebellion – including their satirical and comic elements – in a way that presupposes the sovereignty of authority, thus providing a model of social control in which potential fissures within the polity are invariably neutralized.19

This rather conservative view of the relationship of adult joking, as well as ritual licence, to socio-political structure echoes or adheres to the two-level Aristotelian model – consisting of play that mimics, responds to, and supports the wider values of society – long favoured in psychological and anthropological studies of pretending among children (see e.g. Garvey & Berndt 1977; Groos 1901; G.H. Mead 1934; Schwartzman 1978; cf. Raum 1940). In these studies, play is generally represented as an activity through which children represent, reproduce and thus begin to experience cultural reality by means of make-believe. As Piaget put it, by first pretending to be themselves and then to be others, children start vicariously to learn to assimilate the ego to the demands of role-play in the wider world (1962: 145). However, ‘the trial’ not only mimicked the post-colonial court system, but constituted an additional flight of fancy from it. It was a parody, that is to say, of both Murik male joking relationships and of the legal world. ‘The trial’ engendered a double transformation of reality rather than a single one. It played on everyday relations in village Murik culture and on the legal institutions of the post-colonial state. L. Goldman has made an analogous argument about the play of Huli children, which he has singled out as ‘double-play’ (1998: 101). When these children enact a theme of play, such as hunting or going to the hospital, they sing about it in melodies drawn from Huli mythology (*bi te*). ‘Players are … enmeshed in symbolic play both within the underlying … fantasy and at the level of the overlaying genre modality’ (Goldman 1998: 101). According to Goldman, the propensity to juxtapose voices indicates a dynamic willingness to ‘play with the playframe’ (Bretherton 1989: 384), a disposition that provides them with a means or a device to refresh their pretending. ‘The cultural repositories of fantasy are raided and reinvented … not just with respect to themes, but also with respect to aspects of form, motif and performance’ (Goldman 1998: 143).

The disposition creatively to bring in and combine voices in play – possibly new voices with old – raises the question of how play may be related to history. As it happens, this is a question that is now in the foreground of contemporary anthropological theory about comic licence. Functionalist views of comedy as supporting the status quo have now been displaced by the view that comedy may express ambivalent attitudes about external forces and foreign authority. ‘[T]his is the heuristic significance of … clowning: the clown – a highly opinionated moralist – points baldly … to … prickly issues of everyday life and beyond’ (Mitchell 1992: 19, 24). The open-ended power of state-based and globalized forces has inspired the weak to use what Fernandez has called ‘tropes of indirection’ (2001: 87). Satirical or ironic voices today resist and defy officialdom and globalization. Instead of consolidating moral order in
the locality, play is now widely seen to provide marginal citizens with a brief illusion of mastery over worlds that are becoming ever more intractable and unresponsive (Herzfeld 2001).20

Some years ago, the literary critic Northrop Frye (1957: 33-5) created a view of the relationship of modes of fiction – including comedy – to figures of authority which I find useful, as it is more comprehensive than that developed in socio-cultural anthropology. Building on interpretation of Aristotle’s *Poetics* (1953: 18–19), Frye argued that fictional heroes should not be classified on the basis of their moral standing, but instead according to the degree to which their power to act is superior, equal, or inferior to that of the audience or of other men in their social and natural environments. If superior in kind, then the hero becomes a divine being and the story about him Frye classed as mythic. If superior in degree, the hero is merely an human who moves through worlds, the rules of which are only slightly suspended for him. Prodigious acts of courage and endurance which are unnatural to most are taken for granted by him, and the enchanted weapons, talking animals, terrifying ogres, and talismans of power violate no rule in this world. These stories are legends, folk-tales, and so forth. If superior in degree to other men, but not to nature, the hero is just a leader. He has authority, passion, and power which outweigh those of other men, but what he does is nevertheless subject to criticism and to the laws of nature. Such men are heroes of what Frye calls ‘the high mimetic mode’ of epic and tragedy. ‘If superior neither to other men nor to his environment, the hero is one of us’ (Frye 1957: 34). Such a hero is found in ‘low mimetic’ modes of fiction, to which he assigns ‘most comedy and realistic fiction’. The hero is subject to the same laws of probability that we find in our own experience. When, lastly, a fictional hero is represented as inferior in power or intelligence to others, so that the audience receives a sense of looking down on a scene of slavery, frustration, or absurdity, ‘the hero’, says Frye, ‘belongs to the ironic mode’ of fiction.

In this final section, I wish to use Frye’s correlations, not to produce a typology of European fiction as he did, but as an heuristic device to help in clarifying representations of the law in colonial and post-colonial political settings. I tabularize these relationships in the Table.

<table>
<thead>
<tr>
<th>Culture</th>
<th>Historical moment</th>
<th>Relationship of the state/hero to society</th>
<th>Fictional mode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modern</td>
<td>First contact</td>
<td>Superior In kind</td>
<td>Myth</td>
</tr>
<tr>
<td>Colonial</td>
<td>Superior To a great degree</td>
<td>Legend</td>
<td></td>
</tr>
<tr>
<td>Post-colonial</td>
<td>Superior To a small degree</td>
<td>High mimetic mode: tragedy or epic</td>
<td></td>
</tr>
<tr>
<td>Post-modern</td>
<td>Equal</td>
<td>Low mimetic mode: comedy or realistic fiction</td>
<td></td>
</tr>
<tr>
<td>Post-colonial</td>
<td>Inferior</td>
<td>Ironic mode of fiction</td>
<td></td>
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</tbody>
</table>

Table. Northrop Frye’s adaptation of Aristotle’s classification of fiction-correlated, changing political-legal orders
My central claim, in brief, is this: as power relations between indigene and the state become less differentiated, popular representations of the law may shift, possibly reflecting the increased symmetry. In order to show how this point may relate to my Murik data, I need to turn back to a moment of high colonialism, when Papua and New Guinea were separate Mandated Territories which were both administered by Australia. I mentioned earlier that Sir Hubert Murray served as head administrator for the Australian government (1908–40). In Papua and New Guinea, unlike many African colonies, no deliberate effort was made to bring indigenous forms of conflict resolution into the colonial justice system. As was noted above, Murray viewed Melanesian societies as primitive, vulnerable, and in need of paternalistic protection. He himself had received legal training and held the position of chief judicial officer of the Territory. He held that Western law was a powerful transformative force but stressed the need to limit the use of force in pacification, dismissing punitive expeditions as ‘swift injustice’ (Murray 1925: 6).

In 1930, while in the Papuan Gulf, Murray – who was devoted to the pioneering task of extending government control through patrolling – spent a day with members of the London Missionary Society at Fyfe Bay. He was entertained by a little performance staged by villagers which he described in a letter to a son.21 In the skit, an old woman is murdered by four men. The woman’s son tries to gain revenge, but the perpetrators escape.

… [A] village constable … appeared … who reported the crime; and then appeared the Assistant Resident Magistrate – the quaintest figure you can imagine with a white cardboard mask, a shocking bad hat, a worse coat, and trousers and boots that were simply impossible. He sat down on a chair at a table (which suddenly appeared from nowhere in particular) with two half coconuts connected by a piece of string to denote a telephone. He rang up the Resident Magistrate and told him of the murder, and sent the Village Constable away to make the necessary arrest.

A regular policeman now turned up and he and the Village Constable [VC] brought in the culprits on a rope, and the trial began. It was a queer trial. The Assistant Resident Magistrate [ARM] told the VC to ‘shut up’, called one of the prisoners a monkey, convicted them all, and sent them to Daru. As they were led away he suddenly remembered that he had not passed sentence and shouted ‘six months’ after them as they disappeared. Then the ARM danced … among the audience, all the actors … bowed their acknowledgments of the wild applause … It was quite fun; some of them were … natural comedians, especially one boy who took the part of the old woman, and who afterwards appeared during the trial with a beard and moustache, playing the fool … and being hit on the head by the ARM (West 1970: 123–5).

In this visit by Murray to Fyfe Bay, what kind of Aristotelian hero was he personifying to the villagers and what kind of heroes were the villagers playing for him? As lieutenant-governor, he would have been classed by the villagers, at the very least, as superior in degree to them. From their point of view, he moved through a world in which he made the rules, in other words, one in which the rules were slightly suspended for him. Thus he might well have been seen as the stuff of legend. But for Murray, the villagers were inferior ‘primitives’, inferior in power and intelligence to himself and his civilization. Their ‘queer trial’ was absurd to him. They were ‘natural comedians’ whom Frye might have classed as staging an ironic mode of fiction.

Of course, I must concede that the contexts of Murray writing informally to his son in 1930 and me writing for a disciplinary audience in 2003 are
not in the least equivalent. Still, I think interesting and obvious power differentials emerge between Fyfe Bay and Darapap when we look at the contrasting socio-political contexts behind the two performances. The post-colonial state is no longer a foreign sovereignty but a Melanesian one. I return to the village, not as legendary colonial official, but merely as anthropologist and fictive kin, who is classed by the Darapap as a member of the employed, urban middle class. The performance is staged not for me but for the amusement of the villagers themselves. Of course, I tape-recorded it, but, like everyone else present, I engage in ‘the prosecution’ of Frankie, who is also viewed as one of my classificatory joking partners. Power differentials, in short, have been reduced.

This greater equality also finds representation in the plots of the two performances. The Fyfe Bay villagers caricature colonial law realistically. ‘The defendants’ are brought in tied to a rope. The satirical figure of the ARM, with his ‘shocking bad hat’, ‘impossible’ clothes, and coconut telephone, is also that of a bully. Rough and insulting, he hits ‘a man’ and orders the actor playing the constable to keep quiet. Unilaterally, he convicts all ‘the defendants’, sends them off to serve a sentence in an urban jail, but, evincing a moment of human fallibility, he forgets to specify its length. The skit was ‘great fun’, according to Murray, and was greeted by ‘wild applause’. The villagers mocked the colonial administration, reducing the degree of its superiority to create a momentary illusion of equality.

By introducing the metaphor of ‘a trial’ into their incessant cultural comedy, the Darapap (or at least a few men, on a particular day) suggest that the generic ridicule and fantasy with which they conventionally tease each other could be easily identified as a legal institution. From Frye’s point of view, we might say that this act of metaphorization is an implicit nullification of difference: the one court of law is being held up as socially, politically, and conceptually equivalent to the other. At the same time, the alleged indiscretion committed by Frankie, the sister’s son, was no less the object of his mothers’ brothers’ mockery than were courts and judges. Parodic attitudes to both the state and its judicial system, as well as Murik personhood, were simultaneously at play that day. Thus we heard ‘the judge’ savouring the salaciousness of his double-voiced accusation when he declared to ‘defendant’ Frankie, not in the full voice of judicial authority, but under his breath: ‘You screwed your mother.’ And we heard ‘the defendant’ happily questioning ‘the judge’ about whether a witness had ‘held his stick’. In Bakhtin’s view (1984), this kind of carnivalesque revelry transgresses and disrupts ordinary hierarchy and canon. Through what he called ‘grotesque realism’, norms might be undermined, and all that was marginalized and excluded might take centre stage. By admitting an image of ‘the judge’ into their ongoing Melanesian carnival, the Murik were simultaneously mocking and acknowledging his elevated status, denying yet affirming the unbridgeable inequities that would otherwise separate and estrange them from the state. The contrast between the ambivalent colonial performance at Fyfe Bay in 1930 and the post-colonial one in Darapap in 2001 could hardly be rendered more plainly. The one exclusively satirized the state and the villagers’ powerlessness in relationship to it, while the other mocked the weakened, post-colonial state and Murik personhood.
In this article, I have shown that the relationship between law and culture may be dialogical, dialogical in the sense that both may assimilate each other (cf. Galanter 1981). An ambivalent attitude about both law and culture emerged that day in the villagers’ comedy. Their impromptu ‘trial’ provided a pleasurable – though deeply contradictory – illusion of mastery shared between a group of people at a difficult and daunting post-colonial moment. ‘The trial’ became dialogized as both a Murik institution and a state institution. Yet it was neither of these, since, of course, the performance was a fantasy.

Appropriately, the ‘court-house’ stood as the only evidence of state-sponsored economic development in their community, but the Haus Sola was empty at that time. Nevertheless, their world remained problematically dependent upon the state’s resources, above all on its economy and system of education. The makeshift ‘trial’ held on an ordinary day in January 2001 transformed the drift of rural alienation and subordination into a moment of low mimetic comedy (cf. Limon 1989). In their simulated world, the legal system was no longer foreign, but was locally administered and no longer beyond their command or criticism. Ironically, the law in PNG had become so unreliable as to be worthy of only just this kind of now-you-see-it-now-you-don’t sort of emulation.

In the late 1960s, Peter Lawrence concluded that ‘the ordinary villager [in PNG] cannot be expected to assimilate a legal system which is entirely foreign to his social system’ (1969: 35). However, if Gilbert Ryle is correct (1949: 244, 250; see also Bateson 1956), the cognitive shift to mockery and make-believe reflects a higher order of attitude, sensibility, and belief than those of realism and authenticity. The meanings of mockery or parody, however creative and critical, must fail without a prior structure, that is without rules defining a prior reality. I take Ryle to exemplify a major position within the study of play: a view that play rehearses and makes imaginative sense of prototypical roles and value frameworks in as well as of the social world (Fortes 1938; Furth 1996; Goldman & Smith 1998). In the light of this perspective, it would seem that thirty years on, Lawrence’s characterization invites reassessment. The foregoing, albeit ephemeral, moment of street-theatre drew upon a post-colonial environment that was informed by dialogized concepts of order, rather than unrelated ones. As many have observed, this state of legal heteroglossia has disrupted order and ‘weakened’ the law, and, no doubt, they are right. But the circumstances ought to be defined more comprehensively. Semiotically, I should say, PNG has itself become a dialogized form in local discourse, a state whose meaning is both Melanesian and Western, rather than either the one or the other.

I have argued in this article that the focus of legal pluralism, and more generally, that of legal studies in PNG and elsewhere, might well become somewhat less literal. In addition to the ways in which law and local remedies may be deployed to resolve disputes and regulate behaviour so as to maintain the status quo, it might attend to the ways in which the law may become a metaphor in constructions of the relationship of both the sovereignty of the state and local personhood. In the case of Murik parody, the image of ‘a trial’ disclosed ambivalences about these two institutions. That is, it conveyed not just resistance to or acceptance of the law and Murik morality, but
gave voice to contradictory attitudes towards both at once. Although ‘the prosecution’ of Frankie was incorporated into an ongoing genre of indigenous satire, and was not intended as serious or ‘real’, I must emphasize that I do not view the law as either a tactical resource or a discursive one. The mock ‘trial’ staged by Murik comedians should rather be seen as possessing multiple significances, each of which may be analytically distinguishable while yet belonging to a single, dialogized reality. Here, however, for the purpose of advancing what I take to be this new, or at least underappreciated, methodological point, I have chosen to foreground the expressive over the political dimension of the law.

NOTES

Fieldwork for this article was conducted between December 2000 and January 2001 and was funded by the Anthropology Department of the University of Minnesota. It benefited from generous criticism by Jamon Halvaskv, Simon Harrison, Mary Huber, Mischa Penn, Stephen Gudeman, Geoffrey White, and two anonymous JRAI readers. It stands in memory of A.L. ‘Bill’ Epstein, who inadvertently encouraged me in developing the idea for it shortly before he died.

My choice of title is with dubious acknowledgement of, and obvious apologies to, Kafka (1937/1955).

Several solutions to the plural relationship between law and society have been proposed: see Griffiths (1986), Fitzpatrick (1984), Moore (1978), and Santos (1977; 1987).

There were two initial phases in legal pluralism studies (Merry 1988). In the first, the focus was on colonial and post-colonial contexts, where ‘whole legal systems’ have been imposed ‘across cultural boundaries’ (Benda-Beckmann [1979]; Hazlehurst [1995]; Hooker [1975: 1]); in the second, the concern has been with legal pluralism in modern, capitalist societies (Moore [1978]; Merry [1986]). In a more recent third phase identified by Santos (1995: e.g. cf. Teubner 1997), the focus has turned from indigenous, local-level, legal orders pre-existing the state to an emphasis on legal orders that coexist in the world system over and above both state and intrastate societies. In contrast, Tie (1999) has identified three different types of legal pluralism: post-realist, post-modern, and post-pragmatist. Benton (1999) has pointed out that in India and elsewhere, judicial practices changed during the colonial period from being permissive and open to closed and hierarchical.

Lips, however, did not see ambivalence in the figure of a judge created by a West African that he found in a collection in Cologne: ‘All the terror which [the artist] … may have felt, on learning the verdict, has found its concentration in the heavily conventional form, which he has placed in rigid symmetry on the judge's bench. The expression of the eyes, which is not altogether human, was obtained by inserting pieces of glass. The mouth shows no trace of kindly impulse. Above the stony face is poised the tupé. The enormous projecting ears hear everything, while the shoulders are exaggerated in breadth, and denote the power and efficiency of the jurist’ (1937: 209-10).

I do not mean to essentialize the notion of indigenous discourse as static or immune to transformation. Eberhard refers to relativist legal communication as ‘dialogical’ (2001), but this usage is very different from mine.

See M. Mead (1935) on Mundugumor joking relationships, Bateson (1953) on Iatmul mockery, and Barlow (1992) on the clowning of Murik women. See also Lipset & Silverman (forthcoming) for a comparison of Iatmul and Murik ritual comedy, and the well-known film, Trobriand cricket, for satirical images of Western tourists and sports. And see Counts & Counts (1992) on the performances of ritual clowns during weddings and other rites among the Lusi-Kalaii of New Britain, and Sinavaiana (1992) on the performances of comic sketches that ridicule both local and Western figures of authority in Samoa.

Subsequent studies catalogued remedies practised elsewhere in Melanesia, as if they were uninfluenced by the colonial state (e.g. Burridge [1957]; Epstein [1974]; Fortune [1947]; Sack [1972]; Young [1974]). Recently, Papua New Guineans have been seen as an oppressed
peasantry (Fitzpatrick [1980]) negotiating legally plural contexts (Scaglion [1976]; A. Strathern [1972]; M. Strathern [1972]; Westermark [1986]). See also Watson-Gegeo & White (1990) for a Pacific-wide anthology of conflict-resolution practices.

3 ‘I do not know of any tribe ... [in the country] by whom anything even remotely resembling administration of justice has been attempted, nor do I know of any part of [it] ... where native administration of justice could be introduced, with any prospect but the certainty of absolute failure’ (Murray quoted in Mattes 1969: 79).

7 To the east was the Trust Territory of the United Nations and to the west was the Australian colony of Papua. Both were separately administered by Australia. They were divided by language differences, colonial resentments, and lack of travel by both indigenes and officials.

8 ‘To the east was the Trust Territory of the United Nations and to the west was the Australian colony of Papua. Both were separately administered by Australia. They were divided by language differences, colonial resentments, and lack of travel by both indigenes and officials.

9 Thus Hasluck wrote that, ‘[t]rials, conducted in the district where the alleged crime took place, with ... full ceremony ... and with ... due care ... introduced the idea of justice and the idea of substituting punishment by the State for revenge in the hands of the individual’ (1976: 81). A district officer, by contrast, concluded that ‘[t]o the indigene, the Supreme Court is part of the Government, and its aloofness, incomprehensibility, inconsistency, and weakness are the faults of the Government, and justice is manifestly not done’ (Fenbury 1978: 138).

10 Other courts have been created including local land mediators, Local Land Courts, and District Land Courts which arbitrate conflicts between Incorporate Land Groups, the legal entities empowered via legislation in 1974 to recognize customary land-holding groups. These groups have become increasingly popular since 1992, with large increases in registration taking place. These courts have not been established, however, either in the Murik Lakes or in the Lower Sepik District.


12 And private security companies.

13 While doing doctoral research together with Kathleen Barlow.

14 In 1999, for example, police appeared in Darapap in connection with marijuana use and beat up several young men.

15 These were young to middle-aged, village-raised men with four to six years of primary education as well as various work experiences throughout PNG.

16 The true, or nogo, relationship is contrasted in the Murik vernacular with either ‘taken’ (sangait), the adoptive relationship, or with nonsense and fantasy (kakowi) or humour (gwa’iin). The latter is the discourse of matrilateral joking partners who belong to the male cult.

17 Historically, a marriage taboo existed between the gardening and the fishing villages. This broke down to a limited extent after the imposition of colonial rule.


19 See Basso (1979) and Errington and Gewertz (1995: 77-106).


21 My thanks to Michael Goddard for alerting me to this incident.

22 How typical is the idiom of ‘the trial’? The mockery between classificatory mothers’ brothers and sisters’ sons is absolutely typical of daily Murik life. The import of the legal metaphor is one of a perpetual flow of metaphors, both local and modern, that are brought into the discourse of this joking relationship, some others being touristic, religious, maternal, political, and overseas trading.

REFERENCES


„Le procès“ : une parodie de droit parmi les parodies des hommes dans la Papousie-Nouvelle-Guinée post-coloniale

Résumé

Les recherches consacrées aux formes de pluralisme juridique montrent la multiplicité et la complexité de la «relation» entre le droit à l’occidentale et les procédures, résolutions et autres démarches de gestion locale des conflits. Ces études ne se sont guère aventurées au-delà du cadre de la résolution des conflits, qu’ils soient d’ordre administratif ou privé. L’auteur avance ici l’idée que d’importantes dimensions expressives de la problématique du pluralisme juridique ont été occultées. Dans une parodie de procès satirique organisée dans une zone rurale de Papousie-Nouvelle-Guinée, les constructions juridique et indigène du droit ne se sont pas rejointes, comme on aurait pu le penser, au niveau instrumental, dans le contexte d’une négociation visant à résoudre un litige, mais à un niveau créatif, en se combinant pour produire un discours polyphonique d’effet comique. Il apparaît ainsi que la loi a une valeur rhétorique, notamment dans les contextes colonial et post-colonial, dans lesquels elle peut être appliquée ou invoquée pour représenter des attitudes ambivalentes à propos de la justice aussi bien que des constructions locales de l’idée de personne.

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