In the early 2000s a shift in aid donor priorities saw large amounts of funding invested in two areas that had, up to that point, been marginalized in development discourse in Vanuatu: chiefs and so-called “kastom governance.” This represented a move away from the “good governance” approach that had dominated the development agenda in the 1990s, and had involved the prioritizing of “civil society strengthening.” In that setting, indigenous leadership had been excluded from the imagined progressive future of the country, being understood as a primarily reactionary force against the interests of particularly “women” and “youth.”

Miranda Forsyth’s book is positioned within this shift, both in terms of taking kastom seriously as a potential source of law for Vanuatu, and the author’s own active role in the redefinition of the possible role of kastom and kastom leaders in the future. The participatory orientation of her research is clear in the applied focus of the book, culminating, in the final two chapters, in a “typological” assessment of “relationships between state and non-state justice systems” and the introduction of a seven-step methodology to bring about “a situation of true legal pluralism” (250). This desire to assist in processes of legal change necessitates analytical manoeuvres with the concept of kastom in order to present it as a potentially equal/analogous, partner “system” to the state legal system—in other words, creating the object of study, and, in turn, the object to be acted upon in programs of legal reform. As Forsyth explains, a systemic approach is necessary to create “epistemological coequivalence” (96). Yet achieving this coequivalence results in a foreclosing of what the concepts of kastom and justice may in fact be comprised of in contemporary Vanuatu.

Forsyth uses historical and anthropological sources to suggest a continuity to the main factors that make up the “kastom system” in the present, while acknowledging change, particularly due to the disruptions of conversion, colonization and depopulation. However, the focus on “leadership structures” and “conflict-management” (chapter 3) that orients the historical section represents something of a functionalist extraction of “the legal” to enable the book’s contemporary comparison. As such, kastom is evacuated of, for instance, economic and cosmological aspects, which, I suggest, are factors that contribute to kastom as an ethos that informs ni-Vanuatu perceptions of justice and the possibility of justice within the current state legal system. This approach defines kastom as “other” but does not include aspects that may in fact constitute its alterity. A further effect of this emphasis on continuity is
to naturalize the position of “chiefs” as key arbiters of the “kastom system.” This is an equation that many who identify as chiefs would be very happy with, but it runs the risk of diminishing aspects of kastom in practice: the role played in some communities by churches and women leaders, and the level of debate amongst other ni-Vanuatu around the contents and meaning of kastom. It also masks the recency of the inclusion of chiefs as a category/group in debates around legal reform in Vanuatu.

The primary research on which the book is based is comprehensive and rigorous, and, as such, it represents an original and valuable contribution to social sciences literature on Vanuatu. However, the categorical separation that underpins the analysis of this material suggests a reluctance to deal with the contradictions it contains. Forsyth presents a telling quote that illustrates the multiplicity of players, discourses and practices involved simultaneously in the adjudication of disputes/social control in contemporary Vanuatu. Reporting on a meeting held to settle conflict between two groups of people from Tanna resident in Vila, the Daily Post stated: “Police and VMF quickly calmed a raging fire by cooling down the dreaded fury of approximately 400 Tannese from attacking Chief Koro’s men as soon as the opening prayer ended with an ‘amen’. Scores of young men fuelled by instinct for revenge surged forward only to be stopped by the Police and VMF” (154).

In just two sentences kastom appears alternately as contemporary and alive, primeval and dangerous; Christianity is included as a taken-for-granted component of such an event; the police both co-operate with and intercede in the face of kastom. The overlaps and ambivalences suggested here can also occur at the level of personnel: a police officer may also hold a chiefly title; a lawyer or judge may at some time pay or receive a kastom fine. The possibly productive, dialectical relationship between kastom and its others is obscured by the supposition of an asymmetrical relationship between two systems. As Joan Larcom has previously suggested regarding definitions of kastom within Vanuatu, “contemporary needs are apparently more effectively satisfied by reference to fixed truths rather than to fluid and dynamic representations of culture” (78). Forsyth’s analysis suggests that the caution implied in that statement may be equally applicable to the otherwise laudable search for appropriate legal reform in Vanuatu.

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