

# 99 年南島學術研究計畫

成果報告  
 初步成果報告

美國土爾沙大學 Lamont Lindstrom 教授

## 訪臺交流計畫

- 計畫類別： 世界南島研究碩、博士生論文田野補助案  
 選送世界南島研究碩、博士生短期出國研修補助案  
 世界南島研究國外學者訪臺交流補助案

執行期間：99 年 11 月 26 日至 99 年 12 月 11 日

計畫單位/人員（簽章）：國立臺東大學南島文化研究所  
助理教授譚昌國

成果報告類型： 精簡報告  完整報告

附註：本人具有著作財產權之論文或研究計畫成果全文資料，授予國立臺東大學南島文化研究所南島學術研究計畫辦公室，得限計畫辦公室於教育部申請年度計畫或呈報成果時使用，以微縮、光碟或其他各種數位化方式重製後散布發行或上載網站，藉由網路傳輸，提供讀者基於個人非營利性質之線上檢索、閱覽、下載或列印。

中華民國 99 年 12 月 28 日

## 摘要

Lamont Lindstrom 教授為國際知名的大洋洲學者，目前為美國奧克拉荷馬州土耳其沙大學(Tulsa University)的人類學教授。其研究區域涵蓋萬納杜(Vanuatu)、新幾內亞(New Guinea)、斐濟(Fiji)、所羅門群島(Solomon Islands)等南太平洋國家。Lindstrom 教授的研究不僅在南島語族研究學者群中具有廣泛的影響力，在人類學界也有相當的知名度。南島文化研究所(以下簡稱本所)以南島文化為教學和研究的焦點，邀請 Lindstrom 教授來本所訪問，能促進本所師生對大洋洲的研究興趣，並且提昇對比較領導與政治、民族歷史觀、比較文化政策、地方知識體系等議題的認識。Lamont Lindstrom 教授於 2010 年 11 月 26 日至 12 月 11 日來臺訪問，除了在本所發表一場公開演講與一場座談外，還在中央研究院民族學研究所、臺灣史前文化博物館、臺東大學區域政策與發展研究所發表演講，和本所師生有密切的互動，也對臺灣學術界提供許多刺激與啟發。藉著 Lamont Lindstrom 教授的訪臺交流計畫，也介紹本所和其他學術單位的研究成果與發展，提升本所和其他學術單位在國際學術界的能見度與知名度。

**關鍵詞：**Lamont Lindstrom、大洋洲研究、人類學、訪臺交流、南島所

## Abstract

Professor Lamont Lindstrom is an internationally well-known scholar of the Oceania. He is a professor in the Department of Anthropology in University of Tulsa, Oklahoma, U.S.A. His research areas include Vanuatu, New Guinea, Fiji, Solomon Islands and other countries in South Pacific. His research is not only influential for scholars of the Austronesian-speaking peoples, but also renown in the circle of anthropologists. The Institute of Austronesian Studies (IOAS) focuses on the teaching and studying of the Austronesian cultures. Through inviting Professor Lindstrom to come to Taiwan, teachers and students of IOAS can learn from his research experience and understand the academic environment in the Oceania, and increase their knowledge about the issues of comparative leadership and politics, ethno-history, comparative cultural policies, local knowledge system, etc. After careful planning and intensive contacts with other academic institutions, Professor Lindstrom visited Taiwan from 26<sup>th</sup>, November, to 11<sup>th</sup>, December, 2010. He has delivered one public lecture and a roundtable in IOAS. Moreover, he gave lectures and talks in a variety of institutions, including Institute of Ethnology in Academia Sinica, National Museum of Prehistory, and Institute of Regional Policy and Development in National Taitung University. In those days he had close interaction with scholars and students in the circle of the discipline of anthropology, and provided many inspirations and refreshing ideas. Through the visit of professor Lindstrom, it is also a good opportunity to introduce IOAS and other academic institutions in Taiwan to him, and to promote our academic visibility and fame among international academics.

**Key Words: Lamont Lindstrom, Studies of the Oceania, anthropology, visiting Taiwan and academic exchange, Institute of Austronesian Studies**

## 目錄

一、Lamont Lindstrom 教授訪臺交流行程	1
1. 學術行程	1
2. 詳細行程	2
二、Lamont Lindstrom 教授訪臺學術活動	4
臺東大學區域政策與發展研究所演講稿	
標題：Settling and Unsettling Disputes: A View from the Village	
三、參考文獻	21
四、計畫成果自評	25

### 附錄

1. Lamont Lindstrom 教授訪臺交流海報
2. Lamont Lindstrom 教授訪台交流相片 (10 張)
3. Lamont Lindstrom 教授中央研究院民族學研究所演講參考論文  
    標題：Kava Pirates in Vanuatu?
4. Lamont Lindstrom 教授 12/01 於臺東大學南島所演講記錄 (DVD 光碟 2 片)  
    講題：講題：Continuity and Transformation of Leadership in Oceania  
    (大洋洲領導與政治制度的變遷與轉化)
5. Lamont Lindstrom 教授 12/02 於臺東史前文化博物館演講記錄 (CD 光碟 1 片)  
    講題：Cultural Property Rights in the age of Globalization:  
    An Example of Kava in Vanuatu  
    (全球化下的南島民族文化財產權：以萬那杜的 kava 為例)
6. Lamont Lindstrom 教授 12/08 於臺東大學區域所演講 (CD 光碟 1 片)  
    講題：Settling and Unsettling Disputes: A View from the Village  
    (爭議的解決與未解決：一個來自村落的觀點)
7. Lamont Lindstrom 教授 12/08 於臺東大學南島所座談 (DVD 光碟 1 片)  
    講題：「大洋洲的田野工作實務」工作坊
  1. 大洋洲的田野研究環境簡介
  2. 大洋洲國家文化政策對外國研究者的限制與影響
  3. 大洋洲田野調查的語言準備與學習

## 一、Lamont Lindstrom 教授訪臺交流行程

### 1. 學術行程

2010. 11.26—12.11

Lamont Lindstrom 教授為國際知名的大洋洲學者，目前為美國奧克拉荷馬州土耳沙大學 (Tulsa University) 的人類學教授。其研究區域涵蓋萬納杜 (Vanuatu)、新幾內亞 (New Guinea)、斐濟 (Fiji)、所羅門群島 (Solomon Islands) 等南太平洋國家，而萬納杜是其田野研究時間最長、發表相關論文最多的地區。Lindstrom 教授的研究主題包括民族歷史觀，比較領導與政治、船貨運動、比較文化政策、地方知識體系、語言人類學、以及物質文化等。臺東大學南島文化研究所獲得南島學術研究計畫辦公室補助，邀請他於 2010 年 11 月 26 日至 12 月 11 日來臺訪問，進行以下學術交流活動：

#### 一、公開演講

- 11/29 (星期一) 中央研究院民族學研究所  
講題：Cultural Property Rights in the age of Globalization:  
An Example of Kava in Vanuatu  
(球化下的南島民族文化財產權：以萬那杜的 kava 為例)
- 12/01 (星期三) 10:00-12:00 am 國立臺東大學南島文化研究所  
講題：Continuity and Transformation of Leadership in Oceania  
(大洋洲領導與政治制度的變遷與轉化)
- 12/02 (星期四) 10:00-12:00 am 國立臺灣史前文化博物館  
講題：Cultural Property Rights in the age of Globalization:  
An Example of Kava in Vanuatu  
(球化下的南島民族文化財產權：以萬那杜的 kava 為例)
- 12/08 (星期三) 10:00-12:00 am 國立臺東大學區域政策與發展研究所  
講題：Settling and Unsettling Disputes: A View from the Village  
(爭議的解決與未解決：一個來自村落的觀點)

#### 二、「大洋洲的田野工作實務」工作坊

- 12/08 (星期三) 14:00-17:00 pm 國立臺東大學南島文化研究所  
主題：1. 大洋洲的田野研究環境簡介  
2. 大洋洲國家文化政策對外國研究者的限制與影響  
3. 大洋洲田野調查的語言準備與學習

## 2. 詳細行程

### The Schedule of Professor Lamont Lindstrom's Visit to Taiwan (2010, 11/26-12/11)

Date	Venue	Activities	Accommodation
11/26 (Friday)	U.S.A→Taipei	9:30 pm, Arrival	Taipei Academia Sinica
11/27 (Saturday)	Taipei	Free time	Taipei Academia Sinica
11/28 (Sun.)	Taipei	Free time	Taipei Academia Sinica
11/29 (Mon.)	Taipei, Institute of Ethnology, Academia Sinica	Lecture I	Taipei Academia Sinica
11/30 (Tue.)	Taipei→Taitung	Transfer by airplane 12:50 am	Taitung
12/01 (Wed.)	Taitung, Institute of Austronesian Studies (IOAS)	Lecture II	Taitung
12/02 (Thu.)	National Museum of Prehistory	Lecture III	Taitung
12/03 (Fri.)	Break	Visiting Prehistory Museum	
12/04 (Sat.)	Break	Visiting indigenous tribes in Taitung	
12/05 (Sun.)	Break	Visiting indigenous tribes in Taitung	
12/06 (Mon.)	Break	Free time	
12/07 (Tue.)	Break	Free time	
12/08 (Wed.)	10:00-12:00am, Institute of Regional Policy and Development, Taitung	Lecture IV	

12/08 (Wed.)	14:00-16:00 Workshop		
12/09 (Thu.)	Break		
12/10 (Fri.)	Break	Transfer to Taipei	
12/11 (Sat.)	Taipei→U.S.A.	Departure	

Lecture Series

Lecture I : Cultural Property Rights in the age of Globalization:

An Example of Kava in Vanuatu

Lecture II : Continuity and Transformation of Leadership in Oceania

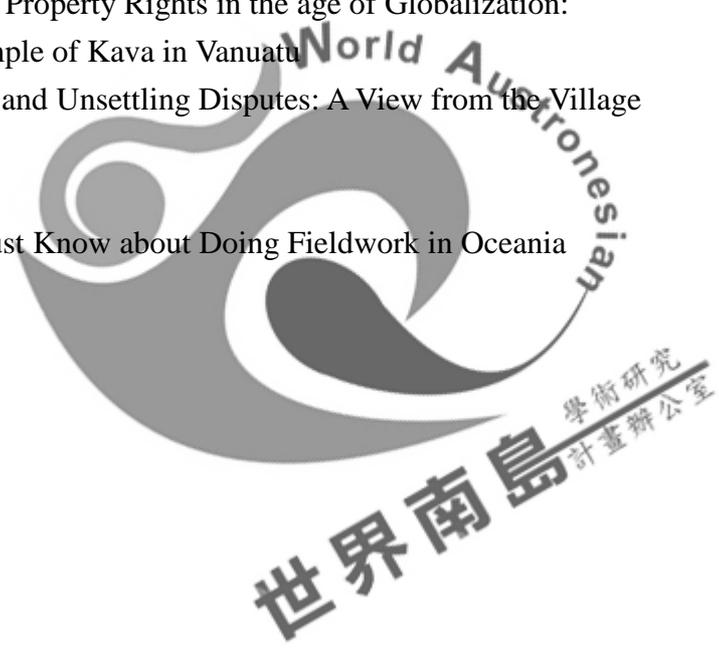
Lecture III : Cultural Property Rights in the age of Globalization:

An Example of Kava in Vanuatu

Lecture IV : Settling and Unsettling Disputes: A View from the Village

Workshop

Some Things You Must Know about Doing Fieldwork in Oceania



## 二、Lamont Lindstrom 教授訪臺學術活動

國立臺東大學區域政策與發展研究所演講稿

Lamont Lindstrom  
Department of Anthropology  
University of Tulsa(Oklahoma)

### **SETTLING and UNSETTLING Disputes: A Village Perspective**

One of my favorite places is the village on Tanna where I lived, off and on, back in the 1970s and 1980s, and where I was pleased to revisit in August 2010. This, ordinarily, is home to a community of warm, generous, and peaceful people. But like any of us, they sometimes fall into dispute. On at least several occasions, I woke up to anguished squabble and the growing buzz of public concern as people rushed in to stop an angry woman from torching her house and fleeing in fury. Collapse of ordinary social harmony is a concern everywhere but particularly so in close-knit Pacific villages where people tend all to be related, one way or another, and where the ebb and flow of daily life rests on the long-standing, multiple, and overlapping claims they have upon one another.

Effective dispute settlement techniques are obviously imperative in cohesive communities that depend on ongoing cooperative relations. Villagers are experts in settling disputes and in doing so without an apparatus of central authority, or even much hierarchy, and traditionally no police, prisons, prosecutors, courts, judges, or lawyers. When these adjudicatory processes appeared in these islands at the beginning of the 20<sup>th</sup> century, imposed by Christian mission and colonial authority, people quickly took up these new opportunities too, using them alongside island dispute settlement mechanisms or as alternative strategies when home methods failed to work. Villagers have practiced legal pluralism for at least a century or more (see, e.g., W. Rodman 1977, 1985).

This is not to say, however, that all disputes are easy to settle. Some will remain in play, unresolved, throughout the lives of the original antagonists, and even beyond. And resolution,

in many cases, consists of making the best of what is possible. This partly reflects the absence of effective central authority, at least throughout much of Tanna's history, which might impose and enforce a settlement. It also reflects local culture—*island ways and means* that today have come to be called *kastom*. I follow the lead, here, of anthropologist Clifford Geertz who argued that the law, everywhere, is “part of a distinctive manner of imagining the real” (1983:173), and that “adjudication, in New Haven or New Hebrides, involves . . . describing a particular course of events and an overall conception of life in such a way that the credibility of each reinforces the credibility of the other” (1983:175). Contemporary legal pluralism on Tanna, and throughout the Pacific, continues to rest on local understandings of the person, of responsibility and duty, and of justice. I introduce some of this “overall conception of life” and these local ways of imagining the real, as Geertz put this, in reviewing village strategies for managing and, sometimes, resolving disputes. I hasten to add that my experience and my examples of local justice go back some years, and I recommend to everyone the more recent studies of legal pluralism offered by Miranda Forsyth (2009), Anita Jowitt (e.g., 1999), and others here at USP Emalus.

#### *Avoidance Strategies*

Many have noted the importance of land or “place” in the constitution of personal identity and social groups in Vanuatu and elsewhere in Melanesia. *Man ples*, man Tanna, ni-Van: all of these identity labels remark the deep significance of one's homebase for local folk. Being there, wherever there is, signifies a lot about who one is and who one belongs to. But the alternative, not being there, also makes a crucially significant statement about the course of one's affairs. Absence and avoidance are the counterparts of presence and connection, and they are also strategic and immediate responses to village conflict and dispute. My friend who attempted to burn her house down and decamp from the village was making a sharp point. Dramatic withdrawals from one's place signal deep feelings and deep conflict with others within a community.

Tannese *kastom* offers classic examples of what anthropologists have labeled “avoidance relationships.” These function, so goes the theory, to smooth out areas of potential dispute between group members—say, between a son-in-law and his wife's parents. On Tanna, the principal avoidance relationship is between brother and sister. Each is supposed not to speak of sexual or marital issues should the other be present. I embarrassed myself once by asking a woman when her baby was due, not noticing that her brother was sitting nearby. He ran out the door before she could blush. Anthropologists explain such customs as reducing possibilities of dispute between people who might often have the occasion to argue—and this certainly holds true

for Tanna given that island's "sister-exchange" marriage system wherein the marriage chances of a brother hang directly on those of his sister, and vice versa.

Avoidance may prevent disputes but it also often precludes disputes from being settled. The course of dispute resolution, roughly, echoes social distance. When people fight with strangers or with distant people they infrequently encounter, they may see little use or profit of settling the issue. Getting the better of strangers if one can get away with this or, today, squeezing some large compensation payment out of troublesome outsiders is commonsense practice. However, should villagers come into conflict with close kin or neighbors with whom they must cooperate on a daily basis, they hurry to make amends. In between these two outcomes are disputes among people located at some middle social distance. These latter conflicts may endure for months and years before disputants are moved to resolve them. So long as they can avoid one another, ignoring or postponing any existing social obligations they might have to one another, they can happily carry on disputing.

A situation of permanent disputing certainly was the case in the 19<sup>th</sup> century before growing mission and administrative presence dampened down endemic feuding between this or that village and family group. Growing social integration and mobility in modern times have made long-term feuds less possible, although some of this today has migrated up to Port Vila's urban settlements when the Tannese, say, unite temporarily en bloc to smite the Ambrymese. Social relationships among fellow islanders trump those that reach across island identity boundaries. The crowded and mixed populations of these settlements, however, ensure that disputes are quickly addressed if not always happily resolved. Co-presence in the same place entails certain responsibilities and marks at least symbolic shared identity. One may be Man Tanna or Man Ambrym but also together also Man Blacksands or Man Freswota Fo.

This is so, too, back on the islands although people here have more chance to avoid their enemies over the longer term and thus keep anger stoked. Larger island spaces present more opportunities to withdraw. I was there when one old friend came to blows with his brother-in-law over use of garden lands. This dispute was particularly shocking insofar as these two men, according to kastom, were tied together by a formal "joking relationship"—the opposite of an avoidance relationship. As brothers-in-law (*tauian*, in Bislama) their relationship should have been marked by lighthearted joking and easy camaraderie. As the two men fought, the elderly although still spry mother of one leapt in to slap and kick her oldest daughter, a dignified matron herself who was married to the *tawi*. Things went south from here and the brother-in-law and his family moved out that evening to a different place, a half mile or so away

where they built themselves new houses. Relations remained poor for the next 18 months as each side avoided the other. In the end, however, the dispute became impossible to maintain as shared social responsibilities demanded eventual cooperation between the families, as those caught in-between maneuvered to bring the two disputant men back together (here, particularly, the women who were both mother and mother-in-law, and sister, daughter, and wife—anthropologists call such overlapped relationships “cross-cutting ties”), and especially as the two brothers-in-law found it necessary to rejoin forces to oppose a third party who threatened their joint claims to that disputed land.

Sudden or lingering illness can also be a significant event that encourages people to cease avoiding one another and settle their disputes. Here is an important overlap between village theories of justice and of affliction insofar as recurrent illness, unavoidable within human communities, propels people to mend fences with one another. Should someone suffer an ailment that proves difficult to cure, people suspect this to be an illness inflicted by the ancestors, other spirits, or God. The spirit world, on its own, sometimes takes action to repair social conflict even when the humans involved might be inclined to let bygones be bygones. Spirits can object to ongoing disputes, particularly those triggered by imbalanced exchange or unresolved debt. When beset by illness, people may page through their mental archive of unsettled disputes, or consult local *kleva* or spirit mediums who can discern ancestral intent, and then attempt to settle whichever issue they believe is the target of spiritual concern. One of my friends thus killed a pig and offered this to his mother-in-law during a period when his young daughter was suffering a long bout of malaria, figuring that ancestors were displeased that he had left an old debt go unpaid for too long. In August 2010, people blamed two deaths on the fact that organizers of the *nakwiari* dance and pig-killing festival had delayed this too long. Men had already begun to make yam mounds and plant tubers and no festival should take place during this time. The deaths of these men revealed the power and determination of spirits to police human activity.

Social duties and unanticipated events such as sudden illness, family exchange responsibilities, cross-cutting ties, and third party threats can bring people together at last to discuss their conflicts and encourage them to bury the hatchet. In particular, so long as one shares a place, one has responsibility to settle whatever disputes that erupt. But withdrawal and avoidance nonetheless allow people, when they can avoid co-presence and affiliation to the same place, never to settle some differences.

### *Engagement Strategies*

Physical presence and absence are also crucially important within the meetings that people convene to resolve conflict (Lindstrom 1992). My example is the Tanna moot; see Forsyth (2009:98-104) who describes dispute settlement meetings elsewhere in Vanuatu that are otherwise organized. In southeast Tanna, dispute resolution assemblies are called *nagkiariien* which simply means ‘talk’ or ‘talking’. Legal anthropologists would label them “moots” in that they are bilateral (or sometimes multilateral) negotiation and dispute settlement councils that do not rely on judges or other third party adjudicators. Instead, Tanna moots involve the two or more disputing sides and a mix of neighbors, uninvolved but friendly parties, and leading local figures who come to “witness” and help guide a consensual settlement. Geertz, describing similar dispute resolution meetings in Indonesia, noted their fixation on achieved consensus as a council’s ultimate goal:

Adjudication is a matter of what one can only call high etiquette, of patient, precise, and unexcited going through the elaborate forms of local consensus making. What matters finally is that unanimity of mind is demonstrated, not so much in the verdict itself, which is mere denouement, the afterclap of accord, but in the public processes by which it has been generated (1983:211).

Typically, Tanna dispute settlement meetings take place at kava-drinking/dance grounds which are central locations within island cultural landscape. Small moots might involve the two disputants and a few family members who come from a single village. Bigger ones, which typically tackle larger conflicts more difficult to resolve, may pull several hundred spectators and participants from throughout some larger region. Debates convene in the morning, the time depending on the distance participants must travel. In important cases, older and respected “witnesses,” uninvolved in the problem at hand, are summoned from neighboring villages. People attending a debate sit along the periphery of the circular kava clearing. Arcs of this periphery are owned by certain of the local groups involved—these situated near the point of egress of the trails, or *kastom* “roads,” that link kava ground to kava ground. Protagonists, consistent with island dualism, sit at opposite points facing one another across the clearing. Those who witness debate mediate this opposition, positioning themselves along the sides. To speak, men stand and walk into the center of the clearing where they offer statements and comments before retreating to their seats. Women and younger men sit behind debate principals.

These moots are remarkably effective in settling village disputes, and all in a single day as participants aim to reach consensus before dusk and the kava hour. If the cicadas are about to chirp in the trees, things rush hurriedly to a conclusion. But moots are only effective when *both* sides of a conflict, in fact, appear to participate in negotiation. I have attended numerous

*nagkiariien* when only one of the sides was present. Sometimes, in these situations, people call the meeting off; but sometimes they pretend that the other side is in fact represented by enough supporters and they go forth to find a consensus and head for the kava. Such settlements always fail in that one side was absent and was therefore not responsible for respecting whatever consensus might there have been achieved. Given the pressure to find resolution by the end of a day's talking, disputants only show up to take part in negotiation if, in fact, they are already disposed to settle a problem. It is always a good sign, therefore, when both sides come to a meeting as chances are excellent (though not guaranteed) that they will resolve their conflict. Here, again, co-presence in the same place signals people's recognition of shared interest and identity and their acceptance of shared social duty.

Village moots have no judges or anyone else with authority to weigh fact, determine responsibility, or impose a settlement, fine, or sentence. Accepted fact, distributed responsibility, and consensual settlements all arise out of public discussion and debate. Moots are thus egalitarian, although only up to a point. Generally, only older, married, and established men feel comfortable taking the "floor" (coming into the center of the ground to speak). Younger men remain in the audience although the more ambitious among these might dare to rise and offer a comment or two. Older, experienced men with political clout often hold their council under the end of the meeting hoping thereby to control the manner in which the outcome settlement becomes publicly enunciated (Lindstrom 1990:387). Women, on the other hand, have or used to have no rights of public speech and must speak through kinsmen. Although gender inequalities may recently be easing, in the 1980s I often saw women—even those to whom direct questions were posed—whisper their responses to spokesmen who stood to represent them in the public debate.

Village debaters and family leaders are very skilled at finding some consensus if, but only if, both sides have agreed to attend the moot. Their skills are particularly impressive in that no one commands firm authority to impose a settlement. In recent years, Vanuatu has become crowded with village chiefs, kastom chiefs, paramount chiefs, political chiefs, town chiefs, community chiefs, church chiefs, and the like but there is pretty good evidence that these exalted figures are a fairly modern phenomenon, at least in the southern islands, their numbers increasing alongside and in conjunction with the colonial administration and now the independent state (Lindstrom 1997). Europeans who came to Tanna typically grumbled about the men they took to be chiefs whose powers were barely chiefly. This began with James Cook, at Port Resolution in August 1774, who complained:

They seem to have chiefs among them; at least some were pointed out to use by that title; but, as I before observed, they appeared to have very little authority over the rest of the people. Old Geogy [Keoki] was the only one the people were even seen to take the least notice of; but whether this was owing to high rank or old age I cannot say (Cook 1842:519).

Long-time missionary wife Agnes Watt, 120 years later, remarked: “Chieftainship may be said to exist only in name. In a village of eight or nine men, six will claim to be chiefs” (1896:110). And anthropologist Charles Humphreys, in 1926, observed that people from east Tanna “knew nothing about any such office” of “suzerain chief” (1926:37) although leading men among the newly Christian community were then making claims to be such. Vanuatu’s chiefs are like American millionaires, but better. Many young men dream of eventually becoming one and in Vanuatu, unlike in America, they often get their wish. And chiefs tend to be far more socially responsible and useful than Western millionaires in that, unlike economic fat cats, their high-ranking position depends greatly on serving their communities.

My guess is that opportunities to claim chiefly authority—both political and judicial—have emerged and expanded over the last century with the new sorts of central control established by mission and colonial administrations. Presbyterian converts on Tanna, for instance, in the early 20<sup>th</sup> century took advantage of mission authority to at least temporarily convert traditional island moots into something more like a court. Missionary William Watt in 1908 defended his new chiefly judges:

It is said that some of the missionaries set up native courts. In one sense that is true; in another it is not. From time immemorial the natives had courts, i.e., they met to discuss whether certain individuals were guilty of crimes laid to their charge; to find out who were the offenders; and to determine the punishments to be inflicted. What the missionaries did was to use their influence to improve the constitution of these assemblies, and to eliminate from their decisions the partiality, vindictiveness and barbarity which so often characterized them (1908:21).

These Christian courts lasted only as long as a brief period of Christian hegemony on Tanna, up until the John Frum Movement erupted in 1941. Some of these early church chiefs later morphed into government Assessors after colonial authority partly replaced mission. In subsequent years, John Frum leaders themselves emulated earlier Christian practices, instituting movement courts and appointing their own movement policemen to arrest malefactors. But these innovations, too, collapsed with the subsequent withering of widespread ideological support and John Frum chiefly authority which depended on this.

This is not to say there are no chiefs today on Tanna or elsewhere in Vanuatu. In fact, as Agnes Watt noted back in the 1890s, there are indeed hundreds of these leaders who work hard to guide dispute settlement. Many would dearly love to go beyond merely guiding to *impose* such settlements but they lack the power to do so. Chiefs dislike social conflict in that this reduces the span of their local authority as people at loggerheads withdraw elsewhere. Councils of chiefs throughout Melanesia, since the establishment of independent states, have regularly begged their national parliaments and central authorities to fortify their chiefly capacity to operate courts that might command the police to collar disputants into court and that could impose firm settlements upon these, especially at the village and island levels. For years, too, chiefs have sought with little success to require anyone leaving an island to show a kastom “passport” that they would control, thus constraining youthful mobility. Although governments have been sorely tempted to further empower chiefs, led by increasing social discord particularly in urban areas, a robust devolution of judicial authority to local chiefs would go against the grain of kastom egalitarian moots and traditional processes of consensus building. Those modernists concerned with what nowadays are called human rights also worry about possible chiefly abuses of power and subsequent reproduction of old-fashioned hierarchical relations pertaining between land rich and land poor (see M. Rodman 1987), old and young, or men and women (see Forsyth 2009:121-126).

Even if chiefs, today, are present at a moot, kastom demands lengthy public debate and an eventual consensus rather than some unilateral, chiefly imposed decision. One appreciates the deliberative skills of chiefs, and leaders of all sorts, who participate in village moots, at finding these consensuses. Their jural abilities are apparent in the language of debate and dispute settlement itself as I discovered when I recorded some dozen such *nagkiariien* in the 1980s. As in Western courts, villagers pay close attention to language given that it is through language—*nagkiariian*—that they discover truth and assign responsibility. They make fine and critical discriminations between ways of speaking, including:

-ni asori	speak eloquently
-ni afafa	speak but keep secrets
-ni apwini	deny falsely, perjure oneself
-ni pui	betray, inform on
-ni tanpen	ignore, disparage
-ni ahaven	interrupt
-ni aruvareva	put down
-ni kupwan	predict
-ni ouihi	insult, not respect

-ni rīkīrakiri	speak carelessly
-ni sumun	agree
-ni nīteta	speak the ‘canoe’ (consensus, agreement)
-ni tesi	agree, come to a consensus

Settling disputes requires fine and convincing language and influential participants during moots always employ elaborate and florid ways of speaking. In particular, they *-usapekin*, or speak metaphorically (Lindstrom 1983). Whereas the major metaphorical concern that underpins Western understanding of argument and debate is WAR (e.g., “your claims are indefensible;” “he shot down my argument;” “our side lost”, see Lakoff and Johnson 1980), villagers metaphorically approach debate in terms of a shared JOURNEY. Here, again, we see the local importance of place and landscape within people’s understandings of self and social relationships. They use journey metaphors to shape negotiation and impose their views on their debate opponents (or “fellow travelers” which might better approximate the island point of view). They speak of *-iva* (‘leaping, flying’) or *-eva* (‘treading’) into an argument. They *-euaiu* (‘descend’) into a story, or some defense, to make a point. Should two speakers disagree, one may note that their discussion is off-course: *krau fwe nakwai tasi* (‘we two are far out to sea’). If a person refuses to respond to a point, he like the Banded Rail bird has disappeared into the bush: *pirei rīpi nīmai nari*. If a debater has a statement boomerang back onto him, others refer to this as a wayward journey: He has gone to knock down a fence but then returns (*-en mīrui nīkis mīrerig muvehe*). The confused *-avnihi kanhui* or ‘imitate a stickbug (moving)’. Those refusing to conclude an argumentative journey *-o tasi* (‘act like the sea’) in their endless comings and goings. Should consensus prove difficult, *nesin rousi* (‘the rain beats down’) on all.

A consensus agreement, like a coherent social group itself, metaphorically is a vehicle, a ‘canoe’, that speakers might unhappily capsize (*-ifwe nīteta*) or toy with (*-apur nīteta*). If someone refuses to admit responsibility, explain in detail, or join a consensus, others state that he remains *isupwin* or ‘far away’. Finally, when consensus at last is reached, disputants *-akwiri*, or ‘arrive at the summit’. Debates are collective voyages of disentangling competing claims; all travelers reach the same truth terminus. Metaphorically, at least, consensus flows from the joint interaction and metaphorical movement of speakers as a group. It is not a balancing of individual interests or a compromising of wills. People arrive at consensus and resolve conflict when they have “straightened” talk. The truth exists; but it needs untangling (Lindstrom 1990:376). Although speakers of English also metaphorically “arrive” at a consensus, and although Bislama speakers today will *win* their arguments, the journey metaphor remains key in people’s understandings of negotiated dispute settlement. People arrive at consensus or find this

after a lengthy cooperative journey. They do not expect settlement to be adjudicated or imposed by central authority no matter if this be legitimated as chiefly edict or not.

Village disputing and dispute settling alike remain mostly oral. Although *kastom*, and precedent, establish something akin to common law, *kastom* is only now being codified (in codes and procedures that have been produced by Vanuatu's National Council of Chiefs, the *Malvatumauri*, and also by some island councils of chiefs). The *Malvatumauri* produced its first codified custom policy in 1983. Article 15 "Law and Order (land boundaries)", Section 2 of this states that, "when a chief establishes law and order in a village and over its sea and land resources, he must do so in consultation with the village council which must approve the law in a *nakamal* meeting" (Lindstrom and White 1994:240). Here, again, a chief's juridical authority is diffused among a community. My impression is that these various written documents that have attempted to codify *kastom* have not yet traveled very far beyond houses and gatherings of chiefs. Village appreciation of common law, or *kastom*, exists mostly in memory, and dispute settlement practices continue to rely on active negotiation and public debate rather than upon published codifications.

The fundamental orality of dispute settlement provides considerable flexibility in handling particular cases insofar as while *kastom* expectation and precedent might exist, these are not written or codified and people can bend rules and experience to fit particular cases, reaching whatever outcome seems expedient or possible. Attendant elders might hark back to this or that historic decision but memory is fluid and consensus sometimes demands that precedent be repackaged. As many have noted, this very flexibility of local systems of justice keep these current and functional given whatever changes in present circumstance may come to pass.

This is not to say that present need overcomes past practice. Oral societies cultivate and encourage expert and long memory, much longer than that which typically pertains in the literate world where writing allows people to forget. Memory of past disputes serves to guide new resolutions, but long memories also guarantee that many old disputes never go away. Consensus, however mutually arrived at, often leaves unaddressed minor sticking points and side issues and these can always pop back into play in some future dispute. Dispute settlement, like the networks of exchange that link family with family, is a never-ending process. There is no guarantee that any dispute, no matter public consensus about this, is ultimately settled, and people under new contentious conditions can always return to plow old ground and dig up remnant grievances and wrongs. Restored social equilibria inevitably create new imbalances. Village harmony, in fact, demands constant and continuous dispute settlement just as it requires ongoing

and continuing gift-giving among families. This local ethos perhaps jars with Western practices of justice wherein, even given appeals processes, courts have the power to determine a verdict once and for all. Still, even if village resolutions are sometimes temporary and fleeting, they bring people back into active engagement. Avoidance and hard feelings evaporate or are put aside, at least for some time being. An achieved consensus regularizes relations between disputants and each may now again talk with the other and drink kava together which, ideally, they should do immediately after a moot concludes.

### *Resolution Strategies*

Dispute resolution looks like the sort of gift exchange that marks village marriages, celebrations of childbirth, the circumcision of sons and their first shave, and burials of family members in that it, too, consists principally of an exchange of goods between families. Lacking central authority to impose sentences, and the police and prisons to carry these out, village justice is focused on restitution and restoration rather than repression or the punishment of evildoers. Civil law, in the village, trumps criminal. Yes, kastom courts nowadays impose “fines” but these serve to make people whole again more than they do to discipline or penalize breakers of law. The Malvatumauri’s codified kastom policy (Article 2: Custom Peace Ceremonies) requires that any imposed fine “will be divided among the two sides that have agreed upon the custom peace ceremony” (Lindstrom and White 1994:232). The final act of most successful debates is a quick exchange of kava and food between the newly reconciled disputants. People immediately put these to good use, drinking the kava and eating the food everyone having taken *tamafa* in the island way, spitting forth their last dregs of kava as a prayer that the newborn consensus holds and trouble be gone. Even the most grievously injured party should give something to a wrongdoer although the flow of exchange goods may be imbalanced according to the relative weighting of wrongs. Village moots almost always find at least a little fault on all sides. Antagonists reconcile by giving gifts to one another or, put another way, by sharing around the “fines” each has been assessed. As Forsyth has noted, in village settlements no one “loses,” rather both sides “win” (2009:105).

Shared accountability for jointly resolving some problem that has caused conflict echoes village notions of what anthropologists call “personhood.” Pacific islanders are as connected to family as they are to place, and the village person commonly incorporates these connections to others as well as to land. At least until recent times, villagers have not shared Western presumptions of what the philosopher C. B. Macpherson has defined as “possessive individualism”—the belief that persons live entirely within their own skins and selfishly possess, or have responsibility, for their own thoughts, skills, and acts. Thus, Western justice is much disturbed accurately to

discover and assign personal responsibility for crime: To punish the individual criminal (and not, say, his identical twin brother) and, better yet, to require him to confess and own up to his personal and particular failings.

Such possessive individuals with personal responsibility, still today, do not inhabit many island villages. Instead, all closely related folk shoulder at least a little responsibility for a crime committed by one of their own. Kinfolk commonly contribute to fines assessed upon a relative, and they share in any goods he or she receives in return. This, of course, is the law of the classic feud. You, individually, may have injured me but I am content to assault your brother, to get my payback, if I somehow cannot find you. This notion of a more diffused and overlapped personhood colors village notions of crime and punishment. Back in the 1940s, when colonial authorities on Tanna attempted to arrest and deport leaders of various John Frum movement disturbances, sons and younger brothers of the accused begged to be sent to the calaboose in place of their fathers. Colonial justice demanded that the police seize and jail the particular individual accused of the crime, but local sensibility was that justice would better be served if some younger relative could take the elder's place and bear the burdens of imprisonment. Dispersed personhood also informs the dominance of shame over guilt in village psychology. Shame is an emotion that erupts when a person soaks up the perspectives and disapproval of others. Guilt works oppositely; it bubbles up from core, internal and individual understandings of right and wrong. Village dispute settlement depends on and generates a lot more emotional shame than it does guilt.

A culture of dispersed personhood, moreover, shapes the operation of village moots. There is far less concern, here, to monitor if people are telling the truth: No vows, no hands on the Bible, no individualized promises to tell the truth, the whole truth, and nothing but the truth. The truth, in fact, does not belong to the possessive individual but is collectively found, or arrived at, in cooperative disentangling or journeys of public debate. People do not own their own truths. These, instead, belong to that wider group of concerned and interrelated persons. But again, moots are not egalitarian. Interactive debate subsumes definitive relations of inequality and domination, particularly old over young and men over women. Certain spokesmen fill in more of the discovered, collective truth than do others. Influential men often hold back their comments until the closing minutes of a moot thus publicly to "enunciate" or to frame the newly found, shared truth of a matter. In so doing, they represent less powerful women and children and those insignificant men who rarely speak during moots. Since villagers deny possessive individualism, people do not always own the right to speak in their own defense, or tell their own truths, especially if they are women or are otherwise locally inconsequential. Instead, more

powerful figures represent and speak for them, and they are able to do so insofar as individual perspectives and rights are blurred, even rights to one's own words and truths (Lindstrom 1990).

When I was collecting village genealogies I came across several instances where a man had disappeared from within a family tree to be replaced mysteriously by another of the same name. This mystery clarified when I learned the story of a village friend who was in an unhappy marriage. Her husband had emigrated to work in the nickel mines of New Caledonia and rarely was in contact with his wife. The back story, so I later learned, was that my friend had once been in competition with another woman for this man's attentions. After a marriage between the man and her rival had been arranged she, somehow, murdered the other girl. The horrified families hurried to convene a moot to settle the issue. Everyone agreed that my friend had killed her rival with little malice aforethought. To restore the social status quo, as far as this was possible, my friend's family gave her to the family of the dead girl. She thereupon took the personal name of the deceased and also her place in the upcoming marital exchange. The husband, although he did marry this replacement woman, apparently never developed the same sorts of warm feelings he had once enjoyed with the original, and he escaped to Noumea.

This small story, I think, reveals the core significance of restitution over punishment of individuals as the main goal of village justice. It also says much about local notions of personhood when one girl can substitute, in a pinch, for another—even for a person who she has killed—taking the place of the deceased within the bosom of her mournful family. Such interpersonal replacement had occurred at least several times in previous generations among the families I knew best, typically in cases of an accidental killing or manslaughter within the bounds of a community. Murder by more socially distant antagonists usually called instead for a feud leading to a second death as payback for the first. This case goes back some years but in September 2010 I attended a reconciliation ceremony in Port Vila that called up its memory. A young boy was poking down coconuts with a stick of bamboo and failed to notice that a baby girl was toddling nearby under the tree. He dislodged a nut that dropped and split open the head of the young girl, killing her. Her family demanded a *tain*, a replacement, and the boy's father gave them his youngest daughter to take the place of the dead child. That child's grandmother, however, eventually agreed that the family would instead accept gifts of cloth, blankets, and money and the boy's sister returned to her own family, resuming her original identity and giving up that of the small victim of this accident.

Dispute settlements including moot-imposed fines turn out actually to be reciprocal exchanges made to restore the status quo and repair broken social relationships rather than means of

punishing some guilty party or setting an example to deter other miscreants. However, kastom punishment does also exist. But this typically flows down from the ancestors and other spirits who serve as a sort of spiritual police force. Fear of ancestral retribution in the form of disease or other misfortune functions to dampen social dispute, at least in some cases, and to encourage people and their families to settle conflict and to live up to consensual agreements. One might also mention, here, village fears of sorcery or *nakaemas*, *masing*, *su*, or *poesen* (or *nahak* down on Tanna). These attacks, or so people suspect, are precipitated by bad men but men who are in cahoots with bad spirits. Anthropologists have documented a notable increase in sorcery fear among many urban residents in onetime colonies around the world. Such post-colonial or post-modern sorcery belies expectation that certain irrational beliefs of the past would fade in the face of modernity. Instead, sorcery fear has increased alongside the hardships and everyday conflicts of rough life in townships and settlements.

Sorcery fear and accusation have certainly provoked dispute as one sees sometimes today here in Port Vila. But classic anthropological explanations of sorcery also take this sometimes to prevent dispute, and to encourage resolution when dispute occurs, insofar as people want to keep their heads down and avoid being targeted by malicious sorcerers (see Rio 2002). Regulation of Vanuatu's various "kastom copyright" systems, for example, certainly relies in part on local fear of either ancestral retribution or sorcery. People hesitate to use a weaving design, tell a story, or carve in a style claimed by others in that this may invite spiritual retribution or active sorcery. Copyright owners might always call violators into a moot to address such piracy, but fear of supernatural consequence also works to prevent copyright violation in the first place.

Village notions of personhood and the central importance of restitution shape island justice. The goal is not to punish an individual, or not so much, but to repair the fabric of social relations that some conflict or dispute has torn. Although modern state courts (along with public prosecutors, police forces, and prisons) today exist alongside village legal systems, local understandings continue to inform people's sense of justice wherever they seek this.

### *Village Justice and Legal Pluralism*

Villagers, as I have noted, have been legally pluralistic at least since the early 1900s and have, during the last century, operated with a justice system that has included both local moots and colonial and now independent state courts. On Tanna, Christian and John Frum supporters during periods of strong ideological hegemony invented and deployed their own versions of the court, the police force, and the prison. My village friends back in the 1970s and 1980s, however, were then most comfortable with more local systems of dispute settlement. They hesitated to

call outside attention to their local disputes and problems even if these involved manslaughter or murder, preferring instead to settle their own affairs. (Similar reticence existed on Ambae, too, according to W. Rodman (1993).) They summoned state police and came into the courts only in cases of the most intractable disputes, after all attempts to fix things up within a community had fallen short.

But such wariness and hesitation to employ national law and state judicial institutions is less feasible today given the considerable economic and political change people have experienced since independence in 1980 (Weisbrot 1989). How might village justice systems be remade in order to address and resolve new problems brought by huge increases in tourism, land leasing and alienation, conflicted urban settlements, global appropriation of *kastom* and cultural property, and more? Will new Australian lease holders of island lands be convinced to take part in all-day moots that culminate in mutual gift giving? Sorcery fear may indeed work to deter neighbors from violating one's *kastom* copyrights but how far does this fear travel? Can *nakaemas* reach out beyond Vanuatu's borders to bump off outsiders who steal village songs, dances, designs, and so forth? Land disputes remain a particularly vexing and growing issue and people are increasingly eager to reach out to new local councils of chiefs, provincial councils, ministers of land, or state courts in hopes that these official bodies might solve disputes that local systems have failed to handle. In 2010, two close friends of mine had active cases they had brought into court or other state councils dealing with land that their fathers had fought over in local moots back in the 1970s and 1980s.

As Forsyth has argued, Vanuatu's system of justice must be redesigned and "broadened to include *all* legal orders involved in conflict management, and must therefore include the *kastom* system" (2009:xvi). There is similar interest across the Pacific in facilitating connection between *kastom* and state legal systems to improve justice for all. State legal structures might better handle dispute and conflict, both village and urban, by accommodating as far as this is possible local practice and expectation. People who access the national judicial system come to court with preexisting appreciations of dispute resolution and justice that may sometimes get lost in this different system. Differences between village and state legal systems have been widely explored and documented but a few of the more important of these perhaps are worth repeating, by way of summary, here:

- Village justice systems do not neatly parallel modern, delimited legal structures of courts, prosecutors, lawyers, police, and prisons; Village justice instead spills beyond the moot itself also to include island disease theory, acts of gift exchange, chiefly competition, gender inequalities, ancestral watchfulness, suspicions of sorcery, and more;

- Justice itself consists less of determining truth and of punishing malefactors than it does restoring torn social relations; restitution trumps repression and retribution;
- The closer disputants are socially, the more likely conflicts get settled although the local system permits considerable numbers of disputes to endure for years so long as people successfully can avoid one another;
- Given island notions of personhood, everyone—not just those individuals concerned—shoulders responsibility for dispute resolution, including the truth found therein and the solutions achieved; there are no winners or losers—everyone shares in the responsibility to give and to receive, so to repair the social fabric;
- Chiefs may be chiefs, but their authority to resolve village conflict rests on community involvement and consensus and on the willingness of both disputing parties to enter into negotiation, to be in the same place;
- And, finally, dispute-settling, like everyday practices of sociable exchange, is a continuous and never-ending project; one resolved conflict leads inevitably into some new dispute; there are no ultimate final verdicts.

This disputing, and this dispute resolution, keep the community engaged over the long run insofar as the course and outcomes of particular village conflicts, as Geertz put this, reflect and guarantee people's overall conceptions of the just life.

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#### 四、計畫成果自評

1. 主辦者為讓本所學生了解 Lindstrom 教授的研究主旨，曾藉「世界南島文化通論」的課堂，介紹其主要研究成果。Lindstrom 教授分別在本所和區域所進行一場演講，主題和他的專書論文與近期研究相關。為配合本所與區域所學生程度與英語能力，主辦者事前曾與 Lindstrom 教授溝通，希望能先概略介紹其所研究萬那杜他拿島（Tanna）人的社會與文化背景，再討論特定的議題，如大洋洲酋長制度（chieftainship）的持續與變遷，部落處理糾紛的傳統方法，以及所衍生的法律與文化的議題。在語言的使用上，兩場演講採取即席翻譯的方式，讓同學明瞭其演講內容。透過這些規劃，發現實際的學習效果相當不錯，學生反應相當熱烈，也提出許多問題，讓 Lindstrom 教授透過和學生的互動進一步說明其研究。Lindstrom 教授有豐富的教學經驗，並且極有耐心，能針對學生問題詳實回答，讓學生相當滿意。因此兩場演講都有良好的成果。

2. 在本所舉行的一場座談，主辦者請 Lindstrom 教授先對大洋洲區域歷史文化作一概括性的介紹，再進入人類學在大洋洲的研究史回顧與當前議題的分析，包括都市移民、文化財產權、氣候變遷。透過此座談，師生不僅對大洋洲區域有更深入而清楚的掌握，也知道若要在萬那度或其他南太平洋國家進行研究，有哪些可以切入的議題；以及若要進行田野工作，要如何做語言的準備，如何申請以獲得地主國的許可，如何尋求各種管道的協助等等。這對提升本所師生對大洋洲南島民族的研究興趣，並鼓勵本所師生到大洋洲進行田野調查研究，都有實質的幫助。

3. Lindstrom 教授除了在本所發表一場公開演講與一場座談外，還在臺灣史前文化博物館、中央研究院民族學研究所、發表演講。在各學術單位的演講，都請 Lindstrom 教授配合當地的特殊需求而做調整，以和各學術單位做更有效的互動。Lindstrom 教授由於著作豐富，研究議題廣泛，因此都能和各學術機構師生和研究人員有密切的交流，也對臺灣人類學界提供許多刺激與啟發。藉著 Lindstrom 教授的訪臺交流計畫，也介紹本所和其他學術單位的研究成果與發展，提升本所和其他學術單位在國際學術界的能見度與知名度。整體而言，本次計畫成果優良而且豐富，是一個規劃完善、執行成功的計畫。本所若有機會，將循此模式繼續辦理，也懇請 貴南島學術計畫辦公室多多支持。



圖 1 Lindstrom 教授 12/01 在南島所演講



圖 2 Lindstrom 教授 12/01 在南島所演講

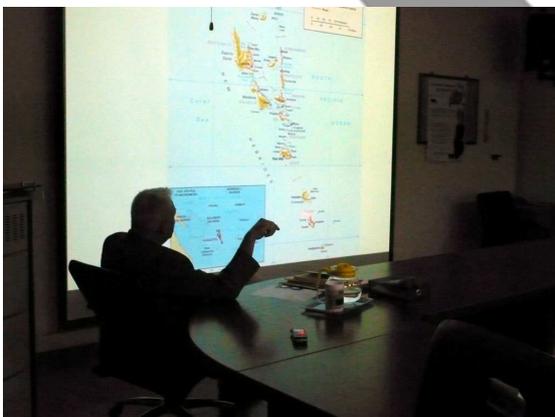


圖 3 Lindstrom 教授 12/01 在南島所演講





圖 4 Lindstrom 教授 12/01 在南島所演講



圖 5 Lindstrom 教授 12/08 在區域所演講



圖 6 Lindstrom 教授 12/08 在區域所演講



圖 7 Lindstrom 教授 12/08 在南島所工作坊

World Austronesian  
學術研究  
南島計畫辦公室



圖 8 Lindstrom 教授 12/08 在南島所工作坊



圖 9 Lindstrom 教授 12/08 在南島所工作坊



圖 10 Lindstrom 教授 12/01 在南島所演講完後之餐會