# Chapter 12

## Traditional Dispute Resolution in Micronesia

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Micronesia covers a vast area of the western Pacific Ocean. It lies north and northwest of Polynesia, and is comprised of several island chains: The Marianas (including Guam and Saipan), the Carolines (including Yap and Pohnpei), the Marshalls, Chuuk, and Belau. In comparison to the islands of Polynesia, the islands of Micronesia are quite small. Hence its name, "Micronesia," which means "tiny islands."

#### Micronesian concepts of conflict and conflict resolution

Living on a small and sparsely populated island, whether in Micronesia or elsewhere, is very different from living in a densely populated metropolitan area. Islanders' lives are so interwoven that unresolved conflicts soon damage the community. A Micronesian who has a disagreement with another islander is quite likely to be related to that person, by blood or through marriage. If the disputants are not related, chances are there are strong social bonds that exist through common close friendships. Because people are in constant face-to-face contact, disputes in this context become paramount as they affect all others in the community. Thus, Micronesian islanders have developed responses to interpersonal conflict that do not focus so much on individual rights and objective standards of "justice," but rather on ways for peace to be restored between disputants, as well as among the community as a whole.

In Micronesia, a dispute between two individuals is viewed as involving two families. When a son or a daughter does wrong or commits a crime toward another in the community, it is viewed as the fault of his or her clan or family, because they have not properly reared or supervised this individual. Thus, it is incumbent upon the entire family to right the wrong. When one person is hurt or wronged by another, it is taken for granted that his/her entire family has been offended. It is then the duty of the families to determine who is right and who is wrong, and for the offending family to apologise to the family of the victim. This also means that victims are more likely to receive full restitution, because of the available resources of the entire family. In cases involving serious crimes, such as homicide, the conflict between families may be resolved by the giving of land. This preserves the peace between families because the land, like life, has continuing value.

In Pohnpei, conflicts are often resolved and then the resolution cemented in public ritualistically through a *Sakau* ceremony. In severe conflict situations involving the injury or death of one of the parties, the offender's immediate family may not be able to go directly to the victim's family to offer an apology. When emotions are running high, as in these particular cases, an older relative (e.g., a clan head or "wise" uncle) may make the first overtures, and arrange for a resolution. This older

relative will then act as principal spokesperson for the offender. A preliminary reconciliation is publicly validated through the drinking together of *Sakau*. Through this mediation, the respected extended family member of the offending clan can often spare both offender and victim immediate families from an uncertain and potentially harmful initial confrontation.

In this and other Micronesian models of dispute resolution, the aim is to restore peace and harmony within the village and/or island. Unlike Western forms of resolution, which often involve a criminal justice system that tends to leave the parties (victim and offender) feeling separated and upset, the Micronesian model leads to reconciliation. Generally, a traditional Micronesian settlement results in genuine closure, whereby two disputants become friends and are able to coexist again. These settlements often involve restitution in the form of land, food, material goods, and/or services from the offender family, to the victim family. In summary, traditional Micronesian dispute resolution involves these key elements: (a) Family representation of the individual; (b) ritualistic approaches symbolising respect and humility toward the offended family; (c) the use of respected elders or chiefs as mediators; (d) the payment of restitution for injury or harm; and, (e) a symbolic agreement between the families in an effort to restore peace to that village and/or island.

## Research methods and limitations

Research for this paper was conducted by interviewing Micronesians both in their islands and those residing on or passing through Guam, and through an observation of a traditional dispute resolution simulation. Granted, information gained from contemporary informants is but a reconstruction of authentic traditional approaches. Furthermore, it should be noted that examining instances of traditional Micronesian dispute resolution poses certain difficulties for any researcher. The ritualistic reconciliation protocols between the families are considered private matters not to be viewed by or discussed with outsiders. Even to re-enact such processes is considered by many traditional chiefs to demean that important aspect of the culture. Thus, although data were gathered from reliable sources in the Micronesian community, first hand observations of actual rites of apology and restitution were not possible. Furthermore, it is not feasible or appropriate to corroborate the accounts by directly contacting the principles. This research limitation, however, illustrates one of the main virtues of the traditional dispute resolution process - keeping these matters private.

## Accounts of Traditional Dispute Resolution in Micronesia

*Interviews*

Notes from an interview with Chuuk State presiding Judge Soikichy Fritz (1995) provide some initial insights into traditional processes of dispute resolution in Micronesia. Judge Fritz explained that he prefers traditional settlements because lawsuits so often produce hatred and continuing conflicts. From the bench, Judge Fritz will tell Chuukese litigants, "I am from Tol; you are from different islands [in Chuuk] where the customs differ. Why would you want me to decide your case? Try to settle it yourselves according to your island customs." Fritz described how customs in the Mortlock island, for example, vary considerably from customs in the Chuuk Lagoon.

Fritz relayed an account of a February 1995 fight at Chuuk High School between a large group of boys from Uman and another group from Tol (two islands in the Chuuk Lagoon). The high school was closed for two weeks because of this riot. Eventually, the police and education department officials asked the Uman and Tol mayors to bring all the parents of the protagonists together in the high school gymnasium, with the rioters. With the assistance of those mayors, many of whom are traditional leaders, acting as mediators, apologies were extended and accepted, resolving the matter and easing the tensions at the school.

Judge Fritz did point out that the traditional approaches are not always successful. Sometimes when a traditional apology is offered, it is not accepted the first time. The offender's family must try again and may have to beg for forgiveness to show sincerity. Only by the humility of his or her family can the offender be received back into that community. Judge Fritz lamented how the younger generation of Chuukese often frown upon the traditional ways. This is especially true, he says, after they get an

education. They are more impressed by non-traditional leaders who have high paying government positions, and are more likely to believe they can resolve disputes by winning in court.

Hanser Reynold (1994), a Protestant minister on Tonoas (Dublon) in the Chuuk Lagoon, provided a general description of traditional Chuukese family conflict resolution past and present. Here is a summary of his account:

Conflict resolution is a sensitive, but essential part of the life of any family. Conflicts between parents and their children were in the past settled by the chief of the lineage or, in some cases, by some other senior member of the lineage. The lineage head would also be called upon to resolve problems between other members of the lineage, especially between two older persons. In the early days, he would call for a gathering of the lineage to settle the matter. If he should anticipate any resistance to a settlement, he might call on the first born male or female in the family of the aggrieved party to intervene, for he knew that it was nearly impossible for the Chuukese to resist the pleas of their eldest children.

There were special occasions when lineage disputes, especially over land or trees, were ordinarily settled. Especially favoured times were at a funeral or when one of the lineage members fell ill. These family crises were opportunities for the members of the family to give vent to their emotions, something they were not permitted to do under ordinary circumstances. Each family member was given time to voice frustrations, talk about his or her problems, and express hard feelings towards other individuals in the family. The occasion was marked by finger pointing, loud accusations, tears, and, finally, apologies.

Today, such times as funerals and sickness remain important as occasions for resolving family conflicts. At such events, the lineage head continues to play a key role as mediator and facilitator. At other times however, his role is much diminished. He is no longer free to intervene in order to settle squabbles between parents and their children, and he is called on less frequently to resolve disputes between adult members of the lineage. Currently, family members often call on religious leaders, and other respected members of the community, to do what the lineage head once was expected to do.

*Simulation*

During the 12th Pacific Educators Conference in Belau in August 1995, Chuukese educators Kris Victus, Antasio Pisek, and Akitaro Alexander, performed a demonstration depicting a traditional Chuukese reconciliation ritual, as used to resolve disputes over land or more serious manslaughter cases. The role of the women in the process of peace-making was shown to be vital. In fact, the Chuukese word for women, *fefin*, means "one who seeks peace." The following is a description of the demonstrated ritual:

A traditional leader (*itang*) or respected elder from the offender's family requests permission to enter the home of the victim's family. The leader or elder waits and watches for a leaf (*nior*) to be displayed which indicates that he is welcome and grants permission for him to enter. The *itang* approaches respectfully, asking, "Which part of the house should I enter?" "To the left," might be the answer from within. The first to enter, however, are the women from the offender's family. The women, one at a time, move slowly across the floor of the victim's home on their knees and present another kind of leaf (*tong*) to communicate the family's request for reconciliation. Once the *tong* is accepted, a second woman crawls over in the same humble manner and presents a coconut inside a leaf, to express a strong commitment to sincerity and truth. Two large "elephant ear" leaves are then sewn together with coconut fronds, and are presented to the victim's family elders, to show a desire on the part of the offender's family to be reunited together. Finally, a bag of money (in former times, it may have been a taro patch) is presented.

The presentation of all these gifts by the women in the offender's family may not be enough to satisfy the victim's family. The final act of debasement occurs when the *itang* crawls prone, belly to the

floor, elbow-by-elbow to ask forgiveness. The ceremony concludes with the victim's father showing that reconciliation has been achieved, by striking a coconut so as to break it. This symbolises that peace has been restored.

In some instances, when the victim's family is forewarned that the offender's family is coming, they will go to the village social hall (*ut*), and the ceremony will occur there. Onlookers are discouraged, however, because this ceremony is deemed a very private matter, involving only the families in conflict. The exact symbolism (e.g., types of leaves and coconuts) may vary from village to village, and island to island. There are also variations in timing, or how soon after the offence the offender's family should seek reconciliation. Occasionally, the offender accompanies the family, but more often he or she stays home to avoid any extreme emotional reactions which may undermine resolution attempts.

*Further accounts*

An actual incident occurred in Sokehs, Pohnpei in 1985 (Carl, 1991), where a similar reconciliation ritual was used to resolve a conflict between families. Two men in their twenties, "Diego" and "Jacob," got into an argument. Diego had been drinking too much beer at a party, and had confronted Jacob, who also had been drinking. A fight ensued, and Jacob stabbed Diego. Diego was hospitalised in a critical condition. There were no arrests, but the families began feuding. Younger members of Diego's family wanted revenge, but the older members (Diego's father and uncle) were keeping them in line.

A reconciliation process began after two or three weeks. Jacob's father and mother approached Diego's parents, to ask forgiveness. Diego's father was receptive, but his mother was not as willing to forgive. This gesture was followed by all of Jacob's brothers, sisters, and cousins, going to Diego's parents to ask forgiveness. Finally, even Jacob's grandparents, and other relatives, went to ask forgiveness, and brought *sakau* to solidify a reconciliation. A ritual was performed, involving the making of the *sakau* in the home of the victim's family.

The *sakau* root is bound and squeezed, and the first cup is given to the father of the victim, by an elder of the offender's family. The elder stands and expresses the desire of the family to be forgiven. Four cups are eventually passed, the second going to the victim's mother, the third to a traditional leader, and the last to the victim. The leaders of both families then announce that the conflict is over, and thereafter both families must live in peace.

Here is an example of a traditional dispute resolution case in Belau (Ngiraibuuch, 1991):

A young man was driving intoxicated, and caused the death of a pedestrian walking along a causeway from Koror to Meyuns. The victim was a son of a family originally from one of Belau's southwestern islands, who were currently residing in a section of Meyuns called "Echang." Food, money, and other material items were brought by the offender's family to the victim's family. A very respected man from the offender's clan talked with the victim's family. Meanwhile, the offender's family and their relatives did their best to be of assistance to the victim's family during the funeral.

A final settlement, however, involved the offender family giving their son, the offender, to the victim's family as a replacement for their deceased son. As it turned out, the "new" son was accepted as if he was the victim family's real son. The victim family and the offender continued to grow close, and often expressed deep affection for one another. Even the Echang villagers came to love the new son. They considered him to be one of their own, and overwhelmingly supported him as he later ran for a high political office in Belau. It was as though the tragic event had never occurred.

It is not at all uncommon in Micronesia for the killer to be adopted by the bereaved family. When seen from the Micronesian perspective, this solution makes perfect sense. In analysing these kinds of manslaughter cases in Micronesia, there are particular common threads. The adoption rite serves as a

way of bonding once and for all the two disputing families and of forestalling any trouble between the two families.  This kind of settlement creates and maintains a unique form of restitution. In addition to receiving a child to immediately replace the one the family has lost, this new child is obligated to provide economic support for the family in the future.

### The cultural dimension of individualism and collectivism

Though appearing altogether unique, the traditional approaches Micronesians use in dispute resolution can be linked to characteristics of other collectivistic cultures.   The cultural dimension of individualism and collectivism is a major dimension of cultural differences as determined by theorists from a variety of disciplines (Hofstede, 1980; Morisaki & Gudykunst, 1994; Triandis, 1989).  The basic difference between individualistic cultures and collectivistic cultures is the relative importance each places on the goals of the individual versus the goals of the group.  What we refer to as "Western" cultures (e.g., Northern European and North American countries) tend to be individualistic, while "Eastern" or non-Western cultures (e.g., Asian, Central, and South American, and African countries) tend to be collectivistic (Morisaki & Gudykunst, 1994; Ting-Toomey, 1994).   By discussing traditional dispute resolution in Micronesia in relation to the cultural dimension of individualism and collectivism, a level of understanding and depth of analysis can be reached which may be helpful for further inquiry and research.

Hofstede (1991) offers this basic definition of individualism and collectivism:

> *"Individualism" pertains to societies in which the ties between individuals are loose: Everyone is expected to look after himself or herself and his or her immediate family. "Collectivism" as its opposite pertains to societies in which people from birth onwards are integrated into strong, cohesive ingroups, which throughout people's lifetime continue to protect them in exchange for unquestioning loyalty (1991, p. 51).*

Between 1967 and 1973, Hofstede collected data in the form of 117,000 attitude surveys from the employees of a multinational business corporation in 40 countries in order to investigate and determine the differences that exist between cultures.  In his survey, Hofstede (1980), included items that addressed aspects of individualism as they may be manifested through one's attitudes and values about work in a specific organisation.  He then compared his data with data collected in other multi-country studies, and summarised the literature to characterise individualism in countries with low and high individualism index values.  Table 1 contrasts "societal norms" between these two cultural orientations.

Although "Micronesian collectivism" certainly has specific elements which are unique in relation to other collectivistic cultures, it possesses the general characteristics that Hofstede has distinguished. Based on Triandis (1994, pp. 47-48), and studies reviewed by Markus and Kitayama (1991), the attitudes and behaviours of individuals with a collectivistic cultural orientation are in contrast to those with an individualistic cultural orientation.

The basic social unit for individualists is the individual, whereas collectivists perceive groups as the basic social unit.  For collectivistic cultures, the self is defined by affiliation with in-groups, and one has a greater awareness of others than oneself.   Similarity with others is the more prevalent perspective than others' similarities with oneself, memories are linked to relationships, and achievement is for the sake of the group.  In contrast, individualistic cultures tend to view the self as independent, and the individual as unique.  Individualists remember things in relation to themselves, and are motivated to achieve in order to be personally successful.

Table 1
Comparison of Low and High Individualism Societal Norms
(Adapted from Hofstede, 1980, p. 235).

|                Low                          |              High                          |
| ------------------------------------------- | ------------------------------------------ |
| -Loyalty to extended families and clans     | -Loyalty to self and immediate family      |
| -"We" oriented                              | -"I" oriented                              |
| -Self-identity is socially based            | -Self-identity is intrinsically based      |
| -Emotionally dependent on organisations     | -Emotionally independent from organisations |
| -Emphasis on group membership               | -Emphasis on individual achievement        |
| -No private life or personal opinions       | -Right to privacy and one's own opinion    |
| -Order, duty, and security through organizational membership | -Autonomy, variety, individual security |
| -Friendships determined by pre-existing relationships/prestige | -Friendships determined by personal need |
| -Decisions are group supported              | -Decisions are made by individuals         |

Individualistic attitudes, norms, and values, are based on independence and detachment characterised by terms such as "pleasure," "achievement," "competition," "freedom," and "autonomy." "Security," "obedience," "duty," and "hierarchy," characterise the interdependent attitudes, norms, and values, of collectivistic cultures. Although the major calamity among individualists is dependence, *the major calamity for collectivists is ostracism* (Triandis, 1994, p. 47).

The role and nature of in-groups differ between individuals with a collectivistic cultural orientation, and those with an individualistic cultural orientation. There are selective, but extremely close relationships for collectivists. There is a perceived homogeneity of in-groups, and in-group harmony is essential, maintaining a broad and profound influence that discourages confrontation. Collectivistic in-group membership is primarily pre-determined by blood relationship, ethnicity, or social status. For individualists, casual relationships are more common, and individuals are less likely to unconditionally commit to a group. There is a perceived heterogeneity of the in-group, and confrontation within the group is acceptable. Individualistic in-groups are usually established based on shared achievements rather than predetermined criteria.

Collectivists are often also comparatively accepting of hierarchical group structures. They place more importance on vertical relationships ("power distance"). This means considering closely the opinion of the family, and especially elders, when choosing friends and a spouse; and they make decisions that will maintain and perpetuate family integrity. In conflict, it is essential not only to "save one's own face," but to spare one's disputant from any humiliation, particularly if the disputant is a member of the collective in-group. By comparison, social relationships for individualists are often more casual, whether they involve in- or out-groups. Winning in conflict takes precedence over sparing another's image, and life choices are based more often on personal preferences.

These general distinctions between collectivistic/individualistic and high/low power distant cultural normative values help to explain some of the specific characteristics of traditional dispute resolution in Micronesia. The use of family representatives, face-saving rituals, community elders, restitution, and restoration of relationships, is broadly consistent with a collectivistic/power distant cultural orientation. This approach, however, is increasingly being challenged by individualistic (and more egalitarian) norms.

### Micronesian collectivism versus individualism

Because the islands of Micronesia have been collectivistic, approaches to dispute resolution have been based on an individual's loyalty to the in-group (e.g., family, tribe, village, or island) rather than on individual rights and personal goals. Consequently, there continue to be complications both in formal

and informal dispute resolution processes as Western influences become more prevalent in the islands. Particularly in the court system, there have been tensions arising from the use of the individualistic Western model of justice. This has proved impractical for the cohesive communities of Micronesia. Although constitutions in Micronesia recognise customary "law," the younger generation of Micronesians, due to increasing Western influence, often dismiss the traditional approach as illegitimate.

Micronesia is not alone in the battle to maintain collectivistic values. On a global scale, society seems to be moving toward individualism. Triandis (1995) explains this trend using I (individualism) and C (collectivism) factors.

> *I-factors reflect cultural complexity, affluence, and modernity and are also a function of education, maleness, urbanism, high social class, and social and geographical mobility. C-factors require the individual to behave as the ingroup specifies and reflect cultural homogeneity, high population density, and isolation from other cultural groups… (p. 81)*

The cultures of Micronesia have maintained a predominance of C-factors, primarily due to the geographic features of the islands. Recently however, Micronesia has been showing more I-factors. As global industrialism and technology expands, Micronesians are faced with cultural heterogeneity, geographical mobility, population dispersion, and exposure to other cultural norms and values. Although collectivism may be maintained among relationships less influenced by Western values (e.g., immediate and extended families), more public arenas (e.g., education and legal systems) have been bombarded with pressures to conform to global norms. "When the situation calls for a particular cultural pattern to operate …, the norms of that pattern will become salient and people will act as if that pattern is the appropriate cultural pattern" (Triandis, 1995, p. 101). In Micronesia, there continues to be a struggle to maintain the traditional system of dispute resolution that perhaps is more effective than that which modern individualistic society has to offer.

## Conclusion

This paper has been written to help revive interest in the traditional patterns of dispute resolution in Micronesia, on a formal and informal level, in order to maintain peaceful order on these uniquely intimate islands. Upon examination, these traditional patterns prove to be a practical, if not an essential strategy for resolving conflict, given the geographical and societal nature of the Micronesian islands. Moreover, perhaps these traditional approaches could prove beneficial even for those outside the region. Further research and discussion will lead to a more thorough understanding of the general characteristics of Micronesian collectivism, and of the specific elements of traditional dispute resolution. This in turn may lead to a determination for those who are indigenous to the region, as well as those who are not, to continue the traditional dispute resolution practices that are a part of their cultural heritage.

## Summary

Traditional approaches to dispute resolution in Micronesia offer elements of reconciliation that are practical and essential for maintaining peaceful relationships on a small island. These elements include family involvement, ritualistic processes, symbolism, mediation, and restitution. Using information gathered through interviews and an observation of a simulation, and by reviewing literature related to cultural differences in general, this paper introduces these elements, describes their application in real life and ceremonial events, and discusses theoretical connections with the cultural dimension of individualism and collectivism. In conclusion, the authors encourage a heightened awareness, further research, and continued practice of traditional Micronesian approaches to dispute resolution.

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