

tional readings. Such is the case with *Hawaii, Its People, Their Legends* (1904), by Hawaiian scholar Emma Kaili Metcalf Beckley Nakuina. Interestingly enough, Nakuina's text was published by the Hawaii Promotions Committee as a promotional project with a large number of photographic illustrations. Even though it visually resembled publications by Thrum and Westervelt, its constellation of paratextual elements created a different interpretative framework. In contrast to most legendary Hawai'i stories, it included far fewer images of coconut trees; no references to generic waterfalls, cliffs, and valleys; more references to specific places like "Kapi'olani Park, burial caves at Hā'ena, and the *heiau* at Kawaihae" (126; italics in original); and many more photographs of Hawaiians in Western dress. It thus represented Hawaiian places as inextricably tied to Hawaiian knowledge, and Hawaiian people as highly capable of negotiating colonial codes of civility and dress.

Bacchilega proposes that we view Nakuina's stories and Landgraf's book as "autoethnographic expressions" (6)—texts in which colonized subjects assert their agency and articulate oppositional views by utilizing the colonizer's tools. Recognizing the subtle differences between texts that support colonial ideologies and those that work against it can be a way to participate in a "politics of translation." This requires that translation itself be "problematized, not in the service of a hopeless untranslatability" (16) but in the hopes of learning from another culture through an "ethics of reading."

Although written clearly, Bac-

chilega's book is no easy read.

The reader's undivided attention is required to follow her densely argued comparative analyses as they perform the meticulous work of counter-hegemony that Antonio Gramsci called the "war of position" and likened to trench warfare (*Selections from the Prison Notebooks*, 1971). *Legendary Hawai'i and the Politics of Place* should become essential reading for those interested in unworking the legacies of colonial literature and visual culture. In her final chapter, Bacchilega describes classroom activities in which students discuss their responses to reading "multicultural" ghost stories set in Hawai'i. In these pedagogical moments, we glimpse how the author has created opportunities for students to analyze popular appropriations of Hawaiian cultural knowledge and question their circulation through colonial translations.

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A Bird that Flies with Two Wings:

Kastom and State Justice Systems

in Vanuatu, by Miranda Forsyth.

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It is a familiar idea in Pacific studies that two normative orders can exist side by side or one on top of the other. In land tenure, for example, one piece of land may be governed by custom and another by introduced land

legislation—or the same piece may even be governed by both, simultaneously. Customary rights may persist under the introduced title, and people may continue to use the land in customary ways in spite of what the law says. These dualistic and ambiguous situations are sometimes discomfiting for lawyers, who are accustomed to the idea that statute overrides other rules. People may not know which to turn to—law or custom—when disputes arise. Tension between the two orders is particularly strong in some Pacific Islands where legal systems were not very effectively imposed by colonial powers, and where resistance to them has become part of a nationalist struggle, as is the case in Vanuatu. Yet beneath the political conflict there may be coexistence and interdependence between the systems, and people may move easily between them.

In this excellent book, Miranda Forsyth's focus is on the criminal justice system, rather than land tenure because, she argues, criminal justice is where most people in Vanuatu come into contact with the introduced legal system. This is not an intense anthropological investigation of a particular place and people. Forsyth's research is national in scale, global in its implications, and more broadly social scientific in its approach. It is also deliberately practical, reflecting the author's experience as a volunteer in Vanuatu's Public Prosecutor's office, and, in the final chapter, speaking to policymakers who want to manage the relationship between the two systems ("doing legal pluralism").

Chapter 1 introduces Vanuatu, while chapter 2 offers a comprehensive disentangling of ideas about "legal

pluralism." Forsyth identifies three strands: legal positivism, legal anthropology, and legal pluralism. Roughly, legal positivism takes the primacy of introduced law as given, while looking for ways that customary norms may be recognized or integrated at its margins. This was the colonial approach carried forward with little success by the postcolonial legal professions in the region. The second strand developed within academic anthropology. It began in an evolutionary way and was interested in processes as well as norms. It described the many systems of dispute resolution that existed outside the law. But, Forsyth argues, it tended to avoid prescription and comparison. Her preferred approach, legal pluralism, grew out of legal anthropology, particularly where it noticed continuing pluralism *within* European and American societies, not just along their colonial frontiers. This approach set itself against the claim that there is, or should be, one system of law in which the state dominates. Within legal pluralism Forsyth distinguishes three themes: the limits of state law, a focus on process rather than norms, and the heterogeneity of normative domains.

Forsyth then goes on in chapter 3 to review the ethnography of conflict management and leadership structures in Vanuatu, particularly the predominance of the public meeting as a method of resolving disputes, while chapter 4 is based on her own fieldwork, interviews, and documentary research into the customary system of dispute resolution as it works today. She identifies a number of problems: disputes over chiefly titles are causing the system to break down in some

places; respect for chiefs is decreasing; people are not turning up to meetings; some chiefs are acting unfairly, and there is no way to redress complaints about them; women and youth are often excluded from the process; and many chiefs are wondering if they can continue in the face of challenges to their authority. But she also finds widespread popular support for the continuation of the system, as well as chiefly interest in changing it.

Chapter 5 turns to the relationship between the state and customary systems, including the role of the police. Chapter 6 focuses on a particular rape case that shuttled back and forth between law and custom in a way that seemed to leave no one feeling that justice had been done. Chapter 7 steps back from the Vanuatu material to construct a typology of relationships between state and non-state justice systems, and chapter 8 proposes a general way of understanding the pluralism of any country's legal system. It runs from repression through forms of recognition, incorporation, and mutual adaptation, ending with a list of things each system might do to better accommodate the other. The final chapter suggests a step-by-step process whereby policymakers might manage a shift in functions from state to non-state so that they work in a complementary way.

This is a terrific book, not least in the way it demonstrates how a sophisticated theoretical approach can also suggest quite practical conclusions. It also has much broader relevance: as John Braithwaite (Forsyth's PhD supervisor) points out in a reflective introduction, people in Western countries also inhabit a world that is

recognizing the limits of state power (in privatization and in the rise of non-governmental organizations) and the heterogeneity of normative domains.

The book also raises and answers important questions. From the point of view of Pacific studies, Vanuatu may be an extreme case of a weak and divided colonial state, succeeded by a postcolonial state with a benign attitude toward "custom." Other countries in the region lie at different points along Forsyth's typology. Tonga might be at another extreme, where so-called "defensive modernization" in the nineteenth century produced a unified legal system that still marginalizes custom. And the attorney general in Fiji's military-backed Interim Government is chipping away at the heterogeneity of domains (particularly the indigenous Fijian domain) in Fiji's legal system, again in the interests of modernization.

Vanuatu has always had a vigorous private sector, and while Forsyth focuses on the relation between state law and custom, her analysis might be rounded out by including a third domain of private sector self-regulation, which relates to both. It could also be productively applied to activities other than dispute settlement, such as land tenure, mentioned above. The themes she identified in legal pluralism also seem very relevant to my own area of interest: corruption.

Following her framework, the limits of state law in relation to corruption are clear. Most countries have laws against bribery and other forms of misconduct. But the police are incapable of bringing prosecution against suspected culprits and are vulnerable to corruption themselves. Anticorruption

tion practice now emphasizes prevention over prosecution.

Forsyth's groundbreaking book is also a good example of the virtues of electronic publishing. It is available instantly, for free, as a PDF, while libraries and others out of reach of the Internet can order a paperback, printed on demand.

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Sin, Sex and Stigma: A Pacific Response to HIV and AIDS, by Lawrence James Hammar. *Anthropology Matters*, 4. London: Sean Kingston Publishing, 2010. ISBN 978-0-9556400-4-9, xvi + 426 pages, pictures, notes, bibliography, index. Cloth, US\$129.99.

This monograph concerns the relationship between HIV/AIDS and gender, social structure, and the cultural and religious politics of sexuality in Papua New Guinea. The author, a longtime scholar of sexuality and sexual health in that country, draws on historical and ethnographic work, media reports, policy documents, interviews, and his own research experience as his principal data sources. The major aim of the work is "to pay critical attention to several aspects of Papua New Guinea's national response to HIV and AIDS and hopefully thereby to strengthen it" (24). Thus, as opposed to being a disinterested academic, Hammar is an engaged advocate, compelled to write by a "hot glow of anger" (47) and his self-declared

"special responsibilities in the world" (387).

The book is divided into two very different sections. The first, "Sexual Networking and Sexually Transmitted Disease in the Pacific," contains five chapters. At the outset of these chapters, Hammar identifies 7—though there actually appear to be 8—key points on which the monograph is based: (1) National and international public health and policy personnel have not yet grasped the root causes of HIV transmission in Papua New Guinea. (2) The national response to HIV/AIDS has been based on insufficient empirical data. (3) Because HIV/AIDS programs are externally funded and rely on a foreign epidemiological model and surveillance system, the epidemiological database is too "loose" to capture behavioral practices and guide the national response. (4) The response to HIV/AIDS is too biomedical and technical in nature, and it ignores social factors. (5) The risk of contracting HIV has inappropriately been externalized away from oneself, one's marriage, and one's sexual partners. (6) This tendency to externalize risk is related to the inability of program managers, politicians, and religious leaders to accept normative sexual practices. (7) The "ABC" (Abstinence, Be faithful, use Condoms) model is inappropriate for Papua New Guinea—in concept, motivation, and implementation—and ignores the constraints of social structure, political economy, and gender. (8) Christian churches, more than any other institution, have encouraged unsafe sexual practices and prevented initiatives that would lead to safer sex.

The next three chapters are pri-

Kastom and state justice systems in Vanuatu. Authored by: Miranda Forsyth. DOI: <http://doi.org/10.22459/BFTW.09.2009>. Please read Conditions of use before downloading the formats. This book investigates the problems and possibilities of plural legal orders through an in-depth study of the relationship between the state and customary justice systems in Vanuatu. It argues that there is a need to move away from the current state-centric approach to law reform in the South Pacific region, and instead include all state and non-state legal orders in development strategies and dialogue. APA Citation. Forsyth, Miranda. (2009). *A bird that flies with two wings : kastom and state justice systems in Vanuatu*. Canberra : ANU E Press. MLA Citation. Forsyth, Miranda. *A bird that flies with two wings : kastom and state justice systems in Vanuatu / Miranda Forsyth* ANU E Press Canberra 2009. Australian/Harvard Citation. Forsyth, Miranda. 2009, *A bird that flies with two wings : kastom and state justice systems in Vanuatu / Miranda Forsyth* ANU E Press Canberra. Wikipedia Citation. Please see Wikipedia's template documentation for further citation fields that may be required. Report on Vanuatu Judiciary Conference 2006 : the relationship between the kastom and state justice syst