

# **Resident, Residence, Residency in Samoan Custom**

**By:**

**Tui Atua Tupua Tamasese Taisi Tupuola Tufuga Efi**

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## **Introduction**

This paper explores the concepts resident, residence and residency in Samoan custom. The link between these three concepts is inextricable and underline Samoa's complex customary systems and political orders. By highlighting the concepts of 'resident', 'residence' and 'residency' I draw deliberate attention to the connections between Samoan mythology, political history and culture.

The connection between Samoa's lands and titles system and Samoan mythology and genealogical history is fundamental. This connection can be traced throughout time. The significance of the principles of resident, residence and residency, i.e. of being resident, having a residence and having residency lies in that connection.

Resident, residence and residency are explored in this paper by reference to the *Mulinuu* and *Sepolataemo* and *Afeafe o Vaetofaga* residences. These provide some insight into the possible nature and design of Samoan customary law.

Residence refers to the specially named residence of a titleholder, particularly a paramount titleholder. Resident refers to the titleholder being resident in the place of residence. Residency, refers to the status or office of the titleholder. The residency term is for life.

Traditionally, the full power of residency required the existence of a residence and the performance of actually being resident in the residence. Today in Samoa there is much contestation over the meaning of these three concepts and the way in which they come together, particularly in the processes for determining Samoan custom.

We begin with Samoan mythology. Myth in this paper is equated with history.

### **Residence in Mythology**

In Samoan mythology the significance of residence originates from the mythology of creation. Here *Lagi* separates from *Papa* and travels to the skies to form the cosmos and thus the cosmos becomes known as *Lagi*. *Papa* remains beneath *Lagi* and so becomes *Lalolagi*, literally the earth beneath the *Lagi* or heavens.

The mythology of separation between *Lagi* and *Papa* is commemorated by naming the original residence of *Tagaloa*, *Lagi*. When *Lufasiatu* overpowered the *Tagaloas*, *Lagi* became the residence of the first *Tui Atua*. The original residence in *Leulumoega* of the first *Tui Aana* was also known as *Lagi*. It is still known to this day as *Lagi* but it is no longer the official residence of the *Tui Aana*. *Pili* who tried to revive the *Tagaloa* regime named himself *Tagaloaaopo* and named his residence in *Aopo* as *Lagi*.

Here the sacred character of residence originates from the Samoan mythology of creation. The connection between the gods of creation and a residence is sacred and is evidenced in the naming of places, in the lyrics and composition of chants and in the performance of rituals at certain events. This connection is also evident in the way in which Samoans draw links between man and his earthly environment. These are shown by equivalence. For example, the term *eleele* meaning earth and *palapala* meaning mud are also the words for blood. *Fatu* meaning rock is also the word for heart. *Fanua* meaning placenta is also the word for land. For Samoans these links point to *Papa* and *Eleele* as the progenitors of man.

In Samoan the word *maluapapa* meaning ‘security in your connection with *Papa*’ or the phrase ‘*ua papa le falī*’ (literally meaning ‘the trodden path’) is widely interpreted as referring to ‘the genealogical link through marriage of man and the gods’. This I am told is akin to the Maori word *whakapapa*. Here you have the inclusion of the name *Papa*, the progenitor of man, in phrases used to commemorate and evidence genealogical linkages. Through *Papa* there is a link between man and *Lagi*. *Lagi*, as the cosmos, is the sun, the moon and the stars. They are a constant, which guides sailing, fishing and planting.

Additionally, *Lagi* is the determinant of hourly, monthly and yearly time, hence the word, *itula*. The measure of daylight hours is *itula*, which literally means ‘the side of the sun in the boundary between sunlight and shade’. *Taumasina*, is the word used to signify the measuring of time by the appearances of the moon and *tausaga* the measuring of time by six monthly periods.

Furthermore, the death of a chief is described as *gasetoto le la* or *ua paū le masina*, which literally means the sun is dying through haemorrhaging and the moon falls. In each of these instances the significance of *Lagi* is, like *Papa*, as family, where the fate of man is shared by the skies.

In traditional Samoan custom when a person dies an *auala* or funeral ritual is performed. Part of the ritual requires the chanting of deference to *Tagaloa: Tulouna le lagi ma le lagi ma le lagi*. The chant ends with the assertion: *Palapu e, faatu lou i'u*, meaning 'Palapu get your prick up'. The chant recognises that after creation the celestials have the power to take life, whereas man has the power to make and sustain life. The point being made here is one of balance. Balance between the celestial and mortal power and between life and death. This underlines the equation between life and death and highlights the shared divinity between man and the gods.

These mythological underpinnings pervade Samoan housebuilding traditions, in particular the building of the round-shaped Samoan fale tele, called *maota* (i.e. the chief's house of residence) or *laoa* (i.e. the orator's house of residence). The installation of the *pou tu* (or main post/posts) and the completion of the *taualuga* (i.e. the wooden shelter on top of the post/posts) and *tulaga fale* (i.e. stone formation that forms the foundation of the house) are of note here. Each of these three parts of a *maota* or *laoa* are of significance for their symbolism, a symbolism steeped in mythology.

The setting of the main post/posts or *pou tu* marks the beginning of the house construction process. The main posts of the house are phallic symbols. The successful installation of the post/posts is celebrated as one of the principal phases in the construction. The ritual performed after the successful installation of the *pou tu* or post/posts is referred to as the *samiga o le faatuga o le pou tu*. This is the first high point in Samoan house construction.

The symbolic link between placing the main post/posts into the earth is the linking of man and *Papa* and *Eleele* which is equivalent to the *pute* (i.e. umbilical cord) and the *fanua* (i.e. placenta) being ritually buried in the earth.

In terms of the *taualuga*, its significance lies in its reference to the achievement of a point of climax in the construction of the mainframe of the house. When the *taualuga* is finished the main structuring of the house is complete. This is the second and final high point in Samoan house construction.

The *taualuga* ritual is referred to as the *samiga o le taualuga*. The term *samiga* denotes the involvement and inclusion of the sea, *sami*, in these rituals. The word *samiga* connects the elements of land and sea.

Formerly both rituals, the *samiga o pou tu* and the *samiga o le taualuga*, required human sacrifice.

*Taualuga* is a term commonly associated nowadays with Samoan dance. In dance, like in housebuilding, and even in speechmaking, the term denotes the reaching of a climax. The sexual connotations are obvious and deliberate. The sexual element in dance and in housebuilding denotes the object of procreation.

The final part of the house that I want to touch on here is the *tulaga fale* or stone foundation. The stone foundation is symbolic in that the word *tulafale* commonly used to mean ‘an orator’, is an abbreviation of the term *tulaga fale*. The *tulafale* represents the executive or temporal authority which stands between the mystical power of the *alii* (which derive from *Papa* and *Eleele*) and the mortal desires of man, portrayed by the phallic symbol of the post/posts.

The *alii*’s mystical powers provides him with a right of veto on executive decisions. However, this should only occur where the balance between the temporal and mystical is upset or seems about to be upset. The relationship between *alii* and *tulafale* can therefore also be linked to Samoan mythology.

Each of these parts of the Samoan house and the house building traditions associated with them are embodied in Samoan understandings of residence.

When there is a change in the place of residence Samoan custom requires two things to happen: (a) the remains of the dead and rocks and earth from the original residence are transferred to the base on which the main post/posts are placed in the new residence; and (b) recognition of the legitimacy of the original residence/residences are done in chant as shown in the tape of the installation of the Tui Atua. [SHOW TAPE].

One of the great *tapus* in Samoan traditional culture is that placed on the dialogue between the living and the dead. This is often expressed as *sa na tolofia le tofa poo le moe*, literally translated to mean, ‘that no one should be allowed to intrude into the imminent or actual dialogue

between the living and the dead'. Here the ritual of *liutofaga* and the significance of the concepts of *tofa* (i.e. received wisdom of a chief) and *moe* (i.e. received wisdom of an orator) is the spiritual connection of the residence with the wisdom of those who had resided before.

*Liutofaga* or secondary burial, in former times, meant the moving of the remains of the dead from a grave and reburying them under the main post/posts in a residence. Performing the *liutofaga* ritual underlines the idea of proximity where the dead being buried in the house helps to remind the living of the inextricable relationship between life and death. By reburying the dead in the new residence recognition is also given to the principle of continuity, where the medium for dialogue between the living and the dead requires close proximity between them.

The equation of life and death here is a reminder that the received wisdom of *tofa* and *moe* is consequential, i.e. the dead give spiritual support to the decisionmaking processes of the living. The words *tofa* and *moe* are also the words for sleep but it is sleep informed by the wisdom of the dead. When the chief or orator sleeps therefore there is a dialogue between them and their ancestors. This dialogue is known as *moe manatunatu*.

In final illustration of the mythological underpinnings of residence I note the related concept of *foaga* used in the saying *mu le foaga* meaning 'razing the nest'. *Mu le foaga* is the severest punishment in Samoan culture. The word *foaga* means more than a nest for it implies spawning and nurturing. To destroy the *foaga* by fire you destroy not only the physical construction, but more significantly, the spiritual nurturing occurring in the dialogue between the living and the dead. Here residence, as a place of spiritual nurturing, when burnt, destroys the continuity of *tofa* and *moe*, of genealogy, history and place.

Samoan honorifics are records of residents, residences and residencies. They are records of the continuity of natural inheritances and political constitutencies and of their roots in mythology. Through the identification of titles, *malae* (i.e. the village green or gathering place), *maota* and *laoa*, village and district hierarchies are noted. This defines residency, i.e. the status, office and power of a titleholder. It defines the *pule* or authority of the resident. And, it defines the *mana*, *tofa* and *moe* in the residence.

## **Resident, Residence, Residency and *Pule***

To illustrate my point about residence and residency further I move to a discussion of the way in which these are represented in the *Tui Atua* and *Tui Aana* inheritances. In the *Tui Atua* case I examine the residence of *Mulinuu* and *Sepolataemo*. In the *Tui Aana* case I examine the residence of *Afeafe o Vaetoefaga*.

### ***Mulinuu and Sepolataemo***

Early 1889 the *Tamasese* government withdrew from the *Mulinuu* peninsula in Apia and set themselves up in *Lufilufi, Atua*. The *Mataafa* forces took over the *Mulinuu* peninsula and established their seat of government there. Notwithstanding, the war continued. The rationale of the *Tamasese* government for moving to *Lufilufi* was (1) *Lufilufi* was more defensible in times of war and (2) the *Tui Atua* residence of *Mulinuu* and *Sepolataemo* was sited in *Lufilufi*.

To consolidate their residency claims the *Mataafa* forces then sought unsuccessfully to oust *Tamasese* from *Mulinuu* and *Sepolataemo*. The significance of this was because the *Mataafa* claim to the *Tui Atua* was untenable while *Tamasese* resided in the official residence of the *Tui Atua*, namely *Mulinuu* and *Sepolataemo*.

Similarly, in 1893, *Malietoa Laupepa* sought successfully to oust *Mataafa* from *Vaopipi* which is the official residence of *Malietoa* in *Malie*.

If the *Tamasese* regime in 1889 had moved to *Leulumoega*, in *Aana*, which had been their former base of power, it would have secured the support of their principal sponsor, the German colonial government, largely because the German investments were (in the main) in *Aana*.

The *Tamasese*'s have not been resident in *Mulinuu* and *Sepolataemo* from about the early 1900s. Moreover, the *Tamasese*'s have not built a residence in *Mulinuu* and *Sepolataemo* for a long while. Similarly, there has not been a *Malietoa* residence in *Vaopipi* for a long while.

When *Apia* became the centre of commercial activity in Samoa, the political significance of *Mulinuu* and *Sepolataemo* became subordinate or worse irrelevant. That is, the *Tui Atua* gained no political or economic advantage in being resident. This new political equation had

much bearing on the non-resident status of Samoa's paramount titleholders.

Over a century later, the issues of resident, residence and residency have resurfaced for the *Tamasese* family, although in quite a different context. In December 2003 I decided to review the status of the *Mulinuu* and *Sepolataemo* residence. I wanted to revive its cultural and customary significance. To do so I had to meet with the current occupiers of the properties to discuss the implications of such a revival.

Most of the occupiers had genealogical connections to *Lagi*, the daughter of *Tui Atua Muagututia*, who according to genealogical record is estimated to have held the *Tui Atua* residency in the 1650s (see attached genealogies). *Muagututia* designated *Tupua* (his son) to succeed as *sa'o* (chief) and directed *Lagi* (his daughter) to reside in *Mulinuu* and *Sepolataemo* as *feagaiga* or *sa'otamaita'i* (or village belle). According to Samoan custom the *sa'otamaita'i* i.e. *Lagi*, honorically referred to as *Seutaatia*, is subordinate to the *Tui Atua* who is the *sa'o*.

Discussions with the occupiers, *Lagi's* descendants proved difficult. After failed attempts to resolve points of difference, the issue went to Court, i.e. the Land and Title's court. In their submissions to the Court the occupiers, *Lagi's* descendants, claimed that the *Tui Atua* no longer had *pule* or authority over the *Mulinuu* and *Sepolataemo* lands. Notwithstanding their genealogical connections to *Lagi*, they claimed that by virtue of their long-term occupation of the lands or residence at *Mulinuu* and *Sepolataemo* and by implication my long-term non-resident status in the residence, that they had acquired *pule* over the lands and thereby over the residence.

When the court handed down its decision (16 December 2003, LC 10481 – P1) it effectively ruled against such a claim. In that decision it adopted the ruling of the Court in 1987, in the *Muagututi'a Vili et al vs. Leota Muava'a et al* case which decided the *pule* over the *Mulinuu* and *Sepolataemo* residence and *Tui Atua* residency. The Court in the 1987 decision ruled that, among other things:

“1. The Pule of the Maota Mulinuu & Sepolata'emo is vested in the holder of the Papa Tuiatua, the current holder of which is Tuiatua Tupua Tama Aiga”; and

2. “That Seutatia shall continue to occupy Mulinu’u and Sepolata’emo in accordance with the Mavaega of Muagututi’a.” (28 September 1987, LC 8384P1 – P8).

One can not dispel however the consequences of the vacuum caused by the non-resident status of title-holders. When lands are occupied and have been occupied for generations – as is the case for each of the residences of the paramount titleholders of Samoa – it is natural that these occupiers will become possessive and territorial.

An absentee titleholder creates a vacuum. The vacuum calls to be filled particularly in an environment where the chiefly hierarchy depends on the visible pre-eminence of the title-holder for its legitimacy. So if the *Tui Atua* is absentee or not resident for a long time it is to be expected that people will fill the vacuum. This is an inevitable part of the human condition.

The question then becomes, at least for our purposes, how does the non resident status of the *Tui Atua* impact on the customary role of the *Tui Atua* in contemporary times? How does it impact on the spiritual nurturing, the *moe manatunatu*, the continuity of dialogue between the dead and the living? And, what does it say about the contours of Samoan custom and customary law today?

I will come back to these questions. At this point it is more instructive to move to my second case.

### *Afeafe o Vaetoefaga*

The second case for analysis is a residence known as *Afeafe o Vaetoefaga* in *Vaialua, Aana*. *Afeafe o Vaetoefaga* means the refuge of *Vaetoefaga*.

*Vaetoefaga*, the daughter of the Tui Tonga, was the tenth wife of *Tui Aana Tamalelagi*. When *Vaetoefaga* became withchild, the news of her conception raised hackles amongst the issue of earlier marriages and their supporters. The reason being that because of *Vaetoefaga*'s prestigious genealogy her issue would have a pre-eminent claim to succession. For *Vaetoefaga* it was bad enough that she underwent the normal bodily stresses of early pregnancy, it was worse when weighed down by unsympathetic and even hostile reactions towards her.

As a result of such animosity *Vaetofaga* and her retinue ran off in the middle of the night to her Tongan kin who were established at *Vaialua, Aana*. She sought refuge with her brother, the leader of the Tongan entourage named *Ulualofaiga Talamaivao*. When she entered *Talamaivao*'s house he asked, "why do you come when it is not light"? "*Aisea ua e sopo mai ai e le'i malamalama?*" She responded, "my life and the life of my child are threatened". The question posed by *Ulualofaiga Talamaivao* became the name of his residence in *Vaialua*, abbreviated to *Sopolemalama*, by which it is known up to this day.

*Vaetofaga* then set up house near the pool of *Vaialua*. This was primarily because the water needed for drinking and bathing could therefore be easily accessed. This residence was named *Afeafe o Vaetofaga*. This name still survives today. At the time *Vaetofaga*'s house was surrounded by a protective cordon of houses, which housed her Tongan kin.

After the death of *Vaetofaga*, the *Afeafe o Vaetofaga* residence became a retreat for the *Tui Aana* who resided in *Nuuausala*, his residence in *Leulumoega*. *Leulumoega* is the capital village of *Aana* and adjoins *Nofoalii*, within whose boundaries the *Afeafe o Vaetofaga* residence is sited. *Afeafe o Vaetofaga* was a handy retreat for the *Tui Aana*, who occasionally needed a break from the stultified environment of the official *Nuuausala* residence.

Some time after, with the move of the political centre of Samoa to *Apia*, the *Afeafe o Vaetofaga* residence became disused. In fact since the early 1900s onwards there has been no real residence or *fale tele* in *Afeafe o Vaetofaga*. Today the significance of the *Afeafe o Vaetofaga* property lies in its link to Samoan history, customs and usages.

Last year my family and I began a project to restore the residence. In the course of doing so questions about legitimate land boundaries and *pule* inevitably emerged. Ultimately, as in the *Mulinuu* and *Sepolataemo* case, these questions boil down to issues around the non-resident status of the titleholder holding the *pule*. The circumstances of this case are slightly different however to that of the *Mulinuu* and *Sepolataemo* case. But together they highlight some of the unique and complex dimensions of Samoan customary law and as well the inextricable relationship between the concepts resident, residence and residency and the concept *pule*.

The *Afeafe o Vaetofaga* property was, and had been for some time, occupied by ‘squatters’. In this case the squatters were connected to the *Pulepule* family through *Taimalie Tofipau*, a Nofaalii title, but were not direct descendants of the *Pulepule* title. The original *Pulepule* and *Nofoasaefa*, progenitor of the *Tupua Tamasese* clan, were half brothers sharing a common patrimony. *Pulepule* and *Nofoasaefa* were the sons of *Tui Aana Galumalemana*, a resident *Tui Aana* and so were entitled to the *Vaetofaga* inheritance. *Pule* in this case is vested with the direct descendants of *Pulepule* and *Nofoasaefa*. *Pule* here is of significance, not as the primary point of contention but rather insofar as it affects the issue of deciding the boundaries of a property associated with a residence.

In this case resolution of the issue of a disputed boundary in *Afeafe o Vaetofaga* raised the question of jurisdiction. The question was: should the issue be referred to the jurisdiction of *Leulumoega* or *Nofaalii*? For more pragmatic than customary reasons, Nofaalii was given jurisdiction to mark and enforce the boundary.

*Afeafe o Vaetofaga* was traditionally part of the *Tui Aana* household. The *Tui Aana* officially resides in *Leulumoega* and so was the paramount *matai* of the *Leulumoega* hierarchy of *matai*. *Afeafe o Vaetofaga* however sat inside the boundaries of the adjoining village, *Nofaalii*. *Nofaalii*, as a distinct village, had and still has its own hierarchy of *matai*.

In the late 1930s *Pulepule* and *Tupua Tamasese* established the *Afeafe o Vaetofaga* boundary. However, because *Tupua Tamasese* and *Pulepule* have not been resident in the *Vaetofaga* properties for some time protecting the traditional boundary line has not been without problems.

Most recently, in 1996, the issue of encroachment on one side of the *Afeafe o Vaetofaga* property arose. The issue came to a head when the construction of a house encroached on the traditional boundary line established by *Pulepule* and *Tupua Tamasese* in the 1930s. Different markers were used to mark this boundary line and these markers were generally known to those in the area. Over time however these markers became more blurred and so the issue required formal resolve. Resolving the matter formally thus involved procuring in 2003: (a) written affirmation by the *Pulepule* family of the traditional boundary line; (b) affirmation by the Lands and Titles court of the *pule* of *Pulepule* and *Tupua Tamasese* in determining the boundary; and (c) Nofaalii village council protection over the *pule* and the boundary. Once the Nofaalii

village council gave support to the case, moving the squatters and the house they had constructed over the boundary became considerably easier.

I want to show a short video clip of Nofaalii villagers assisting in defining the boundaries of *Vaialua*. From April last year till now there has not been any challenges to this boundary nor to the Tamasese *pule* over *Afeafe o Vaetofaga*. [SHOW TAPE].

The *Afeafe o Vaetofaga* case raises, like the *Mulinuu* and *Sepolataemo* case, the significance of understanding the necessary genealogical propinquities of *pule* in Samoan lands and titles systems. *Pule* is a concept that runs across all aspects of Samoan life, from the ceremonial to the mundane. Samoan socialisation patterns are informed by understandings of *pule* and its relationships with the notions of resident, residence and residency. The vacuum created by a non-resident titleholder raises questions about *pule* that unearths the consequential relationships that can flow between a title holder who resides in his residence and his family and village members to whom his title belongs.

### **Researching and Restoring Samoan Customs**

To come back to the questions posed earlier: How does the non resident status of a titleholder impact on the customary role of that titleholder in contemporary times? How does the non-resident status of the titleholder impact on the spiritual nurturing, the *moe manatunatu*, the continuity of dialogue between the dead and the living in contemporary times? And, what does all this mean in terms of understanding the contours of Samoan custom and customary law today?

By researching customary law we engage in the restoration of Samoan customs. By engaging in this restoration we address these questions. In preparing for this paper I have reflected on the two cases of residence, that of *Mulinuu* and *Sepolataemo* and *Afeafe o Vaetofaga*. In both cases I have made suggestions about the points they raise in terms of the significance of the concepts of resident, residence and residency to Samoan customs and usages.

To me the impact of a non-resident titleholder is obvious. The impact is that the emotional bonding between the non-resident titleholder and those subject to his residency simply cannot be established. This bonding is what forms the man and generates the emotions, which inspires love and loyalty, not only to the titleholder but also to his

residency. Reverence for the residence and all it symbolises naturally follows. Without this the power and mana of the titleholder, his residence and residency fails.

There is a common saying in Samoan: *e le tu se Tamaaiga i se uaniu*, literally meaning a *Tamaaiga* does not stand on the top of the coconut tree. Put another way, it says that the *Tamaaiga* stands or falls because of the bonds of love and loyalty he is able to generate amongst his people, his *aiga*. If he is resident the requisite bonding obviously emerges more easily than if he is not. This is a powerful caveat to the *pule* of *Tamaaiga* and brings to the fore, in contemporary Samoan times, the significance of the customary and historical reference points of creation (or residency), genealogy (or resident) and place (or residence).

In reflecting on the *Mulinuu* and *Sepolataemo* and *Afeafe o Vaetofaga* cases and on the questions posed one cannot help but to ask: what should be done to ensure that the legacy, the *tofa* and *moe*, of Samoan customs and usages continues amongst future generations? And, continues despite the universalising effects of globalisation and the messiness of cultural politics.

In searching for answers it seems to me that much can be gained by taking on board the principles of sharing and accommodation. Both principles run throughout Samoan customary practices whether in times of peace or war. Samoan custom is founded on mythology and therefore so too is Samoan customary law. Sharing and accommodation are fundamental to the continuity of family and place, of residence and residency, of sustaining peace or ending war.

To share divinity with the gods is to highlight the sacred essence of man. To share genealogies between men is to show the continuity between life and death. To research and restore Samoan customs of old is to research and restore the link between men and the gods, between the present and the future. Whilst Samoan custom marks tradition, Samoan culture marks change. Understanding the need to blend custom and culture so that the verities of both continue is the challenge of Samoan focussed research, whether into Samoan customary law or otherwise.

My interest in customary law came alive when reading the *Te Matapunenga* work by Professor Richard Benton, Dr Alex Frame and Paul Meredith and others from the *Te Matahauariki Institute*. Hirini Mead's book *Pepeha* also brought home to me the substance of common heritage, underlined by the inference that Maori language is archaic

Samoan. The connections made in both initiatives underlined for me a potential methodology for exploring Samoan customs and usages, a methodology that blends the rigour of academic scholarship with the soul of actual experience. Researching and restoring Samoan customs to understand Samoan culture, customary law or other, requires the elements of performance and intellect. In sharing culture and finding an accommodation between cultures Samoans can learn from others and vice versa.

Sharing knowledge or finding an accommodation of competing views or perspectives is part of the vision of the Centre for Cultural Research and Restoration in Samoa. This is situated in *Afeafe o Vaetofaga*. When it was planned to construct a *Fale Tele* on the site of the *Afeafe o Vaetofaga*, Tongan lashers' were invited to come and lash the posts in recognition of the original owners' Tongan connection. Dr *Okusi Mahina* from Auckland University was consulted and through his auspices *Filipe Tohi* from Tonga was enlisted to do the lashings.

On the completion of the first phase of lashings *Filipe Tohi* was invested with the title *Sopolemalama*. To invest the title, *Tamasese* sought the permission of the current *Ulualofaiga Talamaivao*. The name *Sopolemalama* seemed appropriate because it symbolised the feagaiga relationship between *Talamaivao* and his sister *Vaetofaga* and as well with the family of *Tui Tonga* in Tonga.

At the completion of all the lashings *Sopolemalama Filipe Tohi* informed Tupua Tamasese that he wished to gift his art known by ritual as *Fafano* in Samoan and *Fanofano* in Tongan to his two Samoan assistants. The significance of the ritual to this paper is the way in which the principle of sharing between kin and history is embodied in its performance. I want to show a tape of this ceremony. [SHOW TAPE]

Restoring custom through performing custom is the purpose of reviving rituals. Research centres bring custom into the present. They provide a *turangawaewae* or *tulaga vae*, a place, a residence, where our Samoan-ness, our Samoan customs, our residents and residencies, can stand.

## **Conclusion**

To end I want to reiterate the principles of sharing and accommodation, *pule* and *alofa*, resident, residence and residency, and custom and culture, through a point about seasons.

There is in Samoan culture a biblical consciousness for seasons - a season for war and a season for peace; a season for fighting and a season to come together and reason; a season for dissension and a season for accommodation. There has been a season of conflict as has been represented by the litigation mentioned in this paper that went to the Lands and Titles court. In resolving the issues the Court's judgement echoes the call of *Fonoti*. Here the Court, like *Fonoti*, issues an imperative for accommodation.

For *Fonoti* the call is an invitation to his rival *Toleafoa* to come and reason together at *Mulinuu and Sepolataemo*. As *Fonoti* felt his strength failing, he prefaced his last testament with the words: "you do not heed my call, but even though I do not see your face nor hear your voice I call your name". *Fonoti* then proceeds to divide the *Salamasina* inheritance in such a way that it guaranteed peace in Samoa for several centuries. This is Samoan custom, this is Samoan customary law; this is a resident, in residence, with residency.

Soifua.

## Appendices:

1. Map of Samoa (Atua, Aana, Leulumoega, Nofolii and Lufilufi noted within the island of Upolu)
2. Genealogical evidence of the Tui Atua title
3. Copies of 2004 Samoan Land & Title's Court Decision re case: *Tuiatua Tupua Efi et al vs. Nofatolu Pita Meredith et al* (LC 10481 P1) & 1986 Samoan Land & Title's Court Decision re case: *Muagututi'a Vili et al vs. Leota Muava'a et al* (LC 8384P1 – P8).