

# THE KNOWLEDGE AND POLITICS OF LAND LAW\*

By

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'...our socialism poses no threat to anyone.'

(Maurice Bishop)

## I. INTRODUCTION

TO criticise can on occasion be to compliment and this is one such occasion. The Report of the Commission of Inquiry into Land Matters was in its time of enormous significance and it remains so.<sup>1</sup> Yet, ten years on, it is time to see it in perspective, to build on it yet mark its limits and move beyond it, confronting neglected and new challenges in the politics of land law. This paper attempts to do these various things in the setting of rural land holding.

Because of its historical importance and because of the acuteness and breadth of its analysis, the Report of the Commission remains an inevitable starting point. Having looked briefly at the Commission's work and achievement, I seek to 'locate' the Report in the knowledge available to the Commission and in the politics of the time. This exercise reveals some crucial gaps and evasions in the Commission's work. Most especially, the Commission, for reasons which I indicate, ignored evidence of the effects of capitalism when these effects would undermine its proposed system of land tenure, yet the Commission uses such effects to rule out reliance on forms of group production which it does not favour. Further, the Commission failed to explore the questions of development and of adequate forms of capital accumulation. These defects have been pushed to the fore by changes subsequent to the Report which the paper then explores. These include the expansion of capitalist social relations in the countryside, the increasing commodification of land, and the growth of land shortages and landlessness. In short, rural society in Papua New Guinea is fitting into patterns of underdevelopment and of backward capitalism that typify much of the third world. The Commission does have recommendations relevant to these things but these are found to be wanting. At best, at very best, the Commission provides a system of land tenure compatible with mild social stratification and an impoverished, semi-proletarian production for and subordinate to the world market - for, basically, the centres of 'advanced' capitalism. The paper ends with an interpretative conclusion indicating that radical and hard choices have to be made to confront present trends towards underdevelopment.

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\* With characteristic generosity, David Hegarty gave me a lot of information which I have drawn on here. The organisers of the 1982 Waigani Seminar created the exciting opportunity to gather much of the material for this paper. Jim Fingleton provided work-in-progress which proved particularly enlightening.

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1. **Report of Commission of Inquiry into Land Matters** (Department of Lands, Surveys and Environment, Port Moresby, 1973).

## II. THE COMMISSION AND ITS WORK

The Commission was one of the most significant markers of decolonisation. At its broadest, the work of the Commission marked a reaction against colonial domination symbolised, more particularly, in an increasingly insensitive and inept colonial regime which, in 1971, sought to have a new complex of land laws enacted in a way that was close to contemptuous of the legislature. Although Ward's admirable diatribe against these proposed laws galvanised the House of Assembly into rejecting them,<sup>3</sup> it is most probable that the members reacted more against how they were being treated than positively for Ward's progressive views.<sup>4</sup> The Commission's terms of reference and Report were a little more explicitly positive but still, like their initial impetus in the House's rejection of the colonist's land laws, they were basically reactive. So, a dynamic of the Report, and one vigorously promoted by key advisers, was that certain things were to be avoided: landlordism, large inequalities in land holding (and, by clear implication, large accumulations of capital), excessive individualism and excessive communalism. But what was positively advocated was incoherent or evasive. Thus, the Eight Aims were relied on;<sup>5</sup> but these themselves constituted a reactive and diffuse strategy, as I have tried to show elsewhere.<sup>6</sup> An ostensibly coherent positive element relied on by the Commission for its recommended system of land tenure was the 'building on a customary base'.<sup>7</sup> This proved a massive evasion. As we shall see in more detail shortly, the so-called customary base has proved to be a base for social practices of inequality and land-based exploitation - outcomes which the Commission resolutely set itself against. This contradiction was not explored because it divided members of the Commission. Some indeed favoured an individualistic extreme in land holding, to use the Commission's terms,<sup>8</sup> and some were opposed to this and the talismans of the 'customary' and the Eight Aims conveniently fudged the issue. By implication as well as explicitly, the report positively favours 'commercial' production in that it abruptly finds 'customary groups' to be not very good at it and, therefore, 'unsatisfactory' in this.<sup>9</sup> Yet customary groups are vaguely held to be apt holders of ultimate title over land, somehow encompassing and overlooking strong individual rights in such land; a clearer definition of individual rights, remarkably, was not seen as threatening the customary base.

Finally, another positive element, and a real achievement of the Commission, was that it travelled and consulted extensively throughout the country and could claim that its views corresponded with those of 'the people'. This claim, however, does have its own ambi-

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2. J.S. Fingleton, 'Land Policy in Papua New Guinea' in David Weisbrot, Abdul Paliwala and Akilagpa Sawyerr (eds.) *Law and Social Change in Papua New Guinea* (Butterworths, Sydney, 1982) 107.
  3. A.D. Ward, 'Agrarian Revolution: Handle with Care' (1972) *New Guinea* 6: 25-34.
  4. See Fingleton, *op.cit.*, 107.
  5. *Report of Commission of Inquiry into Land Matters, op.cit.*, 12,27.
  6. P. Fitzpatrick, 'The Making and Unmaking of the Eight Aims' in W. Lee and P. King (eds.) *Rhetoric or Reality?* (University of Papua New Guinea, forthcoming).
  7. *Report of Commission of Inquiry into Land Matters, op.cit.*, 12.
  8. *Ibid.*, 12.
  9. *Ibid.*, 18.

guities. Certain elements of 'the people' are more adept and accepted in the expression of views and the pursuit of their interests. To take the instance of that segment of the people called women: their position in regard to consultation and rights to land is hardly central or secure and, indeed, women had little to do with the making of the Report apart from a very few formal submissions and doing the typing; the Report does little more than confirm their subordinate status in the 'customary base'.<sup>10</sup>

Still, it would evidence a poor sense of history and would disregard the great innovative aspect of the Commission's work to say these defects warrant disregarding the Report. It remains in its massive authority and influence an unavoidable starting point in working towards an adequate tenure system. And there are particular aspects which obviously merit mention, even if here this need only be in passing. Its system of settlement of land disputes has been a conspicuous success and if the Plantation Redistribution Scheme has its defects, these usually are not attributable to the Commission and the Scheme remains a courageous attempt at justice.<sup>11</sup>

### III. THE BACKGROUND TO THE REPORT

I will look at the background of the Report's creation in two dimensions. One is a brief and broad characterisation,<sup>12</sup> in a particular perspective, of the socio-economic forces at work. The other comprises the more detailed knowledge and politics that shaped the Report. As for the socio-economic forces, the perspective stressed here is that we are dealing with the combined effects of capitalist and pre-capitalist modes of production. These two elements can be separated out for purposes of analysis but their effects in reality are combined. This leaves no 'customary base' to ground the Commission's central recommendations. Such a 'base' is now integrally tied to capitalist social relations. At the same time I would argue that we cannot accept the simplicities of those theorists who would see social relations in the third world in terms only of capitalism. We are dealing with a combined resultant that cannot be reduced to either the 'customary base' or the capitalist mode of production.

It is commonly thought that the introduction of the capitalist mode of production into what is now called the third world has had an unequivocally solvent effect on the existent, pre-capitalist modes of production. This was not always or even usually the case. Papua New Guinea was, under various imperial powers, made up of colonies of weak capitalist penetration. The capitalist mode of production did not have a totally transforming effect on the pre-capitalist mode. Rather, the introduction of the capitalist mode served, at both the economic level and through the action of the colonial State, to conserve the pre-capitalist mode so as more effectively to exploit it.

10. See, e.g., *ibid.*, 99-100.

11. Cf., Jim Fingleton, 'Comments on Report by the Committee of Review into the Plantation Redistribution Scheme August-September 1979' in Michael A.H.B. Walter (ed.) **What Do We Do About Plantations?** Monograph No.15 (Institute of Applied Social and Economic Research, Boroko, 1981).

12. For an elaborated account see Peter Fitzpatrick, **Law and State in Papua New Guinea** (Academic Press, London, 1980).

The pre-capitalist mode hugely subsidised the provision of labour for the colonists' plantations and mines and came to bear much of the cost of peasant production for the market. Also, the conservation of the pre-capitalist mode maintained ethnic division and thus countered both class organisation and concerted political action on the part of the colonised. These conditions of the operation of Papua New Guinea's political economy remain relevant today; they are, if anything, heightened with the massive presence of natural resource capital.<sup>13</sup> All this is not to say that the capitalist mode of production did not effect profound, even basic, changes in the pre-capitalist mode.

A key change of relevance here involved the strengthening of dominant social positions. In the colonial period a system of petty indirect rule operated in practice. Leaders, or agents whom they controlled, were often appointed as 'native' officials to positions of local authority at the communal group level or somewhat slightly beyond. Leaders used this position to increase their economic and political power. They used the introduction of local government councils and co-operatives to the same effect. It could not be expected, however, that these developments would have altered dominant positions fundamentally without some accompanying change in the material base. It is only lately that a change of this kind has assumed significant proportions. Papua New Guineans have but recently engaged in rural production for the market on any major scale and this production has been greatly concentrated in the hands of dominant social elements. In this, followings and networks within the pre-capitalist mode proved an adaptive source of capital accumulation and labour. Reliance on this source means that pre-capitalist relations have some purchase here on production for the market. Followers will, through exchange, continue to make distributive demands on leaders. The use of sorcery and of physical violence against leaders who try to resist these demands and 'break away' is not uncommon. Nonetheless, production for the market and commodity exchange do provide a base for the leader alternative to pre-capitalist relations. It is a base potentially more extensive than anything required to meet pre-capitalist type exchange obligations. State action, not without considerable ambivalence, does assist in the wider emergence of dominant elements through loans and technical services and through legal devices for easing the means of production out of group control. But if these elements were given their head and could fully attain the ranks of the bourgeoisie this would make for an undermining of the pre-capitalist mode of production. State action considerably counteracts such a tendency by continuing to act in conservation of the pre-capitalist mode. Also - as I will indicate shortly - the pre-capitalist mode itself develops to accommodate such as the leader's expansionary activity and the hold which pre-capitalist relations have on dominant elements is often maintained. The predominant result, so far, has probably been for leaders both to attain some independent base yet to remain considerably integrated into the communal mode.

On the whole, production for the market has been imported and neither extensively nor intensively encouraged. For the mass of the peasantry, involvement in production for the market is small, inte-

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13. See *ibid.*, 13,17-18.

grated with, and incidental to, production within the pre-capitalist mode. In some instances the capitalist mode of production does have a more direct and comprehensive grip on rural life. For example, there are some nucleus estates where the producers' dependence on production for the market is extensive. Indeed - and the point is copiously illustrated later - capitalist social relations have of late made large inroads into rural life. Yet the pre-capitalist mode of production is not something static, something responding passively to the effects of the capitalist mode. It reacts vigorously and creatively in the cause, as it were, of its own survival. The influx of new goods and currencies was considerably absorbed in pre-capitalist type exchange - more particularly, in replacing some exchange objects, in an inflation of exchange values and in a general extension and intensification of exchange transactions. This development strengthened the position of leaders since they were the organisers of much exchange activity. Such strengthening is based on an expansion of the pre-capitalist mode which, to a large extent, continues to accommodate and to contain the dynamism of leaders. Yet, as we shall see, these restraints are proving less effective in many areas and more untrammelled capitalist relations in the countryside are becoming common.

Turning now to more detailed knowledge and politics, we find that in various ways the Report of the Commission of Inquiry was closely related to the contemporary store of knowledge about land and rural production. The key assumption derived from academic branches of that knowledge was that a form of 'intermediate tenure' was evolving which could combine varying individual rights of use with group rights of some overall control.<sup>14</sup> Individually based production was necessary; the group was not in 'commercial' terms a viable production unit; but to promote the individual 'excessively' would be to undermine the group and thus would undermine Papua New Guinean society.<sup>15</sup> This 'intermediate' approach was conceived of as reflecting reality: '[o]ur approach is ... to encourage evolution of certain existing features of our society'.<sup>16</sup> It was a populist solution and one which quite explicitly did not seek to effect any dramatic change in Papua New Guinea society. Like most populist solutions it evaded basic conflicts and divisions that could prove fatal to it. Let us look more closely at the then contemporary evidence and the politics of the Commission's work.<sup>17</sup>

In terms of academically-generated knowledge, the Commission got the elements of the 'evolutionary' mix right, even if we must question its perception of the nature of the mix itself. Individual control over land had increased considerably, developing in many areas almost to the exclusion of group interests.<sup>18</sup> A strong indi-

14. Cf. on this and influential evidence from other parts of the Pacific, Ron Crocombe, 'Land Reform: Prospects for Prosperity' in Ron Crocombe (ed.) *Land Tenure in the Pacific* (Oxford University Press, Melbourne, 1971) at 383-84.

15. *Report of Commission of Inquiry into Land Matters*, op.cit., 12,17-18,27.

16. *Ibid.*, 12.

17. Some of the references here are to work published after the Report but these reflect knowledge available and influential at the time of the Commission's work. In this account of knowledge there is some overlap with parts of ch.5 of Fitzpatrick, op.cit., (1980).

18. Diana Howlett, R. Hide and Elspeth Young, *Chimbu: Issues in Development*, Develop-

cation of some need to recognise this was evidenced in various unofficial and semi-official land registers that had emerged.<sup>19</sup> Although it was probably not extensive, unofficial transfers of land as a commodity were taking place between members of different groups.<sup>20</sup> Various operative strategies had developed to restrict the range of obligations effective in succession to land, to increase individual control over the process and to confine transmitted rights more to the nuclear family or to a favoured son.<sup>21</sup> Nor were these trends without suggestive precedent in the 'customary base'. In a great many pre-capitalist social formations individual rights were well developed and well defined.<sup>22</sup> This tendency is usually seen as related to greater population density, but it is probably seen more incisively as a correlate of greater agricultural intensity.<sup>23</sup> With the extension of cash-cropping after the second world war and, later, of cattle-raising, there emerged a greater awareness of land as having a reified value and greater, and effective, pressure for more clearly defined individual rights in land.<sup>24</sup> Actual and imminent

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18. *Continental Studies Monograph No.4* (The Australian National University, Canberra, 1976) 41-42; Louise Morauta, **Beyond the Village: Local Politics in Madang, Papua New Guinea** (Australian National University Press, Canberra, 1974) 68; Richard F. Salisbury, **Vunamami: Economic Transformation in a Traditional Society** (Melbourne University Press, Carlton, 1970) 123; R.T. Shand and W. Straatmans, **Transition from Subsistence: Cash Crop Development in Papua New Guinea**, New Guinea Research Bulletin No.54 (New Guinea Research Unit, Port Moresby, 1974) 144; S. Rowton Simpson, 'Land Problems in Papua New Guinea' in Marion W. Ward (ed.) **Land Tenure and Economic Development: Problems and Policies in Papua New Guinea**, New Guinea Research Bulletin No.40 (New Guinea Research Unit, Boroko, 1971) 171; Alan Ward, 'Land Administration - the Key to Social Equality' paper delivered at the 48th ANZAAS Congress, Melbourne, 1977, 13.
19. Theo Bredmeyer, 'The Registration of Customary Land in Papua New Guinea' paper delivered at the Seventh Waigani Seminar, Law and Development in Melanesia, Waigani, 1973, 11 (also in (1975) 3 *Mel. L.J.* 226); R.G. Crocombe and G.R. Hogbin, **Land, Work and Productivity of Inonda**, New Guinea Research Bulletin No.2 (New Guinea Research Unit, Port Moresby, 1963) 39,89-90; E. Ogan, **Business and Cargo: Socio-Economic Change among the Nasioi of Bougainville**, New Guinea Research Bulletin No.44 (New Guinea Research Unit, Port Moresby, 1972) 82,159-60. Cf. also T.S. Epstein, **Capitalism, Primitive and Modern: Some Aspects of Tolai Economic Growth** (Australian National University Press, Canberra, 1968) 115,129.
20. Bredmeyer, *op.cit.*, 11; Jim Fingleton, personal communication.
21. Epstein, *op.cit.*, 107-08; Graham Jackson, **Cattle, Coffee and Land among the Wain**, New Guinea Research Bulletin No.8 (New Guinea Research Unit, Port Moresby, 1965) 49; David Morawetz, **Land Tenure Conversion in the Northern District of Papua**, New Guinea Research Bulletin No.17 (New Guinea Research Unit, Port Moresby, 1967) 26; Ogan, *op.cit.*, 159-60; Olga van Rijswijk, **The Silanga Resettlement Project**, New Guinea Research Bulletin No.10 (New Guinea Research Unit, Port Moresby, 1966) 45; Robert Wanji, **General Statement of Customary Rules of Succession in the Amele Area, Madang Province, and the Mosera, East Sepik Province**, Occasional Paper No.3
22. D.A.M. Lea, **Abelam Land and Sustenance**, Ph.D. Thesis (The Australian National Enga of New Guinea (Oliver and Boyd, Edinburgh and London, 1965) 294; Shand and Straatmans, *op.cit.*, 142-43.
23. Paula Brown and Aaron Podolefsky, 'Population Density, Agricultural Intensity, and Group Size in the New Guinea Highlands' (1976) *Ethnology* 15: 211-238 at 217,221; Ron Crocombe and Robin Hide, 'New Guinea' in Crocombe (ed.) *op.cit.*, 305; Howlett et al., *op.cit.*, 100-01.
24. See for example Crocombe and Hogbin, *op.cit.*, 75; J.B. Page, **Notes on Land Law and**

land shortages doubtless contributed here.<sup>25</sup> There was also a growing awareness of the significance of devoting land to long cycles of use with cash-cropping and a consequent adjustment of customary rights, including the exclusion of cash crops from certain tenurial arrangements.<sup>26</sup>

Yet for the mass of the peasantry high agricultural intensity and land shortage did not seem to be the norm, and involvement in commodity production was quite small.<sup>27</sup> Overall it may well be that group rights were not definitively displaced and that the Commission got the second key element of its mix - some group control - broadly 'right'. In terms of the 'customary base' the group was the site of distributive demands which checked 'individualistic extremes'.<sup>28</sup> Wealth accumulations being founded in personalised exchange transactions meant there was no enduring institutional basis for economic stratification.<sup>29</sup> Distributive demands continued to be made in the contemporary situation backed by such ultimate sanctions as sorcery and (the threat of) physical attack.<sup>30</sup> More positively, it seemed to be generally the case that some overall group control persisted, and even strong individual rights and powers over land did not seem to be inconsistent with the maintenance and continued relevance of wider group relations.<sup>31</sup> Cash-crops involve such a commitment of

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24. *ctd.* **Custom amongst the Amele Speaking People of the Mandang Central**, Sub-District (typescript, Madang, 1964) 17; R.T. Shand, 'Papua New Guinea' in R.T. Shand (ed.) **Agricultural Development in Asia** (Australian National University Press, Canberra, 1969) 310.
25. Tony Barnett, 'Land and People in Papua New Guinea' (1976) *Yagl-Ambu* 3: 203-13.
26. A.L. Epstein, **Matupit: Land, Politics and Change among the Tolai of New Britain** (Australian National University Press, Canberra, 1969) 136; Jackson, *op.cit.*; Page, *op.cit.*, 8; Michael Panoff, 'Land Tenure among the Maenge of New Britain' paper delivered at the Third Waigani Seminar, Land Tenure and Indigenous Group Enterprise in Melanesia: Legal and Social Implications, Waigani, 1969, 24; Shand and Straatmans, *op.cit.*, 145; S.S. Smith and R.F. Salisbury, **Notes on Tolai Land Law and Custom** (roneo, Kokopo, 1961) 7; cf. Crocombe and Hogbin, *op.cit.*, 72, 79.
27. Howlett et al., *op.cit.*, 211, 220; R. McKillop, 'Coffee Industry' in **Papers on Primary Industry Commodities, Part I**, History of Agriculture Discussion Paper No.1 (University of Papua New Guinea and Department of Primary Industry, Port Moresby, 1977) 8; Shand and Straatmans, *op.cit.*, 185.
28. Cf., **Report of Commission of Inquiry into Land Matters**, *op.cit.*, 12.
29. Cf., M.D. Sahlins, 'Poor Man, Rich Man, Big Man, Chief: Political Types in Melanesia' in I. Hogbin and L.R. Hiatt (eds.) **Readings in Australian and Pacific Anthropology** (Cambridge University Press and Melbourne University Press, London and New York, 1966) 196.
30. Ben R. Finney, **Big-Men and Business: Entrepreneurship and Economic Growth in the New Guinea Highlands** (The University Press of Hawaii, Honolulu, 1973) 114; R. McSwain, **The Past and Future People: Tradition and Change on a New Guinea Island** (Oxford University Press, Melbourne, 1977) 125.
31. David Birmingham and Brian Scoullar, **The Ombisusu-Tara Village Rubber Project of the Northern District**, Agricultural Extension Bulletin No.7 (Department of Agriculture, Stock and Fisheries, Port Moresby, 1974); R.B. Dakeyne, 'Changes in Land Use and Settlement among the Yenga' in **Orokaiva Papers: Miscellaneous Papers on the Orokaiva of North East Papua**, New Guinea Research Bulletin No.13 (New Guinea Research Unit, Port Moresby, 1966); Geoffery G. Gray, 'Land Tenure Conversion in the Northern District: the Effects of Land Tenure Conversion at Ombi-Tara' (New Guinea Research Unit, n.d.) 7; A. Ploeg, **The Situm and Gobaru Ex-Servicemen's Settlements**, New Guinea Research Bulletin No.39 (New Guinea Research Unit, Port

the land that it seemed to be, general that group permission be obtained before their planting.<sup>32</sup> Also it was the case that at least some groups would refuse to allow the planting of cash crops.<sup>33</sup> Even when the colonial State had moved with an apparent strong resolve to individualise land tenure under the **Land (Tenure Conversion) Act 1963**, some group controls and group interests in land continued to have effect.<sup>34</sup> The most dramatic instance of the efficacy of group interests comes with the death of 'big peasants' whence there is a tendency for their enterprises to dissolve in the solvent effect of group pressures.<sup>35</sup> The maintenance of the group element had received powerful support also in a colonial State which sought to preserve elements of a pre-capitalist mode that subsidised commodity production and maintained ethnic division. Indeed the similarity here in the discourses of the colonist and of the Commission is suggestive. For the colonist, to take a typical sample, Papua New Guinean development was to be built 'on the foundations of native society' preserving 'native social organisation'.<sup>36</sup> The Commission recommended 'building on a customary base' and maintaining 'the basic social structure of the people'.<sup>37</sup> The colonial State and its wide-ranging controls,<sup>38</sup> including controls on land dealing, were utterly central in this. The Commission placed as much confidence in the post-colonial State as the colonists had placed in theirs, but more of that later.

So, subject to some passing uncertainty about reliance on the State, the Commission seems, so far, to have been on solid ground. The knowledge that the Commission generated in public meetings and submissions as it is reflected in the Report generally fits this picture derived from contemporary academic knowledge. The striking success, even by 1972, of the Development Bank's Clan Land Usage Agreements indicated that a comparable combination of individual and group in the Commission's scheme was a winning formula. But there are some remarkable gaps in the Commission's operative perception of the knowledge available to it.<sup>39</sup> So, the Commission was concerned to prevent inequality developing, but there was a curious failure to confront inequalities already developed. Contemporary knowledge provided abundant evidence of this. Structures of domination and

31 ctd. Moresby, 1971); cf., Mervyn Meggitt, 'From Tribesmen to Peasants: the Case of the Mae Enga of New Guinea' in E.R. Hiatt and C. Jayawardena (eds.) **Anthropology in Oceania: Essays Presented to Ian Hogbin** (Angus and Robertson, Sydney, 1971) 208 and Morawetz, *op.cit.*, 36-37.

32. G.R. Hogbin, **A Survey of Indigenous Rubber Producers in the Kerema Bay Area**, New Guinea Research Bulletin No.5 (New Guinea Research Unit, Port Moresby, 1964) 73; Morawetz, *op.cit.*, 13; Page, *op.cit.*, 13; Salisbury, *op.cit.*, 71; Smith and Salisbury, *op.cit.*, 8,13.

33. Thomas G. Harding, 'Wage Labour and Cash Cropping: the Economic Adaptation of New Guinea Copra Producers' (1971) **Oceania** 41: 192-200, 196; Shand and Straatmans, *op.cit.*, 143.

34. Birmingham and Scoullar, *op.cit.*, Dakenye, *op.cit.*; Gray, *op.cit.*; Morawetz, *op.cit.*; Wanji, *op.cit.*.

35. Fitzpatrick, *op.cit.* (1980), 126-27.

36. Paul Hasluck, **A Time for Building: Australian Administration in Papua New Guinea** (Melbourne University Press, Carlton, 1976) 141.

37. **Report of Commission of Inquiry into Land Matters**, *op.cit.*, 12.

38. See generally Fitzpatrick, *op.cit.* (1980) chs. 3,4 and 5.

39. See, e.g., **Report of Commission of Inquiry into Land Matters**, *op.cit.*, 12-13.



exploitation within the peasantry had and have been little studied, but there were numerous indications that, for whatever reasons, profound and growing inequalities existed.<sup>40</sup> The dynamics of these inequalities, bring out two related defects at the core of the Commission's reliance on 'the customary base' to counter inequality. One is that the customary base was not an innocent in matters of inequality. The other is that, in a real sense, the customary base no longer existed. It was now integrally tied to the capitalist mode of production which created two key effects: it introduced potentially much greater inequalities, often building on and heightening inequalities in the customary base; further, it introduced structures of inequality that could withstand restraining, equalising forces within the customary base. Let me look briefly at the knowledge of the dynamics of inequality.

Elements of inequality in the customary base have been documented for such forms as the big man, ascribed chiefly status and gender division. Apart from inequalities founded on gender, and some advantages transmitted to heirs, these inequalities were, by and large, personal in that their particular social configurations passed with the passing of pivotal individuals. Even short of that the accumulated wealth was not unfettered but bound in restraining distributive exchange ties. With the introduction of the capitalist mode of production, dominant individuals used their position to advantage in commodity production, drawing on 'traditional' resources for land and labour.<sup>41</sup> The 'customary' had and, in large degree, maintains some basis in the 'modern'. It would seem also that with the more intense dissemination of shell currency by the colonist and the introduction of money, there were more, and more accessible assets for use by aspiring big men and hence wider opportunities for big men to emerge.<sup>42</sup> It is not necessarily or even usually the case that domi-

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40. See references in T.S. Epstein, 'The Setting for Socio-economic Planning' in Marion W. Ward (ed.) **People and Planning in Papua New Guinea**, New Guinea Research Bulletin No.34 (New Guinea Research Unit, Boroko, 1970) 50-51, and see also: R.G. Crocombe, 'Four Orokaiva Cash Croppers' in R.G. Crocombe (ed.?) **Papuan Entrepreneurs**, New Guinea Research Bulletin No.16 (New Guinea Research Unit, Port Moresby, 1967) 17; Ben R. Finney, *op.cit.*, 85; Andrew Strathern, 'The Entrepreneurial Model of Social Change: From Norway to New Guinea' (1972) **Ethnology** XI: 368-79, 373-74. There was much research-in-progress during the Commission's work which provided further evidence of inequality; how much of this was available to the Commission is not clear. This research is covered later.
41. T.S. Epstein, 'Personal Capital Formation Among the Tolai of New Britain' in R. Firth and B.S. Yamey (eds.) **Capital, Saving and Credit in Peasant Societies** (Allen and Unwin, London, 1964); Epstein, *op.cit.* (1968) 46; B.R. Finney, **New Guinean Entrepreneurs**, New Guinea Research Bulletin No.27 (New Guinea Research Unit, Port Moresby, 1969) 21,28; Finney, *op.cit.* (1973) 100-02; Roland P. Freund, 'Those Enga!' (1971) **New Guinea** 6: 52-56; W.J. Oostermeyer and Joanne Gray, 'Twelve Orokaiva Traders' in R.G. Crocombe (ed.?) *op.cit.* (1967) 31; A.J. Strathern, 'Social Pressures on the Rural Entrepreneur' in Marion W. Ward (ed.) **Change and Development in Rural Melanesia** (Research School of Pacific Studies, Canberra and University of Papua New Guinea, Port Moresby, 1972) 497; Munare Uyassi, **Local Government and Socio-economic Change in the Kainantu District of the Eastern Highlands, Papua New Guinea**, B.A. Honours Thesis (Department of Political and Administrative Studies, University of Papua New Guinea, 1978) 50.
42. Marie de Lepervanche, 'Social Structure' in Ian Hogbin (ed.) **Anthropology in Papua New Guinea: Readings from the Encyclopaedia of Papua New Guinea** (Melbourne

nant individuals sought to operate solely within the capitalist mode; capitalist and pre-capitalist elements would often be fused into combined forms or people would seek to maintain relations in both spheres.<sup>43</sup> However these concentrations of economic power could no longer assuredly be contained within the customary base. The utterly central point is that in a great diversity of ways the customary base and its distributive effects were purposively constricted or rejected in the cause of capitalist accumulation, the advancement of the individual and the related advancement of new dominant class elements operating well beyond the customary base.<sup>44</sup> (Equivalent developments taking land out of the customary base have already been

- 42 ctd. University Press, Carlton, 1973) 25; Andrew Strathern, **The Rope of Moka: Big-Men and Ceremonial Exchange in Mount Hagen, New Guinea** (Cambridge University Press, London, 1971) 207; Uyassi, *op.cit.*, 5.
43. J. Connell, **The Emergence of a Peasantry in Papua New Guinea**, History of Agriculture Working Paper No.27 (University of Papua New Guinea and Department of Primary Industry, 1979) 23; Howlett et al., *op.cit.*, 207; R.F. Salisbury, 'Despotism and Australian Administration in the New Guinea Highlands' in James B. Watson (ed.) **New Guinea: The Central Highlands**, special publication (1964) **American Anthropologist** 66: 225-39, 238; Bill Standish, 'The "Big Man" Model Reconsidered: Power and Stratification in the Papua New Guinea Highlands' paper presented at a Conference of the Sociological Association of Australia and New Zealand, University of Queensland, 1978, 24; see also Bill Standish, IASER Discussion Paper No.22 (Institute of Applied Social and Economic Research, Boroko, 1978); Strathern, *op.cit.* ('The Entrepreneurial Model...'), 378.
44. R.G. Crocombe, *op.cit.* (1967) 9; Mike Donaldson and Kenneth Good, 'The Eastern Highlands: Coffee and Class' in Donald Denoon and Catherine Snowden (eds.) **A Time to Plant and a Time to Uproot: A History of Agriculture in Papua New Guinea** (Institute of Papua New Guinea Studies, n.d.); I.S. Epstein, *op.cit.* (1968) 52-53; B.R. Finney, *op.cit.* (1969) 31-33; Ben R. Finney, *op.cit.* (1973) 77, 91; F. von Fleckenstein, 'Ketarovo: Case Study of a Cattle Project' in G.T. Harris and F. von Fleckenstein, **Agricultural Extension in the Village**, Extension Bulletin No.9 (Department of Agriculture, Stock and Fisheries, Port Moresby, 1975); Rolf Gerritsen, 'Aspects of the Political Evolution of Rural Papua New Guinea: Towards a Political Economy of the Terminal Peasantry' paper presented at Work-in Progress Seminar, Department of Political Science, Research School of Social Science, Australian National University, Canberra, 1975, 6, 13, 16-17 (see also the same title in Rolf Gerritsen, R.J. May and Michael A.H.B. Walter, **Cargo Cults, Community Groups and Self-Help Movements in Papua New Guinea**, Working Paper No.3 (Department of Political and Social Change, Research School of Pacific Studies, Australian National University, Canberra, 1981)); C.A. Gregory, **Gifts and Commodities** (Academic Press, London and New York, 1982) 155-65; Diana Howlett, **When is a Peasant Not a Peasant: First Thoughts on Rural Proletarianisation in Papua New Guinea**, History of Agriculture Discussion Paper No.7 (University of Papua New Guinea and Department of Primary Industry, Port Moresby, 1977) 9; Jackson, *op.cit.*, 13; M.J. Meggitt, **Studies in Enga History**, The Oceania Monographs No.20 (Sydney, 1974) 84; Morauta, *op.cit.*, 31, 35; R. Moulik, **A Study of Adoption Process in Relation to Development Bank Loans in the Eastern Highlands District** (Department of Information and Extension Services, Port Moresby, 1970); Oostermeyer and Gray, *op.cit.*, 33; Anton Ploeg, 'Sociological Aspects of Kapore Settlement' in J.P. Longayroux et al., **Hoskins Development: The Role of Oil Palm and Timber**, New Guinea Research Bulletin No.49 (New Guinea Research Unit, Port Moresby, 1973) 38; Gillian Sankoff, 'Wok Bisnis and Namasu: A perspective from the Village' in I.J. Fairburn, **Namasu: New Guinea's Largest Indigenous-Owned Company**, New Guinea Research Bulletin No.28 (New Guinea Research Unit, Port Moresby, 1969) esp. 71-72; Bill Standish, *op.cit.*, 21-22; Andrew Strathern *op.cit.* ('The Entre-

noted.<sup>45</sup>) This tendency was most dramatically marked in the emergence of and extensive reliance on wage labour in the countryside.<sup>46</sup> No less central to the undermining of the Commission's recommendations was the manifest, intimate and massive involvement of the State in the constitution and maintenance of these inequalities, an involvement that had been particularly intense from 1960 onwards.<sup>47</sup> Further, people benefiting from these inequalities were rapidly assuming positions of power within the State.

In short, by ignoring the dynamic effects of the capitalist mode of production the Commission failed to appreciate that, to a great extent, the bases for their recommendations were being undermined. As well, this undermining was extensible: it was, and is, part of a continuing dynamic, a continuing conflict between modes of production which cannot be contained in that static balancing of the 'individual' and the 'communal' at the core of the Commission's system of tenure. There is no balance. There is just a diversity of localised stages of the conflict. This conflict extends to and involves the State. There is no assured balance there either. The Commission's overwhelming reliance on the State disinterestedly to formulate and implement its recommendations was at best questionable.

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44 ctd. preneurial Model...) 372; A.J. Strathern, *op.cit.* ('Social Pressures...') 496; Henry To Robert, 'Papuan and New Guineans in Private Business' (1967) *Journal of the Papua and New Guinea Society* 1: 73-77,75; Uyassi, *op.cit.*, 41-42,47-49,59,62; Ward, *op.cit.* (1977) 9-10.

45. See footnotes 18-21 above and accompanying text.

46. See references in Howlett, *op.cit.*, 8-9 and see also: Crocombe *op.cit.* (1967) 9; Donaldson and Good, *op.cit.*; Epstein, *op.cit.* (1968) 104; Finney, *op.cit.* (1969) 33; Gerritsen, *op.cit.*, 46; Moraula, *op.cit.*, 31,55; Perry F. Philipp, 'Beef Cattle Raising by New Guineans' (1971) *South Pacific* 21: 15-19; Salisbury, *op.cit.* (1970) 8-9.

47. Richard Curtain, 'Introduction' in *Accounts of the History of Cash Crops in the Yangoru Area, Maprik District*, History of Agriculture Discussion Paper No.19 (University of Papua New Guinea and Department of Primary Industry, 1978) 3; Donaldson and Good, *op.cit.*; Scarlett Epstein, 'The Tolai "Big-Man"' (1972) *New Guinea* 7: 40-60,51; Finney, *op.cit.* (1973) 63; F. von Fleckenstein, 'Tobacco' in *Papers on Primary Commodities, Part II*, History of Agriculture Discussion Paper No.2 (University of Papua New Guinea and Department of Primary Industry, 1977) 41; Gerritsen, *op.cit.*; R.J. Gunton, 'A Banker's Gamble' in Peter G. Sack (ed.) *Problem of Choice: Land in Papua New Guinea's Future* (Australian National University Press and Robert Brown and Associates, Canberra and Port Moresby, 1974) 108; Hasluck, *op.cit.*, 315,319-22,397,419; Howlett et al., *op.cit.*, xliii-xliv, 247-50; International Bank for Reconstruction and Development, *The Economic Development of the Territory of Papua and New Guinea* (Baltimore, Johns Hopkins, 1965); R.F. McKillop, 'Problems of Access: Agricultural Extension in the Eastern Highlands of New Guinea' paper delivered at the Seminar, Improving Access to Government Services, University of Papua New Guinea, 1974, 12,14,16,18; Robert F. McKillop, *The Agricultural Extension Service in Papua New Guinea: Can We Make it More Effective?* Extension Bulletin No.5 (Department of Agriculture, Stock and Fisheries, Port Moresby, 1974); Bob McKillop, 'Catching the Didiman' (1975) *Administration for Development* 3: 14-21; Moulik, *op.cit.*; D. Nicholls, 'The Loma Marketing Co-operative Ltd. of Goroka' paper delivered at the Fifth Waigani Seminar, Change and Development in Rural Melanesia, University of Papua New Guinea, 1971, 1; J. Potter, 'Livestock' in *Papers on Primary Commodities, Part II*, History of Agriculture Discussion Paper No.2 (University of Papua New Guinea and Department of Primary Industry, 1977) 15; Standish, *op.cit.*, 21-22.

I now want to look more closely at contemporary knowledge and the Commission's treatment of the group element. As we have seen, basic to the Commission's tenure scheme is a separation of group and individual interests. The proposed scheme can, in a way, be seen as inadequate because these interests are significantly not separate. With the effects of the capitalist mode of production, the powerful individual can work in and through the group to secure dominance and a structural inequality results. The Commission's recommendations for a registered group title, although aimed at supporting the group element, would help in securing the dominance of the powerful individual. As the history of land law in Papua New Guinea abundantly illustrated,<sup>48</sup> and as much evidence from elsewhere had shown,<sup>49</sup> 'customary' group interests are of a complexity and subtlety that cannot be reduced to formal terms. To attempt to formalise previously informal tenurial arrangements is to create new sites of power in society to be occupied by those in dominant positions. The experience of land reform worldwide constantly illustrates how reform is subverted because powerful individuals come to occupy key positions in the new system. A comparable outcome is reflected in the Commission's recommendation that its proposed tenure system should only be used where it is 'needed'; that is, in effect, where individual interests would already be highly developed.<sup>50</sup> Remaining uncertainties in the individual's position could be considerably lessened, to put it mildly, in the grant of, say,<sup>51</sup> an inheritable, indefinite-term use right allowed for in the Report.

There is a further contradiction in the Report affecting the group element and also resulting from the impact of the capitalist mode of production. The Commission ignored this impact where it would undercut recommendations for a tenure system balanced between the group and the individual yet, with almost astounding inconsistency, the Commission quite uncritically adopted capitalist rationalities to discredit 'customary groups' as<sup>52</sup> production units, viewing them as not 'very successful commercially'.<sup>53</sup> Presumably this was<sup>54</sup> part of the Commission's rejection of 'collective ... extremes'. Where did these so-called customary groups and collective extremes come from? To a large extent, they are the creations of colonial regimes in Papua New Guinea and the Pacific either based on the colonist's ignorance of the 'customary' situation or used by the colonist for political containment or both.<sup>54</sup> These forms most often came to be rejected by their beneficiaries and, in this sense, such group forms were not 'very successful'. It was something of an irony for a de-

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48. See Peter I. Quinn, 'Agriculture, Land Tenure and Land Law to 1971' in Denoon and Snowden (eds.) *op.cit.*, 175-76.

49. See Stanley Diamond, 'The Rule of Law Versus the Order of Custom' in Donald Black and Maureen Mileski (eds.) *The Social Organisation of Law* (Seminar Press, New York and London, 1973).

50. *Report of Commission of Inquiry into Land Matters*, *op.cit.*, 21-22.

51. See *ibid.*, 35.

52. *Ibid.*, 18.

53. *Ibid.*, 12.

54. See Fitzpatrick, *op.cit.* (1980) 86-87, 95, 127-33; and see generally Ron Crocombe (ed.) *op.cit.* and Ronald G. Crocombe, 'Social Aspects of Cooperative and Other Corporate Landholding in the Pacific Islands' in Peter Worsley (ed.) *Two Blades of Grass: Rural Cooperation in Agricultural Modernization* (Manchester University Press, Manchester, 1971).

colonising Commission to reject popular group organisation because of the colonists' misuse of it. There were however several academic studies showing that group production of commodities was often, if not invariably unsuccessful for reasons of internal organisation.<sup>55</sup> Such studies found that a group fails because it does not achieve its purpose, or it fails because it achieves its purpose and the members then lack motivation - and so on and on. Fortunately for them, the peasants know more political economy than do the gentlemen who conducted these circumscribed studies. The scholars might find their motivation soon at a low ebb if they had to labour for K2.50 - K2.75 a day to take some not untypical recent figures.<sup>56</sup> If people getting such returns on production for the world market 'choose, in general, not to embark on an income-maximizing path involving re-organization of land tenure, longer hours of work and the beginnings of class domination, who can blame them?'.<sup>57</sup> That group enterprise has been subjected to suppression, penetrating controls and oppressive manipulation on the part of the State may also be relevant to 'motivation' and the like.<sup>58</sup> Such inconvenient factors cannot be labelled 'external' to the group and left out of account.<sup>59</sup> The 'external' thoroughly penetrates and integrally constitutes the 'internal'.<sup>60</sup>

The rejection of group production because of its 'commercial' inadequacy underscores what, in retrospect, must seem a startling omission in the Report: that is the absence of concern with capital accumulation and development. To eliminate the group was peremptorily to throw out the only basis for a large concentration of resources open to the peasantry in general - a basis that had often assumed significant proportions in colonial history but which the colonist sought to reduce to less threatening dimensions. Almost by default, the Commission would leave the bulk of the peasantry as a diffuse collection of smallholders based in the household, labouring as virtual proletarians with the prices for much that they need to engage in production and for what they produce well beyond their control. It is difficult to see any basis here for capital accumulation and development. The only sites of capital accumulation left in the Commission's scheme would be small, unstable and few. That is, the enterprises of the 'big peasant' can operate as a basis for accumulation but not one of much significance in terms of development. Very few members of this class element have great wealth, and they occupy small niches in a national economy still comprehensively dominated by a foreign bourgeoisie. Continuing group-centered demands for distribution militate against accumulation on this basis and counter the reproduction of stable sites of individual accumulation. Even such limited sites of capital accumulation were, in the Commission's

55. The literature is reviewed in Peter Fitzpatrick and Julie Southwood, *The Community Corporation in Papua New Guinea*, IASER Discussion Paper No.5 (Institute of Applied Social and Economic Research, Boroko, 1976).

56. Derived from G.I. Harris, 'Current Issues in Agricultural Policy in Papua New Guinea' (1979) *Yagl-Ambu* 6: 21-40, 28.

57. *Ibid.*, 28.

58. Fitzpatrick, *op.cit.* (1980) 87-90; 119-20; 127-33.

59. Cf., P.C. Lloyd, *Classes, Crises and Coups: Themes in the Sociology of Developing Countries* (Paladin, London, 1973) 68.

60. Cf. Michel Foucault, *The History of Sexuality, Volume 1: An Introduction* (Penguin, Harmondsworth, 1981) 99-100.

scheme, to be severely circumscribed because of restrictions it proposed on the amount of land an individual could hold.<sup>61</sup> Admittedly these limits were reassuringly unrealistic, but more of that later. Such limits are indicative of the Commission's lack of concern with capital accumulation. True, as the Commission said, land registration 'by itself ... works no economic miracles'.<sup>62</sup> But it is quite another thing to recommend a system that in terms of economic development would not work at all.

This remarkable gap can be explained by looking at the politics of the making of the Report. (Of course much of this politics is accounted for in the overview of the knowledge informing the Commission's work.) The first national government and its widely publicised objectives, amply supported by contemporary fashions in development advice, were ostensibly set against a crude emphasis on economic growth, such a path being seen as a creation of the colonist.<sup>63</sup> The rejection of economicist approaches to development went along with the rejection of colonialism and the espousal of such as 'Papua New Guinea ways' and 'Papua New Guinean forms of organisation'. This was an anodyne populism that doubtless had its place and good purpose but it also did much harm. It obscured the fact that Papua New Guinean ways were no longer things apart but were now inextricably and constitutively tied to the capitalist mode of production. Bedrock issues about changing the ascendancy of a backward capitalism and securing effective capital accumulation were ignored. This reactive and obscuring approach also typified the work of the Commission of Inquiry. It opposed 'trickle down' patterns of so-called growth and their resulting inequalities.<sup>64</sup> Its very genesis, in Ward's attack on the Land Bills,<sup>65</sup> helped set its course against radical change. The specific social models of influence on the Commission were those to avoid: the landlessness and landlordism of South-East Asia and the dispossession of the Maoris, for example. There was no need to consider a positive alternative for it was perceived to be already there, in the 'evolution of certain existing features of our society' and in the 'building on a customary base':<sup>66</sup>

'These [recommended] new titles are not based on foreign ideas. They are based on what are, in our opinion, typical Papua New Guinean forms of organisation, so far as land rights are concerned. This is in keeping with the Eight Point Programme.'

What is was what should be. But, as is common with populisms, 'Papua New Guinean forms of organisation' and the like, obscured structures of exploitation and domination. As we have seen, the customary base was no longer 'pure'. By positively relying on it, in its integral relation to the capitalist mode of production, the Commission embraced social forces which were creating the type of society it hoped to avoid. There was a particular difficulty in confronting this contradiction. As I mentioned earlier, some members of the

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61. Report of Commission of Inquiry into Land Matters, op.cit., 41-43.

62. Ibid., 21.

63. For a fuller account see Fitzpatrick, in Lee and King (eds.) op.cit.

64. Report of Commission of Inquiry into Land Matters, op.cit., 12.

65. Ward, op.cit. (1972).

66. Report of Commission of Inquiry into Land Matters, op.cit., 12 and, for the quotation, 27.

Commission were favourably inclined towards 'individualistic extremes'. Others, and key support staff, were not. It is probably here that the strange recommendations about limits on land-holding fit in. They ostensibly counter inequality and obviate an exploration of the roots of inequality, protecting the Report's foundation from too searching a scrutiny. In the same moment they serve as a compromise between the opposed factions. The advocates of equality could hope that the enforcement of these measures would be effective, whereas the covert believers in 'individualistic extremes' may feel that the restriction would be ineffective - and experience with land reform elsewhere had repeatedly shown such limits usually to be ineffective.<sup>67</sup>

The effectiveness of this measure and of much else central to the Commission's scheme of things would have depended on the State. Official reports are not places where one expects to find searching critiques of the State, but the Commission's reliance on State action is particularly sanguine.<sup>68</sup> In terms of the wider political climate of the day, there was a willingness to accord an unquestioned benignity and good faith to this 'new' State as it faced the task of decolonisation. Analyses and realities that would show the State as 'neo-colonial', as itself a product of underdevelopment, as part of the problem rather than part of the solution, were quite beyond the Commission's operative frame of reference. The biases and evasions of contemporary knowledge<sup>69</sup> corresponded to and reinforced the Commission's stance in this.

#### IV. SUBSEQUENT DEVELOPMENTS

In a way that I mean to be taken seriously, these criticisms of the Report are unfair because they are informed by knowledge generated after the Commission's work.<sup>70</sup> This knowledge and subsequent events make clearer, tendencies which were not always fully evident at the time of the Commission's work. I will now look at this knowledge and these events, relating them to the Report and the criticism of it in the last section.

Recalling the Commission's mix of individual and group interests, what has happened since the Report could be seen as some implementation of it. There has probably been, in these developments, a greater favouring of the individual than the Commission would have wanted, and not as comprehensive a change as that conceived by the Commission; but the Report's vagueness on both these scores makes it difficult to be sure. There have been several major instances of a greater formalising of tenure and of a stronger securing of the individual interest. So, there is evidence of the creation of a fictitious land dispute which is settled by the parties and the settlement, in line with the **Land Disputes Settlement Act**, is recorded and given the effect of a court order. Ward has recently

67. Cf. R.G. Crocombe, **Improving Land Tenure**, Technical Paper No.159 (South Pacific Commission Noumea, 1968) 77-81.

68. See, for example, **Report of Commission of Inquiry into Land Matters, op.cit.**, 14.

69. Fitzpatrick, **op.cit.** (1980) vi-vii.

70. In this section there will be some small duplication of references already used where works cover both knowledge existing before and after the Report.

advocated something comparable as a general mode of registration,<sup>71</sup> and so has 'a recent report by a prime ministerial task force on customary land',<sup>72</sup> although the latter seems to be aimed mainly at providing land for foreign agribusiness. With the Plantation Redistribution Scheme the land is often divided up into blocks for individuals with only marginal acknowledgement of the group element.<sup>73</sup> There would seem to have been an enormous increase in neo-customary but markedly formalised sales and leases of land, with title being held on an individual basis, but with some suggestion of group involvement.<sup>74</sup> Well over a thousand, often large blocks of land have been leased out by the State, most conspicuously in the scheme of 'coffee consolidation' which provides a secure sub-lease from the State. The leases and sub-leases from the State are usually to an individual, but sometimes they are to a group incorporated under the **Business Groups Incorporation Act**; it is probable that individual interests predominate also in leases and sub-leases to such an incorporated group, an outcome which the legislation tends to encourage.

Sensitive observers discern a strengthening of pre-capitalist elements in the post-colonial period.<sup>75</sup> The State continues to support such elements, even if now in more oblique forms of support.<sup>76</sup> The neo-customary group in ways continues to be maintained. More specifically, Fingleton's important study confirms the persistence of group elements in the face of individualised tenure conversion, and that even in the heartland of the 'big peasantry'.<sup>77</sup> There is, however, a growing pressure on the 'subsistence' base and an increase in actual and incipient landlessness.<sup>78</sup> There has been some significant withdrawal of land from cash-crop production and a reversion to 'subsistence', enough to be a cause of recent and great concern in government. 'Tribal fighting' is often explicitly focused on land disputes, and although it is difficult to be specific about causes of rural crime and rebellion, it is hardly adventurous to suggest that access to land and growing social stratification are significant factors.<sup>79</sup>

71. Alan Ward, 'Customary Land, Land Registration and Social Equality' in Denoon and Snowden (eds.) *op.cit.*, 261,263.

72. Michael J. Trebilcock, **The Papua New Guinean Economy: Performance, Prospects and Priorities**, I.N.A. Speech Series No.16 (Institute of National Affairs, Port Moresby, 1982) 17.

73. See for an example, Jim Fingleton, 'Plantation Redistribution Among the Tolai: A Qualified Success in Land Tenure Reform' *infra* p. 99.

74. Ward, *op.cit.* (1977); Ward *op.cit.* in Denoon and Snowden (eds.) *op.cit.*, 255-58,262.

75. Don Townsend, 'Disengagement and Incorporation - The Post-Colonial Reaction in the Rural Villages of Papua New Guinea' (1980) **Pacific Viewpoint** 21: 1-25; Munare Uyassi and Jenny Martin, **Village Courts and Komuniti Kaunsils in Kainantu** (Iroene, University of Papua New Guinea, n.d.).

76. See generally Fitzpatrick, *op.cit.*, (1980) chs. 5-8.

77. Jim Fingleton, 'Customary Land Registration as an Instrument of Socio-Economic Change' (Iroene, Australian National University, 1981).

78. See, for example, Harris, *op.cit.*, 22-25.

79. J. Connell, *op.cit.*, 38; Mike Donaldson and Kenneth Good, **From 'Big-Men' to Rich Peasants: The Development of Agricultural Production in the Highlands of Papua New Guinea** (manuscript, n.d.) ch.5; Andrew Strathern, 'Contemporary Warfare in the New Guinea Highlands - Revival or Breakdown?' (1977) **Yagl-Ambu** 4: 135-46.



Perhaps it is the growing threat to the group and other pre-capitalist elements that has, in terms of academic knowledge, generated a heightened awareness of the value of the 'subsistence' base. The penetrating analyses of Pernetta and Hill have been especially innovative in this.<sup>80</sup> Recent accounts of women's economic and social activity have been revelatory here: women not only maintain pre-capitalist elements, subsidising commodity production in various ways, but provide much of the labour in such production for small returns.<sup>81</sup> Recent studies confirm the markedly superior efficacy of 'subsistence' production over cash-cropping.<sup>82</sup> Generally, precapitalist elements continue to subsidise commodity production and to generate surplus extracted in structures of underdevelopment.

Yet the persistence of these pre-capitalist elements has not at all effectively countered a growing inequality.<sup>83</sup> The 1974-75 Rural Survey provided comprehensive evidence for what was already clear in many particular areas - that there was a large differentiation in cash incomes in the countryside.<sup>84</sup> There is evidence that more people have been engaging in coffee growing but on smaller holdings, so overall disparities in wealth attributable to coffee have increased on this score.<sup>85</sup> People already in dominant positions have benefited disproportionately from coffee consolidation and from the Plantation Redistribution Scheme. More structurally and organisationally explicit inequalities are emerging in such forms as patron-client relations, 'development corporations' and new political offices.<sup>86</sup>

Yet it is also becoming clearer that individual advancement and the growth of inequality are not merely or always at the expense of group interests. There is often an integral connection between dominant individuals and the group which can enhance group identity and cohesion and thus help secure a basis for the individual's political and economic power, as with some 'development corporations' in the Highlands.<sup>87</sup> But even in such cases there is a tendency at the core

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80. John Pernetta and Lance Hill, 'Subsidy Cycles in Consumer Producer Societies: The Face of Change' in Denoon and Snowden (eds.) *op.cit.*; John Pernetta and Lance Hill, 'International Pressures on Internal Resource Management in Papua New Guinea' in Louise Morauta, John Pernetta and William Heaney (eds.) **Traditional Conservation in Papua New Guinea: Implications for Today**, Monograph No.16 (Institute of Applied Social and Economic Research, Boroko, 1982).
81. Helene Barnes, 'Women in Highlands Agricultural Production' in Denoon and Snowden (eds.) *op.cit.*; and see generally Lee and King (eds.) *op.cit.*.
82. Boega Bob Gini, 'Time Allocations in Papua New Guinea's Subsistence Agriculture: A Review of Recent Literature' (1978) *Yagl-Ambu* 5: 5-10; Harris, *op.cit.*, 25,28.
83. See generally Desh Gupta, 'Notes on Some Dimensions of Inequality in Papua New Guinea,' paper delivered at the Waigani Seminar, The Eight Point Plan and the National Goals: Performance, Problems and Prospects After a Decade, University of Papua New Guinea, 1982.
84. Conroy and Skeldon (eds.) *op.cit.*; see also, Donaldson and Good, *op.cit.* (n. chs.5 and 6; McKillop, *op.cit.* ('Problems of Access...') 15; Morauta, *op.cit.*, 72,74.
85. D. Anderson, **An Economic Survey of Small-holder Coffee Producers 1976** (Department of Primary Industry, Port Moresby, 1977) 76.
86. See generally Peter Fitzpatrick, 'The Politics of Containment' in Lee and King (eds.) *op.cit.*.

for dominant individuals to contain and move beyond group interests even whilst 'using' them for political and economic support. Cross-ethnic class linkages are increasing among the wealthier peasantry and find maintaining forms in mutual capital investments, interlocking directorships, supportive ideologies, protective laws, the Village Court magistracy and offices in local, provincial and national government.<sup>88</sup> There is some indication that newer entrants to the ranks of the 'big peasantry' are making a cleaner break from the group.<sup>89</sup> In terms of such a rupture, wage labour would seem to be assuming great significance. Anderson's survey in 1976 of 'small-holder coffee producers' found that one-third of those interviewed used paid labour, and that such labour was crucial to the success of larger growers.<sup>90</sup> State support of the more privileged continues and is, in terms of extension services, probably becoming more effective. The post-colonial period sees some much trumpeted State support for group enterprises but, apart from aid to some large groupings for basically political purposes, this support is at best of ambiguous significance; for the support was characteristically extended to the 'group' as a network maintaining dominant individuals. Recent synoptic studies have provided no grounds for optimism about the 'commercial success' of group enterprise.<sup>91</sup> Without dismissing their considerable merits, it has to be said that these studies have been no more sensitive than their predecessors to 'external' effects on the viability of group enterprise. Thus, in terms of one analysis, external factors, such as the world market with all its vagaries, are taken as given and benign and any failure to respond adequately to them reflects 'a demonstrated lack of ability' on the part of the people.<sup>92</sup> But that is an old story. So too, in a more heartening vein, is the hardy persistence of attempts at group enterprise despite historic and present oppressions. Ward notes:

'Although individual enterprises are most numerous there is considerable evidence that **groups** of villagers are seeking to grow cash crops on areas of customary land set aside for that purpose, and modifying traditional tenure rules for the purpose.

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87. See, for example, Donaldson and Good, *op.cit.* (n.d.) ch.5 and see also Ronald Skeldon, **Regional Associations in Papua New Guinea**, IASER Discussion Paper No.9 (Institute of Applied Social and Economic Research, Boroko, 1977) 23.
88. Tony Barnett, 'Politics and Planning Rhetoric in Papua New Guinea' (1979) **Economic Development and Cultural Change** 27: 769-84; Donaldson and Good in Denoon and Snowden (eds.) *op.cit.*, and Donaldson and Good *op.cit.* (n.d.); Peter Fitzpatrick, 'The Political Economy of Dispute Settlement in Papua New Guinea' in Colin Sumner (ed.) **Crime, Justice and Underdevelopment** (Heinemann, London, 1981); Abdul Paliwala, 'Law and Order in the Village: Papua New Guinea's Village Courts' in *ibid.*; Standish, *op.cit.* (1978) 21-22; Bill Standish, **Provincial Government in Papua New Guinea: Early Lessons from Chimbu**, Monograph No.7 (Institute of Applied Social and Economic Research, Boroko, 1979); Uyassi *op.cit.*, 5,23,36,47.
89. Uyassi, *op.cit.*, 23,36.
90. Anderson, *op.cit.*, 16,25.
91. R.J. May, 'Self-Help Movements: A New Model for Local Development?' in Rolf Gerritsen, R.J. May and Michael A.H.B. Walter, *op.cit.*; Michael A.H.B. Walter, **Dear Simon... (An Informal Report to Simon Kanamon, Research Officer to the Manus Provincial Government on the Operation of Localized Plantations)**, ISAER Special Publication No.1 (Institute of Applied Social and Economic Research, Boroko, 1981).
92. Walter, *op.cit.*, 10,14.

The growing feeling that individuals who have planted up portions of land are acting selfishly, may lead to an increase in group based enterprises.'

In powerful opposition to this perspective is the State's operative acceptance that rural production will consist of small-holder cash cropping for<sup>94</sup> the world market subsidised by a sustained 'subsistence' production.

## V. CONCLUSION

At its broadest, the tenurial scheme<sup>95</sup> of the Commission was built on existing social and economic forces. At its broadest, the criticism offered here is that this approach covertly admits forces, located ultimately in the capitalist mode of production, which make for underdevelopment and counter key progressive aspects of the Report. These aspects include the concern with inequality and with obviating landlessness. Further, it is most probable that the Commission's tenurial scheme itself would have promoted 'individualisation' and its consequent inequalities and restriction of access to land. This aspect of the Report may point to an explanation of the non-implementation of its tenurial scheme, for such an aspect confronts the strong tendency in the overall political economy of Papua New Guinea for pre-capitalist elements to be maintained.

The Commission's elevation of the virtues of existing social and economic forces took form in an obscuring populism coded in terms of 'the customary base', 'the basic social structure of the people' and 'Papua New Guinea forms of organisation'. This hid and eliminated from consideration the fundamental and now integral<sup>96</sup> effect on social relations of the capitalist mode of production. Further, the unquestioning reliance on populist forms, on their given nature, did not allow oppressions located within those forms to appear on the agenda. Thus the contribution of pre-capitalist elements to general inequality was not confronted. The most spectacular absence here involved social relations of gender and the limited, contingent and subordinate nature of women's interests in land. Further yet, if existing tendencies are used as a touchstone, there is no room on the agenda for the consideration of alternative social relations countering those tendencies. So, the range of the Commission's concerns did not extend to achieving effective development grounded in significant capital accumulation. The absence of a concern with alternatives led the Commission too abruptly to condemn group enterprise; it was not even remotely considered as some available basis for working towards alternative forms. But if the Commission had rigorously explored why many group enterprises were not 'successful commerci-

93. Ward in Denoon and Snowden (eds.) *op.cit.*, 254 (his emphasis).

94. See, for example, **Central Planning Office, Post-Independence National Development Strategy** (Central Planning Office, Port Moresby, 1975) 25.

95. The same can be said of recent proposals for a form of registration through mechanisms of land dispute settlement. See footnotes 71 and 72 and the accompanying text.

96. Such an effect has now become more intractable with the advent of an ultra-populism in intellectual circles which insists that, to be valid, a concept must be capable of being rendered in 'Papua New Guinean terms'. With this line 'the capitalist mode of production' cannot, presumably, be taken cognisance of at all.

ally', then the Commission may have had to consider critically what it meant by the evasive 'commercial' and may, further, have had to transcend those academic ascriptions of blame to the people for their lack of motivation or of ability. This would have been a revolutionary path, one exposing the capitalist criteria entailed in the Commission's rejection of alternatives and one reaching out to the 'external' determinants of behaviour, to those located in global structures of underdevelopment. Academic and operative constructs ignoring this site of power or accepting it as given serve to protect and support it. Despite a professed belief that '[1]and policy will deeply affect the whole social<sup>97</sup> political and economic relations of the Papua New Guinea people', the Commission did not move beyond these constructs.

Such issues are, I would like to suggest, due to go on the historical agenda. At the present time in Papua New Guinea there is a strong advocacy of neo-colonial structures, an advocacy seeking to resurrect the economy of the latter part of colonial rule with its emphasis on crude economic growth and the domination of foreign capital.<sup>98</sup> The policies of self-government and early independence were meant to counter such an economy. Now it is advocated as a counter to the effects of these policies. There are messages here, which I do not explore, about being led around in circles and about the dead-ends of backward capitalism. But what of general alternatives? When Maurice Bishop said '... our socialism poses no threat to anyone' he was right in that it was not intended to, but he was about to be proved tragically wrong in the threat of that socialism's objective effects. Even in the crudest economic terms the revolution in Grenada was a success and a conspicuous one. This success was a threat to opposed systems of political and economic power in the region. There are now several comparable examples of success where a moderate socialism is allied to voluntarist group and community action. Like Grenada, Papua New Guinea is a country of geopolitical significance and has, in that light, to have specific regard to the forms and effects of progressive change. But that is no argument against embarking on such change much less on the consideration of it.

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97. Report of Commission of Inquiry into Land Matters, *op.cit.*, 11.

98. See, for example, Irebilcock *op.cit.*.