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‘When She Cries Oceans’: Navigating Gender Violence in the Western Pacific

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Now there’s something in her eyes something constant and persistent
Even lying ‘tween her thighs she is somewhere in the distance
Friend you say you won the war but I’m telling you that depends
For her it never ends, cause it seems to me that
When she cries oceans
She finds ways to hide
When she bleeds roses
She bleeds all inside.¹

These are the poignant words of Fred Smith, an Australian folk singer and a diplomat intimately involved in the peace monitoring operations which ultimately helped to end the war in Bougainville.² They are

1 The lyrics are from a verse of ‘When She Cries’, the fourth song on the CD *Bagarap Empires* by Iain ‘Fred’ Smith, 2012, 10th Anniversary edition. CD and line notes in author’s collection.

2 I say ultimately since there had been years of attempts to make peace at different scales. As Ruth Saovana-Spriggs (2008), John Braithwaite, Hilary Charlesworth, Peter Reddy and Leah Dunn (2010) and Anna-Karina Hermkens (2012) and others have documented so powerfully, women were critical to these efforts, and as Saovana-Spriggs argues used their particular position as ‘mothers of the land’, not just as mothers of individual soldiers but as nurturers of people and place, by deploying their powers, especially in matrilineal parts of Bougainville to intervene between combatants and make peace. But as several authors have demonstrated, as the peace-

written from the perspective of a young Bougainville Revolutionary Army soldier whose wife had been raped by men of the Papua New Guinea Defence Force. This is one song on a superb CD, *Bagarap Empires*, rereleased in 2012 to celebrate the tenth anniversary of the end of that horrific war—between Bougainville and PNG, and between Bougainvilleans. The congregation of songs consummately conveys diverse perspectives: of male soldiers fighting in such Pacific conflicts; of women widowed by wars stretching from World War II to the twenty-first century; of women like ‘Sweet Anne Marie’ working tirelessly in Christian groups to foster peace in both Bougainville and Solomons conflicts; of young men, ‘*rasta mangkes*’ trying to find a road beyond violence; and of an Australian man like Fred, enraptured by the beauty of the Pacific, entranced by the grace of its people, troubled by its colonial past and present predicaments, longing for a more hopeful future where peace and love might prevail. But although these wars and other violent conflicts have ended in much of the western Pacific, the war on women, the primary manifestation of gender violence in the region, has not.³ Rape in war may have diminished but women and girls are still often raped, bashed and brutally tortured not so much by enemy soldiers but by male intimates in their familial lives: their husbands, their lovers, their fathers, their brothers, their uncles, their cousins. This war on women is so constant that the NGO Médecins Sans Frontières (MSF), usually engaged in humanitarian intervention

making process scaled up from local to national and regional levels, women were progressively excluded from the peace-making talks and acts of conciliation. See Ruth Vatoa Saovana-Spriggs, 2007, ‘Gender and peace: Bougainvillean women, matriliney, and the peace process’, PhD thesis, The Australian National University; John Braithwaite, Hilary Charlesworth, Peter Reddy and Leah Dunn, 2010, *Reconciliation and Architectures of Commitment: Sequencing Peace in Bougainville*, Canberra: ANU E Press; and Anna-Karina Hermkens, 2012, ‘Becoming Mary: Marian devotion as a solution to gender-based violence in urban PNG’, in *Engendering Violence in Papua New Guinea*, ed. Margaret Jolly, Christine Stewart and Carolyn Brewer, pp. 137–62, Canberra: ANU E Press.

3 For a detailed discussion of terms and the use of Merry’s definition of gender violence, see Margaret Jolly, 2012, ‘Introduction—engendering violence in Papua New Guinea: Persons, power and perilous transformations’, in *Engendering Violence in Papua New Guinea*, ed. Margaret Jolly, Christine Stewart and Carolyn Brewer, pp. 1–45, Canberra: ANU E Press; Sally Engle Merry, 2009, *Gender Violence: A Cultural Perspective*, Chichester: Wiley-Blackwell, p. 3. Merry defines it as an act of violence in which the gender of the parties is relevant. It can thus include women, men and transgendered persons as either perpetrators or victims; although the predominant form in the western Pacific is of male perpetrators and female victims, there is a tendency to occlude rarer forms. See Holly Wardlow, 2012, ‘Treating gender violence: MSF’s project in Tari, Papua New Guinea’, paper presented at Anthropology Seminar Series, The Australian National University, Canberra, 15 August.

in violent wars, ethnic conflicts and emergencies, has been working in parts of Papua New Guinea where, it is said, the incidence of acts of violence against women approximates a war or an emergency.⁴

How can scholars like ourselves, writing from the distance of Australia or the United States, deal with such gruesome daily horrors of gender violence in the region without compounding the hurt by engaging in a sort of 'pornography' in representation⁵—which reports these horrors in graphic detail and thus shocks foreign funders and feminists into action, which thereby risks reducing the women so hurt to further victimhood and which contributes to a broader popular portrait of the western Pacific, especially prevalent in Australia, as dystopia.⁶ There are several things we can do to vitiate such risks. First, as Aletta Biersack and Martha Macintyre do in the introduction to this volume, we can stress the universality of gender violence and its pervasive and perduring presence in countries like Australia and the United States. That does not necessarily negate the high prevalence nor the continuing legitimacy of gender violence in the western Pacific, nor its particularities, like the frequency of gang rape in Papua New Guinea, and the links to patterns of witchcraft and sorcery and HIV infection in the region. Second, we can dwell not on the horrific injuries and the most egregious cases of torture of female victims, but on the agency of those women and men who are struggling to redress gender violence, who are working through state agencies and NGOs to change those beliefs and practices which catalyse and legitimate it, as Biersack does.⁷ When Christine Stewart, Carolyn Brewer and I edited a collection on gender violence in Papua New Guinea we decided not to reproduce images of battered and assaulted women, such as those used in anti-violence poster campaigns in that country, but rather selected Christine's photographs of a large street march in Port Moresby where

4 Médecins Sans Frontières (MSF) (Doctors Without Borders), 2011, *Hidden and Neglected: The Medical and Emotional Needs of Survivors of Family and Sexual Violence in Papua New Guinea*, Boroko: MSF; See also Wardlow, 'Treating gender violence'.

5 On rape cases in PNG, see Jean Zorn, 2012, 'Engendering violence in the Papua New Guinea Courts: Sentencing in rape trials', in *Engendering Violence in Papua New Guinea*, ed. Margaret Jolly, Christine Stewart and Carolyn Brewer, pp. 163–96, Canberra: ANU E Press, pp. 170–71.

6 See Greg Fry, 1997, 'Framing the Islands: Knowledge and power in changing Australian images of "the South Pacific"', *The Contemporary Pacific* 9(2): 305–44; Margaret Jolly, Helen Lee, Katherine Lepani, Anna Naupa and Michelle Rooney, 2015, *Falling Through the Net? Gender and Social Protection in the Pacific*, Discussion Paper for UN Women for Progress of the World's Women 2015–2016, Report in association with G20 meetings.

7 Aletta Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu', this volume.

women and men joined together to protest gender violence and hear the inspiring words of Dame Carol Kidu.⁸ Finally, we can link our scholarly analyses with practical political action by joining with local agents and allies in transnational coalitions of state and NGO actors to offer modest support and culturally sensitive advice rather than presuming an imperial maternalism that we are ‘saving our sisters’.⁹

But how helpful is the discourse of human rights in such efforts? Here I focus on three questions which have haunted me in reading this fine collection. First, I turn to the question of whether the notions and values of the *person* which pervade the discourse of human rights and the cultures of the region are incommensurable, often conceived in scholarly lore as the stark difference between the autonomous individual of egalitarian liberal democracies and the ‘dividual’ or relational person of hierarchical ‘traditional’ cultures. Second, I ponder how we best conceptualise the process of *translation* of human rights not as the ‘hypodermic insertion’ or infiltration of the global into the local,¹⁰ of the foreign into the indigenous, but as a process of mediation, a reciprocal flow of meanings, values and powers which some have termed ‘indigenisation’ and others ‘vernacularization’.¹¹ Third, I ponder the limits of human rights promoted through the instruments of international and national legal regimes given broader economic and political shifts in an era marked not just by political instabilities, coups and wars, but by heightened capitalist development, neoliberal aid conditionalities and the burgeoning influence of NGOs, including those dedicated to stopping gender violence.

8 Margaret Jolly, Christine Stewart and Carolyn Brewer (eds), 2012, *Engendering Violence in Papua New Guinea*, Canberra: ANU E Press.

9 See Lila Abu-Lughod, 2013, *Do Muslim Women Need Saving?* Cambridge, MA: Harvard University Press.

10 See Biersack, ‘Human rights work in Papua New Guinea, Fiji and Vanuatu’, this volume; Jean Zorn, ‘Translating and internalising international human rights law: The courts of Melanesia confront gendered violence’, this volume.

11 Sally Engle Merry, 2006, *Human Rights and Gender Violence: Translating International Law into Local Justice*, Chicago and London: University of Chicago Press.

Incommensurable persons? From founding fathers and mothers to porous subjects

Aletta Biersack quotes Sally Engle Merry's suggestion that "Human rights promote ideas of individual autonomy, equality, choice and secularism" which are foreign to cultural zones which are "less individualistic and more focused on communities and responsibilities".¹² This opposition engages longstanding polarities between autonomous, free individuals situated in a secular, progressive West and sociocentric persons located in a non-West characterised by constraining collectivities: cultures, ethnic groups, religious communities. Some go so far as to see these divergent notions and values of the person as incommensurable. But are they?

I would argue that Western human rights discourse, even in its earliest manifestations, also accommodated more collective visions of the rights of workers, of women, of people of colour and that this has been accentuated in recent decades, especially in the contexts of global women's movements.¹³ Moreover, I would argue that in non-Western contexts, contending notions of personal autonomy and equality can be present.¹⁴ A contemporary vision of the autonomous individual endowed with choice travelling from New York through the global ideoscape to places shrouded in tradition reproduces a stark binary

12 See Merry, *Human Rights and Gender Violence*, p. 4; Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu', this volume.

13 See Anne-Marie Hilsdon, Martha Macintyre, Vera Mackie and Maila Stivens (eds), 2000, *Human Rights and Gender Politics: Asia-Pacific Perspectives*, London and New York: Routledge; Margaret Jolly, 2000, 'Woman Ikat Raet Long Human Raet O No? Women's rights, human rights and domestic violence in Vanuatu', in *Human Rights and Gender Politics: Asia-Pacific Perspectives*, ed. Anne-Marie Hilsdon, Martha Macintyre, Vera Mackie and Maila Stivens, pp. 124–46. Updated and expanded version of prior publication in *Feminist Review* 52: 169–90 (1996); Jolly, Lee, Lepani, Naupa and Rooney, *Falling Through the Net?*

14 See Bronwen Douglas, 1998, 'Traditional individuals? Gendered negotiations of identity, Christianity and citizenship in Vanuatu', State, Society and Governance in Melanesia, Research School of Pacific and Asian Studies'. Discussion papers 98/6, Canberra: The Australian National University; Martha Macintyre, 2000, "'Hear us, women of Papua New Guinea": Melanesian women and human rights', in *Human Rights and Gender Politics: Perspectives in the Asia Pacific Region*, ed. Anne-Marie Hilsdon, Martha Macintyre, Vera Mackie and Maila Stivens, pp. 141–71; Martha Macintyre, 2011, 'Money changes everything: Papua New Guinean women in a modern economy', in *Managing Modernity in the Western Pacific*, ed. Mary Patterson and Martha Macintyre, pp. 90–120, St Lucia: University of Queensland Press; and Katherine Lepani, 2012, *Islands of Love, Islands of Risk: Culture and HIV in the Trobriands*, Nashville: Vanderbilt University Press.

with a long, if contested, genealogy in scholarly writing.¹⁵ Karl Smith suggests that the terms of this old debate have been exhausted, but still suggests a contrast, after Charles Taylor, between buffered and porous subjects.¹⁶ I suggest that we witness a co-presence and a dialectical relation between these two models of persons or selves rather than an either/or binary.¹⁷

Many founding fathers of Western scholarship plotted such stark differences between notions of the person in non-Western and Western contexts, between those persons more embedded in collectivities and cultures and the more individuated and autonomous persons of 'civilised' European societies. Moreover, they often envisaged a progress from one to the other in the march of modernity. The details of such plots differed, for instance between Karl Marx, Max Weber and Emile Durkheim, that holy trinity of seminal 'founding fathers'. More relevant here is how the early anthropology of Oceania was brought into such global discussions through the writings of Marcel Mauss, influential scholar of the College de France, and Maurice Leenhardt, missionary ethnographer long resident in New Caledonia. The work of both authors has been reanimated and reassessed in both French and English scholarship in recent decades.¹⁸

In his last essay Marcel Mauss addressed the challenging question of the universality of the idea of the person, of the self as a 'category of the human mind'.¹⁹ He acknowledged that his daring comparisons

15 Karl Smith, 2012, 'From dividual and individual selves to porous subjects', *The Australian Journal of Anthropology* 23: 5–64.

16 Smith, 'From dividual and individual selves to porous subjects'; Charles Taylor, 1985, 'The person', in *The Category of the Person: Anthropology, Philosophy, History*, ed. Michael Carrithers, Steven Collins, Steven Lukes, pp. 257–81, Cambridge: Cambridge University Press; Charles Taylor, 1989, *Sources of the Self: The Making of the Modern Identity*, Cambridge: Cambridge University Press; Charles Taylor, 1991, *The Ethics of Authenticity*, Cambridge: Harvard University Press.

17 See Holly Wardlow, 2006, *Wayward Women: Sexuality and Agency in a New Guinea Society*, Berkeley: University of California Press; Margaret Jolly, 2015, 'Braed praes in Vanuatu: Both gifts and commodities', in *Gender and Person in Oceania*, Special Issue of *Oceania*, ed. Anna-Karina Hermkens, Rachel Morgain and John Taylor, 85(1): 63–78.

18 Michel Naepels and Christine Salomon (eds), 2007, *Terrains et destins de Maurice Leenhardt*, Paris: École des Hautes Études en Sciences Sociales, Cahiers de l'Homme; James Clifford, 1982, *Person and Myth: Maurice Leenhardt in the Melanesian World*, Berkeley: University of California Press.

19 Marcel Mauss, 1985 [1938], 'A category of the human mind: The notion of person; the notion of self', trans. W.D. Halls, in *The Category of the Person: Anthropology, Philosophy, History*, ed. Michael Carrithers, Steven Collins and Steven Lukes, pp. 1–25. Cambridge: Cambridge University Press.

were 'at inordinate speed' across space and time but posited a human universal in that no language lacks an 'I/me' (though some suppress it through positional emphasis) and in that 'there is always a human being aware of his [sic] spiritual/physical individuality'. Yet his central plot traces the historical movement from an emphasis on *personnage* (personage) to *personne* (person) and self. Leenhardt retained Mauss's notion of *personnage* as pertaining to what he saw as the archaic participatory mode of Kanak engagement with the world.²⁰ As Clifford's lucid interpretation suggests, Kanak viewed the person not as separated by the skin of individuated bodies but as relational and plural.²¹ Leenhardt acknowledges the potential for individuation in the Kanak world, in acts of nonconformity and rebellion (for example, a woman refusing an arranged marriage or a nephew disobeying an uncle) but suggests that such acts render such persons adrift and vulnerable to death by sorcery. But for him it is modernity, detachment from the world of the *tribu*, education in rational thought and Christianity which catalyses an ineluctable movement towards a new kind of person, an *individu* (an individual) and a 'new view of the world'.

A founding mother in this lineage emerged later in the 20th century. In conversation with Mauss more than Leenhardt, in her hugely influential book *The Gender of the Gift* (1988), Marilyn Strathern invited us to conceive the difference between the western 'individual' and the Melanesian 'dividual'.²² She sees the Melanesian person as relationally constituted, 'the plural and composite site of the relationships that produced them',²³ continuously composed and decomposed through transactions of bodily substances (blood, semen, milk) and other things (pigs, shells, crops). Both corporeal substances and valuables circulate as parts of persons, detached and attached, as aspects of a composite self are externalised and objectified in transactions with others. Persons only emerge fleetingly as unitary actors; though in this evanescence men seem more often able to suppress the parts of their persons owed to women in performances of same-sex unity. Although she proposed

20 Maurice Leenhardt, 1979, *Do Kamo: Person and Myth in the Melanesian World*, English trans. Basia Miller Galati, Preface by Vincent Crapanzano, Chicago: University of Chicago Press.

21 Clifford, *Person and Myth*, pp. 173–74.

22 Marilyn Strathern, 1988, *The Gender of the Gift: Problems with Women and Problems with Society in Melanesia*, Studies in Melanesian Anthropology, No. 6, Berkeley and Los Angeles: University of California Press.

23 Strathern, *The Gender of the Gift*, p. 13.

this as a heuristic play of ideal figures, a ‘thought experiment’, the power of this binary so long entrenched in Western thinking about the other was amplified in decades of scholarly debates between enthusiastic acolytes of Strathern and congeries of critics who refused the binary as either an ideal typical or a real world description of the differences between persons in the West and Melanesia.²⁴

Many critics have highlighted the diverse notions of the ‘individual’ in the West: the possessive individual of capitalist ownership, in which private property extends to the self; the individuated and typically masculine citizen of the liberal democratic state, who exercises choice in the public sphere; the isolated corporeal subject of biomedicine whose illness and health is explained through aetiologies stopping at the boundaries of the skin rather than adducing the collective condition of the body of the group or notions of divine causation; and the solitary soul of Christian and especially Protestant theology, confronting God alone in the quest for salvation in the afterlife. All of these figures are ideal types rather than real world depictions of ‘selves’ in the West. Others argued that Strathern’s model of the Melanesian ‘dividual’ was equally apt for characterising the ‘porous subjects’ of secular modernity.²⁵ There is the competing figure of the sedimented self as analysed in psychoanalytic theory (id/ego/superego), often associated with the claim that the non-Western other is dominated by the id.²⁶ And finally there is the figure of the fragmented, dispersed non-unitary Western person and the death of the author so beloved of poststructuralists.²⁷

24 For example, Edward Li Puma, 1998, ‘Modernity and forms of personhood in Melanesia’, in *Bodies and Persons: Comparative Perspectives from Africa and Melanesia*, ed. Michael Lambek and Andrew Strathern, pp. 53–79, Cambridge: Cambridge University Press, Edward Li Puma, 2001, *Encompassing Others. The Magic of Modernity in Melanesia*, Ann Arbor: University of Michigan Press; Lisette Josephides, 1991, ‘Metaphors, metathemes and the construction of sociality: A critique of the New Melanesian ethnography’, *Man* 26(1): 145–61; see also Sabine Hess, 2006, ‘Strathern’s “dividual” and the Christian “individual”’: A perspective from Vanua Lava, Vanuatu’, *Oceania* 76(3): 285–96.

25 Smith, ‘From dividual and individual selves to porous subjects’; Taylor, ‘The person’; Taylor, *Sources of the Self*; Taylor, *The Ethics of Authenticity*.

26 Warwick Anderson, Deborah Jenson and Richard C. Keller (eds), 2011, *Unconscious Dominions: Psychoanalysis, Colonial Trauma, and Global Sovereignties*, Durham: Duke University Press.

27 Judith Butler, 1990, *Gender Trouble: Feminism and the Subversion of Identity*, New York: Routledge; Judith Butler, 1993, *Bodies that Matter: On the Discursive Limits of Sex*, New York: Routledge.

Other critics argued that Strathern had wrongly compared theoretical ideals in the West with ethnographic realities in Melanesia.²⁸ Moreover, a series of ethnographers of Papua New Guinea discerned what Holly Wardlow called 'incipient individualism' in that country: catalysed by capitalist economics which was creating new subject positions as producers/workers and consumers; by state politics which was interpellating people as individuated voting citizens of the nation and not just members of particular clans, language or ethnic groups; by biomedicine which was dealing with the isolated body of the patient severed from the relational aetiologies of indigenous medicines; and by evangelical Christianities which summoned converts as individual souls to be saved, not as inherently connected by kinship or affinal ties.²⁹ The role of Christianity and especially evangelical and Pentecostal Christianities in transforming notions of the person was fiercely debated between two eminent scholars of PNG, Joel Robbins and Mark Mosko, and several other prominent anthropologists in the pages of the *JRAI* in 2010.³⁰

Strangely, given its origins in Strathern's book, this latter debate was rather detached from considerations of gender, of how for instance 'incipient individualism' might differ for men and women given their different situation vis-a-vis commodity economics, the state, Christian churches, and the sphere of biomedicine, especially in the context of the HIV epidemic. The writings of Holly Wardlow, Lisette Josephides and Martha Macintyre were unusual in this regard. Holly Wardlow suggested for the Huli and PNG more broadly that, rather than *either* a relational *or* an individuated mode of personhood, both are co-present:

If one accepts that these dual modes of personhood [relational and individual] can coexist, if in highly contested ways, then a variety of questions emerge. For one, might a transformation be occurring, with more individualistic expressions of agency coming to the fore ... or, conceptualized somewhat differently, are the contexts that elicit more autonomous modes of agency becoming more predominant in the contemporary context? And if 'modernity' has something to do with

28 Li Puma, 'Modernity and forms of personhood in Melanesia'; Li Puma, *Encompassing Others*.

29 Wardlow, *Wayward Women*.

30 Mark Mosko, 2010, 'Partible penitents: Dividual personhood and Christian practice in Melanesia and the West', *Journal of the Royal Anthropological Institute* 16(2): 215–40. See responses by several authors in same volume; see Joel Robbins, 2004, *Becoming Sinners: Christianity and Moral Torment in a Papua New Guinea Society*, Berkeley: University of California Press.

an increase in individualism, what is it about modernity that has this effect? Further, how might the expression of a more individualized sensibility be gendered?³¹

These questions are consummately explored in her book *Wayward Women* which focuses on those *pasinjia meri* among the Huli who are articulating a novel autonomous agency by resisting the practices of 'bride price' controlled by men (often used to justify forced conjugal sex and gender violence) and selling their own bodies in a way they see as akin to selling things in a store. Also in the Highlands context, Lisette Josephides has compared how men and women author themselves in life history narratives.³² And Martha Macintyre in a compelling comparison of poor women working for the mine in Lihir and educated urban women in PNG has suggested that there is a novel individualism emergent among both groups as women find autonomy in paid work. Some resist the pressure that bride price be paid for them in marriage since that confers control on husbands and affines; some even refuse to marry at all to avoid the violent control of a husband and thus bear and nurture children alone or with the support of natal female kin.³³

These recent debates about the gendered character of 'incipient individualism' are relevant to several chapters in this volume: most notably Lynda Newland on Fiji and Philip Gibbs and Katherine Lepani on Papua New Guinea.

Lynda Newland's persuasive paper discerns a fundamental contradiction between the notions of the individual advanced in human rights discourse and the prevailing models of personhood in Fiji. Although she does not reference the anthropological debate alluded to above, she sees a stark contradiction between these divergent models of the person rather than, as Wardlow suggests, their tense co-presence.³⁴ There is clearly a gendered dimension insofar as the ideals of relational persons embedded in and controlling Fijian collectivity are predominantly embodied by men and especially male chiefs, while women are portrayed as disembedded and marginalised from a masculinist collectivity by both gender hierarchy and gender

31 Wardlow, *Wayward Women*, p. 20.

32 Lisette Josephides, 2008, *Melanesian Odysseys: Negotiating the Self, Narrative and Modernity*, New York and Oxford: Berghahn.

33 Macintyre, 'Money changes everything'.

34 Wardlow, *Wayward Women*.

violence. Newland focuses on the practice of *bulubulu/i soro*,³⁵ a ritual of atonement practised by *iTaukei* (indigenous Fijians) in many contexts but particularly to resolve cases of domestic violence between husbands and wives, rape and child sexual abuse. On the basis of extensive research done with local research assistants in several parts of urban and rural Fiji, she challenges Merry's earlier optimism that the *bulubulu* was becoming rarer, that it was being transformed so that the interests of the female victim were better recognised, and that reparation and gender justice were thus increasingly possible.³⁶ Both Newland and Nicole George in their chapters in this volume confidently assert that *bulubulu* continues to be widely practised to resolve cases of gender and sexual violence in Fiji and that the emphasis continues to be on restoring communal harmony and male authority (the chief, the husband) rather than acknowledging the suffering of the victim and her right to reparation.

In his compelling case study of 'Men's Matters' in the Catholic diocese of Western Province, PNG, Philip Gibbs charts how Caritas, the church-based agency, has been important in 'interpreting rights language and values into cultural frameworks meaningful to people in a given local context'. Through the accumulation of insights in workshops over several years, these men explored multiple masculinities through the discussion of figures such as the chief, the warrior, the wise man and the lover. They discussed the differences between past patterns of gender hierarchy and future visions of gender equality, starkly represented in the plotting of triangles and circles in Figure 5 in his chapter.³⁷

But, as Gibbs and his interlocutors perceive, isolating male and female subjects in this way occludes how these contrastive figures are embedded in a wider collective life and indeed a broader terrain of relationality. Ultimately Gibbs is hopeful that, despite the fact that empowering women necessarily entails wresting power from men, men will find fulfilment not just in better, less violent relations with women but in a broader communal vision. He sees Christian theology

35 The Fijian words differ by region: *bulubulu* is used in Bau or 'standard' Fijian; *i soro* elsewhere.

36 Sally Engle Merry, 2004, 'Tensions between global law and local social justice: CEDAW and the problem of rape in Fiji', paper delivered at the Justice Across Cultures Conference, Brandeis, March; Merry, *Human Rights and Gender Violence*.

37 Philip Gibbs, 'Men's Matters: Changing masculine identities in Papua New Guinea', this volume.

as providing a space for framing a discourse on equality within a discourse on difference, since men and women though different are 'one in Christ'. Following Merry's notion of 'layering' of frameworks³⁸ he suggests that the dissimilar models of hierarchical and egalitarian gender relations are layered rather than mutually exclusive, and are alike grounded in a Christian community. Apropos gender violence he suggests 'there would be values and safeguards to prevent such violence, based not on a modern liberal philosophy but more on human solidarity and the common good within the community'.³⁹

In her chapter, Katherine Lepani avows the continuing importance of notions of relational personhood in the Trobriands in the context of the twin national epidemics of gender violence and HIV.⁴⁰ Starting with a tragic vignette of the death of a young Trobriand woman detached from her family in Alotau and married to a violent husband from the Highlands, she offers a 'moral narrative of modernity' (after Webb Keane).⁴¹ She observes not just the diversity of patterns of gender and gender violence in PNG but also how they are locally typified by stereotypic images of the Trobriands and the Highlands. Yet the popular portrait of the Trobriands as a site of gender equality, female autonomy, and a sex-positive culture is, she suggests, relatively faithful to reality, even if this is sensationalised in monikers such as *Islands of Love*.⁴² She sees sex as integral to the flows between persons which constitute the relational Trobriand person, woman or man. Moreover, the Trobriands is a space relatively free of gender violence compared to the Highlands and other parts of the country.

Yet, in the conventional cartography of the HIV epidemic, the Trobriands is located as a 'hot spot', because of the 'high risk' behaviour associated with sexual expression in adolescence, the preference for multiple partners before settling into the pleasures of monogamous marriage and the high rates of divorce and remarriage. This notion of risk not only reveals a negative, moralistic view of human sexuality but conceives those exposed to such risks as isolated individuals. Lepani emphasises how the discourse of human rights entered PNG primarily

38 Merry, *Human Rights and Gender Violence*, p. 194.

39 Gibbs, 'Men's Matters'.

40 Katherine Lepani, 'Proclivity and prevalence: Accounting for the dynamics of sexual violence in the response to HIV in Papua New Guinea', this volume.

41 Webb Keane, 2007, *Christian Moderns: Freedom and Fetish in the Mission Encounter*, Berkeley, Los Angeles and London: University of California Press, p. 4.

42 See Lepani, *Islands of Love, Islands of Risk*.

in the context of the HIV epidemic and the associated 'epidemic' of gender violence, and how the person imaged in human rights discourse was confluent with the isolated subject or patient of biomedicine.⁴³ The policy response in PNG powerfully conjugates the epidemics and prioritises large quantitative surveys like the stalled IBBS survey funded by the World Bank in evaluations of 'evidence-based practice'.⁴⁴ The language of individual rights resurfaces in the context of voluntary testing, treatment and counselling with the added rhetorical claim in the PNG context that this is confidential (a claim hard to realise in practice). The Tok Pisin phrase promises: *testim na tritim, em raet bilong yu* (test and treat, it's your right). But, as Lepani concludes, this can be a hollow promise given the unequal power relations between clients and service providers and the incapacity of the health system to follow up or deliver ART services for all positive people.

Translating and vernacularising human rights in the Pacific: *Tok ples* and *talanoa*

There are many words and underlying metaphors which have been used to describe the way in which the notions and values of human rights move around the world, from the meeting rooms of the United Nations in New York and Geneva to the modest environs of Pacific universities, government and NGO offices, to rural workshops in thatch and bamboo huts or in the open air. This volume as a whole rejects the notion of a unidirectional flow from global to local, of seeing globalisation as akin to 'hypodermic insertion' or even 'infiltration' (two words saturated with organic corporeal metaphors in their conception of local cultures and contexts).⁴⁵ Rather the authors and editors of this volume prefer to deploy the linguistic concepts of translation and vernacularisation

43 Ibid.

44 On indicator culture compare Sally Engle Merry, 2011, 'Measuring the world: Indicators, human rights, and global governance', in *Corporate Lives: New Perspectives on the Social Life of the Corporate Form*, ed. Damana Partridge, Marina Welker and Rebecca Hardin, Wenner Gren Symposium Series, *Current Anthropology*, 52 Supplementary Issue 3: S83–S95; Peggy Levitt and Sally Engle Merry, 2011, 'Making human rights in the vernacular: Navigating the culture/rights divide', in *Gender and Culture at the Limit of Rights*, ed. Dorothy Hodgson, pp. 81–100, Philadelphia: University of Pennsylvania Press.

45 See Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu'; and Zorn, 'Translating and internalising international human rights law', this volume.

which have been focal to the influential writings of Sally Engle Merry on gender violence and human rights.⁴⁶ They equally witness the problems and limits of this focus.

These linguistic concepts can be used in a way which gives primacy to the original utterance or text and sees the process of localisation as one in which that text or utterance is translated into a local or vernacular language, *tok ples* to use the word in Melanesia pidgin. Yet, in accord with many recent theorists of translation,⁴⁷ Merry stresses not a unidirectional flow but a *reciprocal* flow of meanings and values in which particular languages and cultural contexts not only localise and modify the global text or utterance, but can also radically transform, distort or even subvert the meanings and values of human rights, and thus impinge on the character of the global discourse itself.

Merry has witnessed the 'vernacularization' of human rights pre-eminently in global debates about gender violence. In 2006, she described a process whereby local agents made international human rights laws and ideas applicable or resonant in local contexts, initially in campaigns against gender violence in Fiji, India and Hong Kong.⁴⁸ She suggested that although 'human rights ideas are repackaged in culturally resonant wrappings, the interior remains a radical challenge to patriarchy'.⁴⁹ That interior was filled with ideas of 'autonomy, choice, bodily integrity, and equality, ideas embedded in the legal documents that constitute human rights law' which 'endure even as the ideas are translated'.⁵⁰ She highlights how those who experience human rights violations, like women who are victims of gender violence, come to see their experience through the 'mediation of middle level and elite activists who reframe their everyday problems in human rights terms'.⁵¹

46 Merry, *Human Rights and Gender Violence*; Merry, *Gender Violence*.

47 For example, Ronit Ricci, 2011, *Islam Translated: Literature, Conversion and the Arabic Cosmopolis of South and Southeast Asia*, Chicago: Chicago University Press; Linda Jaivin, 2013, *Found in Translation: In Praise of a Plural World. Quarterly Essay 52*, Collingwood: Griffen Press.

48 Merry, *Human Rights and Gender Violence*; Sally Engle Merry, 2006, 'Transnational human rights and local activism: Mapping the middle', in *Anthropology and Human Rights in a New Key*, ed. Mark Goodale, *American Anthropologist* 108(1): 38–51.

49 Merry, *Human Rights and Gender Violence*, p. 221.

50 *Ibid.*, p. 221.

51 *Ibid.*, p. 219.

For Merry this is *not just* a top down flow from global universal meanings to local parochial understandings through the practices of such activists engaged in translation. It is rather a reciprocal process, 'from the global arenas down and from local arenas up'.⁵² She sees such intermediaries as Janus-faced, looking both ways between the worlds of 'transnational human rights and local cultural practices', as empowered in their capacity to broker knowledge, to mediate meanings and hopefully to deliver results to both local communities and states and transnational actors including donors. But she also witnesses their vulnerability since their commitments are ambiguous and they are subject to 'charges of disloyalty and double-dealing'.⁵³ She plots different examples on a continuum: from processes of vernacularisation which replicate international messages of women's human rights against gender violence with only a thin cultural repackaging (like battered women's centres in Hong Kong offering Western-style group therapy), to those which offer a thicker repackaging in cultural contexts (like Native Hawaiian Christian anger management programs), to those which are effectively hybridised such as *nari adalats* or women's courts which emerged in India from the mid-1990s to promote women's rights.⁵⁴ She highlights the difficulties of all such work in maintaining the trust of the women who suffer violence, the communities and states within which they are embedded and the international agencies and donors which are supporting or funding their work. That work is limited both by active resistance to human rights and superficial compliance, but also by the discursive limits of the rights regime, which 'focuses on individual injury and cultural oppression rather than structural violence',⁵⁵ those global and national inequalities of class, race and gender.

Ultimately then, despite her stress on the reciprocal potential of translation in vernacularisation, Merry suggests that the dominant flow is a 'top-down process from the transnational to the local and the powerful to the less powerful' and thus 'human rights ideas are not fully indigenised',⁵⁶ since their foreign, EuroAmerican origins are visible and palpable. They are 'embedded in a distinctive vision

52 Merry, 'Transnational human rights and local activism', p. 38.

53 Ibid., p. 40.

54 Ibid., pp. 44–46.

55 Ibid., p. 48.

56 Ibid., p. 49.

of the good society that envisions the state as the provider of social justice and the individual as responsible for making rights claims on the state'.⁵⁷ She sees this as a modernist, emancipatory, homogenising vision, which promotes human rights along with 'democracy, the rule of law, capitalism and the free market'.⁵⁸ So, for her, to be part of the human rights system advocates must emphasise 'individualism, autonomy, choice, bodily integrity and equality'.⁵⁹ Thus, Merry was early alert to some of the questions posed by critics of the transnational translations of human rights, as a novel cultural imperialism. She was also alert to how inequities in global political economy and the unidirectional flows of aid and development limited the 'bottom up' flow of meanings and values.

Merry's writing helps us to situate the western Pacific in this transnational context. We can witness how the original articles of the Convention on the Elimination of All Forms of Discrimination against Women⁶⁰ have been translated into Pacific languages and used not just in legal judgements,⁶¹ but in government and NGO campaigns against gender violence.⁶² But vernacularisation is not just translating

57 Ibid.

58 Ibid.

59 Ibid.

60 Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. 34/180, U.N. GAOR, 34th Sess. Suppl. No. 46, at 193, U.N. Doc. A/34/46 (1979).

61 Zorn, 'Translating and internalising international human rights law', this volume.

62 On Grace Mera Molisa, see Margaret Jolly, 1991, 'The politics of difference: Feminism, colonialism and decolonization in Vanuatu', in *Intersexions: Gender/Class/Culture/Ethnicity*, ed. Gill Bottomley, Marie de Lepervanché and Jeannie Martin, pp. 52–74, St. Leonards, NSW: Allen & Unwin; Margaret Jolly, 1996, 'Woman Ikat Raet Long Human Raet O No? Women's rights, human rights and domestic violence in Vanuatu', *Feminist Review* 52: 169–90; Jolly, Lee, Lepani, Naupa and Rooney, *Falling Through the Net?*; Nicole George, 2012, *Situating Women: Gender Politics and Circumstance in Fiji*, Canberra: ANU E Press; on Fiji, Lynda Newland, 'Villages, violence and atonement in Fiji', this volume; and Nicole George, "'Lost in translation": Gender violence, human rights and women's capabilities in Fiji', this volume.

In 2014, I reflected on how Grace Mera Molisa was a fine exemplar of what Merry calls 'mapping the middle', Janus-faced between the global and the local and thus in a perilous position. I compare the appropriation of rights discourse in the struggle for land rights and indigenous citizenship in the independence movement of the 1970s in which both men and women were involved and where rights language was rarely critiqued as not indigenous. By contrast when human rights discourse was deployed in the 1990s in relation to gender discrimination and gender violence it was characterised as foreign by opponents. See Margaret Jolly, 2014, 'Vernacularization in Vanuatu: Human rights and *raet* in engendering persons and collectivities', paper presented in panel Anthropological Approaches to Law, Gender and Human Rights: Papers in honour of Sally Engle Merry at the American Anthropological Association Meetings, Omni Shoreham Hotel, Washington, D.C., 5 December. See also the recent paper Selina Tusitala Marsh, 2014, 'Black Stone Poetry: Vanuatu's Grace Mera Molisa', *Cordite Poetry Review*, 1 February.

between languages but between broader epistemologies and histories, engaging rival notions of the person and of gender, and situated in terrains of power and property framed by colonialism, Christianity and contemporary globalisation.

Resistance is equally patent in how many Pacific states long failed to ratify CEDAW (Tonga and Palau until the time of writing and Tuvalu till 1999, although then without reservations). Others refused to accept certain foundational articles such as Article 5a which urges the modification of customary practices which are based on the idea of 'inferiority or the superiority of either of the sexes' and are thus seen to discriminate against women (for example, bride price in PNG or *bulubulu* in Fiji). Some Pacific states which have ratified CEDAW have been very slow to file the mandatory annual reports on progress in implementation; for example, PNG ratified CEDAW in 1995, but filed the first, second, third and fourth periodic reports only in 2008 at the instigation of Dame Carol Kidu.⁶³ Rejection is also there in the judgements by local courts which negate the salience of CEDAW or the Convention of the Rights of the Child in favour of national state laws or community values.⁶⁴

But the flow from the local to the global is not just the negative agency of refusal or resistance. This is patent in the very inclusion of gender violence as a form of discrimination against women, which was not included in the original articles of CEDAW but rather through the auspices of the General Assembly's Resolutions of 1985 and 1990 which declared 'freedom from gender violence a human right' and by a General Recommendation of the CEDAW Committee in 1992 which added gender-based violence as part of the definition of discrimination. These, like the original convention, were the result of a diverse array

Taylor observes, however, that the translation of 'right' into Bislama as *raet* can signal not so much the right embodied in a person, but the right of one person over another. This was the sense deployed by that male movement on the island of Espiritu Santo, called Violence Against Men, which saw the proposed change in family laws (passed in modified form in 2008) and the funding given by foreign donors to women's equality as an attack on the *raet* of men to assume authority over women. See John P. Taylor, 2008, 'The social life of rights: "Gender antagonism", modernity and *raet* in Vanuatu', in *Changing Pacific Masculinities*, ed. John P. Taylor, special Issue of *The Australian Journal of Anthropology* 19(2): 165–78.

63 See Zorn, 'Translating and internalising international human rights law', this volume.

64 Ibid.

of women's movements and feminist NGOs coalescing to effect change through the UN. Increasingly through the 1980s, 1990s and 2000s Pacific women's movements were vitally involved in this process.⁶⁵

In Merry's understanding, this process of 'vernacularization' is inherently political as much as linguistic or cultural.⁶⁶ This is clear in how she critically deploys the cognate concept of 'culture', which she argues can be used to describe not just the particularistic local cultures of the Global South but those very congregations which form at the United Nations, constituted by representatives of states and NGOs, lawyers and gender experts, policymakers and activists. In labelling this a 'culture' with its own particular practices and discourses she echoes Dipesh Chakrabarty's *Provincializing Europe*,⁶⁷ challenging the presumptions of imperial universals by showing how these concepts and values emerge from a particular time and place. In this vision, United Nations fora in New York and Geneva are not imperial centres hovering above the globe, but emplaced, even provincial or parochial. It may be that the notion of the human in human rights has a distinctively European and Enlightenment genealogy, and emerged as a compelling moral value in the aftermath of the horrors of World War II and the Holocaust. But, like many other feminist scholars,⁶⁸ Merry stresses how non-Western women and particularly women from the Global South have been centrally involved in talking about and promoting human rights for decades, and have thus expanded and transformed its core meanings and values. It is difficult then to dismiss human rights values as quintessentially Western imperial or even 'foreign' to the Pacific. I also doubt the characterisation of human rights regimes as 'authoritarian' since, although they may embed doctrinal values, it is clear that conventions like CEDAW often fail to be truly legitimated by states or carry authority, let alone authoritarian power, in practice. Rather we witness a *talanoa*, the Fijian word for 'extended discussion' or 'dialogue' between Pacific women about human rights.

65 See Annelise Riles, 2000, *The Network Inside Out*, Ann Arbor: University of Michigan Press; George, *Situating Women*.

66 Merry, *Human Rights and Gender Violence*; Merry, *Gender Violence*.

67 Dipesh Chakrabarty, 2008 [2000], *Provincializing Europe: Postcolonial Thought and Historical Difference*, second edition, with preface by author in response to critics, Princeton and Oxford: Princeton University Press.

68 Hilsdon, Macintyre, Mackie and Stivens (eds), *Human Rights and Gender Politics*.

Merry also critiques the culture concept as it is used by some activists and experts who are promoting CEDAW and struggling to redress gender violence.⁶⁹ 'Culture' here becomes a monolithic obstacle, a roadblock in the free circulation of the notion of human rights.⁷⁰ Although anthropologists have thoroughly critiqued the concept of culture as something bounded, consensual and eternal, it is still being used in that way by some involved in gender and development and in struggles against gender violence. Crucially this criticism equally pertains to those local Pacific conservatives who deploy a reified concept of 'culture' to defend the values of gender hierarchy as cherished traditions, unable to be transformed by the novel values of women's equality with men and freedom from discrimination and gender violence.⁷¹ This is why Merry asks: 'Who speaks for culture?'⁷² In her view we cannot concede that only senior, high-ranking or powerful men can so speak. Women and young people must be able to speak for culture too, and this entails seeing culture not as a 'Frankenstein's corpse' revived to intimidate women and the powerless,⁷³ but as created and contested, open and changing.

It is interesting to compare the debates about the 'vernacularization' of human rights in recent decades in the Pacific with the discussion of the indigenisation of Christianity in the region. Of all the foreign agents associated with the *longue durée* of European colonialism, missionaries were the most successful in transforming local beliefs and practices through processes of Christian conversion. In this process the crucial role of Pacific Islander missionaries as translators and agents of transformation is slowly being acknowledged. They were involved in 'mapping the middle'⁷⁴ in ways similar to Pacific human rights activists today and were similarly often in perilous and vulnerable positions, like those early Samoan missionaries, men

69 Merry, 'Tensions between global law and local social justice'; Merry, 'Transnational human rights and local activism'.

70 See also Jane K. Cowan, Marie-Bénédicte Dembour and Richard A. Wilson, 2001, 'Introduction', in *Culture and Rights: Anthropological Perspectives*, ed. Jane K. Cowan, Marie-Bénédicte Dembour and Richard A. Wilson, pp. 1–26, Cambridge and New York: Cambridge University Press; Jane K. Cowan, 2006, 'Culture and rights after *Culture and Rights*', in *Anthropology and Human Rights in a New Key*, ed. Mark Goodale, *American Anthropologist* 108(1): 9–24; and Levitt and Merry, 'Making human rights in the vernacular'.

71 See Newland, 'Villages, violence and atonement in Fiji', this volume.

72 Merry, *Human Rights and Gender Violence*, p. 19.

73 Grace Mera Molisa's words; see Jolly, 'The politics of difference'.

74 Merry, 'Transnational human rights and local activism'.

and women, who were martyrs in southern and central Vanuatu.⁷⁵ Throughout the Pacific today Christianity is avowed as indigenous, as crucial to quotidian ways of life in villages and towns and the nationalist foundations of independent states such as Papua New Guinea, Vanuatu and Fiji which are the focus of this volume. Despite earlier anthropological critiques of Christianity as a foreign colonial force,⁷⁶ along with the occupation of lands by settlers, the extraction of commodities and people, and the formation of colonial states, *lotu* is today regularly avowed as ‘of the place’ in a way *bisnis* and *gavman* are often not. Recently anthropologists have been eager to acknowledge and analyse this process of indigenisation.⁷⁷ And yet, in an historical irony, present moves to vernacularise human rights are sometimes impeded by the results of that successful earlier project of vernacularisation, namely Christian conversion. This historical process has produced the predicament whereby introduced Christian forms of gender hierarchy have creolised with indigenous gender hierarchies to produce recalcitrant and militant forms of male domination which are staunchly defended as traditional: *iTaukei* or *kastom*. God’s divine ordination of male authority is thereby powerfully proclaimed as indigenous.⁷⁸

This process is palpable both in Fiji and Vanuatu, as revealed in the chapters by Newland and by John Taylor and Natalie Araújo in this volume. Newland connects the gender violence amongst *iTaukei* in Fiji, and especially the endemic problems of domestic violence, rape and child sexual abuse, to pervasive patterns of gender hierarchy. She argues that the under-reporting of such violent acts to police is motivated by a ‘focus on maintaining village harmony between men,

75 Latu Latai, 2014, ‘From open *fales* to mission houses: Negotiating the boundaries of “Domesticity” in Samoa’, in *Divine Domesticities: Paradoxes of Christian Modernities in Asia and the Pacific*, ed. Hyaewool Choi and Margaret Jolly, pp. 299–324, Canberra: ANU Press; Latu Latai, 2016, ‘Covenant keepers: A history of Samoan (LMS) missionary wives in the western Pacific from 1839 to 1979’, PhD thesis, The Australian National University.

76 For example, Roger M. Keesing, 1992, *Custom and Confrontation: The Kwaio Struggle for Cultural Autonomy*, Chicago: Chicago University Press; Margaret Jolly and Martha Macintyre (eds), 1989, *Family and Gender in the Pacific: Domestic Contradictions and the Colonial Impact*, Cambridge: Cambridge University Press, digital reprint 2009.

77 For example, Robbins, *Becoming Sinners*; and Mosko, ‘Partible penitents’, for PNG; Christina Toren, 2003, ‘Becoming a Christian in Fiji: An ethnographic study of ontogeny’, *Journal of the Royal Anthropological Institute* 9(4): 709–27; and Matt Tomlinson, 2009, *In God’s Image: The Metaculture of Fijian Christianity*, Berkeley: University of California Press, for Fiji.

78 See Taylor, ‘The social life of rights’.

not on reparations for the victim'.⁷⁹ The value of *vakaturaga*, literally 'in the way of the chief', is not just a reinscription of the indigenous cultural authority of male chiefs, revealed in the hierarchical patterns of drinking kava (*yagona*), but enshrines these chiefs as God's representatives in a divine order to which both women and subordinate men must submit. Similarly husbands are seen not just as secular heads of households but as having divine authority over their wives; as one interlocutor remarked, 'Man represents God in the family'.⁸⁰

As Newland observes, Fijian domesticity radically changed with Christian conversion: from polygyny to monogamy, from men's houses to nuclear family households and from a focus on sibling to conjugal bonds. Women's land rights and mobility were curtailed in the early colonial period. New marriages are often marked by high levels of violence inflicted by husbands on wives, especially if she is a cross-cousin where a relation of gender parity has to be transformed into hierarchy.⁸¹ Virilocal residence means wives have little support from natal kin. A husband's violence is often legitimated by blaming the wife for lack of respect, and local efforts by chiefs and lay preachers are directed towards reconciliation of the couple rather than justice for the victim. Newland argues that *bulubulu* practices of atonement, although Christianised in some respects, persist relatively untransformed, perpetuate gender hierarchy and legitimate male violence. Yet, she also acknowledges that many Christian churches have been vitally involved in the provision of places of refuge for victims in urban areas, even though both distance and stigma make these places unappealing for most rural women and girls who are victims of gender violence.

In their chapter John P. Taylor and Natalie Araújo discern rather different processes at work in the creolisation of indigenous and introduced Christian gender hierarchies in Vanuatu. They focus on the pervasive beliefs, practices and narratives concerning *nakaemas* (sorcery). In comparison to Fiji, indigenous patterns of rank in Vanuatu were diverse and complex, with achieved titles in public 'graded societies' (both male and female) and male 'secret societies' in

79 Newland, 'Villages, violence and atonement in Fiji', this volume.

80 Ibid.

81 Christina Toren, 1995, 'Cosmogonic aspects of desire and compassion in Fiji', in *Cosmos and Society in Oceania*, ed. Daniel de Coppet and André Itéanu, pp. pp. 57–82, Oxford and Herndon: Berg.

the north and more ascribed chiefly powers in central and southern parts of the archipelago.⁸² They observe how, in the past, high-ranking men and chiefs were thought able to exert positive powers to make things grow and heal and negative powers to destroy and harm. Today there is a widespread perception that with Christian conversion and the erosion of such customary hierarchies, such power has become unleashed and democratised and is now too often in the hands of young men who use awesome methods such as *su* to steal property and to seduce and sexually assault women. Taylor and Araújo document two chilling cases of *nakaemas* being used in gang rapes and, in the second case, the murder of a young ni-Vanuatu woman. Sorcery is thus a form of gender violence, and one chronically neglected by aid agencies involved in development until very recently. Yet a report by the Vanuatu Women's Centre in 2011 documented that 49 per cent of ni-Vanuatu women considered that of all forms of violence 'violence due to sorcery' was their greatest concern.⁸³

The gendering and sexualisation of *nakaemas* is grounded in the profound inequalities of men and women not just in Vanuatu *kastom* but in the dynamics of a 'rapidly transforming capitalist political economy', especially in the port towns of Vila and Luganville. The autonomy and mobility of young urban women and girls is threatened by a punitive form of male surveillance, which reinforces homosocial and hierarchical bonds between men. They are not, as the mobile phone company Digicel promises, 'free to roam'; indeed, young women often turn their mobile phones off at night to avoid *nakaemas* infiltrating through the network. Christian leaders, like police and judges, are not immune from accusations of using *nakaemas* themselves. Indeed, as Taylor graphically shows elsewhere,⁸⁴ the *taviu* of the Anglican Melanesian Brotherhood are credited with ambivalent divine power, both to combat and to effect sorcery.⁸⁵

82 See Margaret Jolly, 1994, *Women of the Place: Kastom, Colonialism and Gender in Vanuatu*, Amsteldijk: Harwood Academic Publishers.

83 John P. Taylor and Natalie Araújo, 'Sorcery talk, gender violence and the law in Vanuatu', this volume.

84 John P. Taylor, 2010, 'The troubled histories of a stranger god: Religious crossing, sacred power, and Anglican colonialism in Vanuatu', *Comparative Studies in Society and History* 52(2): 418–46; John P. Taylor, 2016, 'Two baskets worn at once: Christianity, sorcery and sacred power in Vanuatu', in *Christianity, Conflict, and Renewal in Australia and the Pacific*, ed. Fiona Magowan and Carolyn Schwarz, pp. 139–60, Leiden: Brill Publishers.

85 See also Sabine Hess, 2009, *Person and Place: Ideas, Ideals and Practice of Sociality on Vanua Lava, Vanuatu*, Volume 2 in Series *Person, Space and Memory in the Contemporary Pacific*, Oxford: Berghahn; Thorgeir Kolsus, 2007, "'We are the Anglicans': An ethnography of empowering

Those who seek to oppose gender violence in such Pacific contexts are thus often in a perilous position, vulnerable to being accused of being traitors to their 'culture' and subject to violent forms of repression and male backlash, through physical coercion, persuasive threats and even nefarious forces.⁸⁶ Nicole George shows how activists working at the Fiji Women's Crisis Centre and the Fiji Women's Rights Movement have been subject to forms of state violence sanctioned by current and past military regimes.⁸⁷ Feminist leaders and activists have been arrested, interrogated and sometimes silenced.⁸⁸ Even as military regimes in Fiji have endorsed what seemed to be progressive principles such as the 'no drop' policy (whereby once gender violence is reported to police the charges cannot be dropped), or the more recent announcement of 'zero tolerance' of gender violence, the very authoritarian forms of implementing such policies can generate perverse effects. Reporting to the police is even further discouraged as communities close ranks to protect male perpetrators and their collective reputation while women continue to suffer not just the original violence but forms of justice which favour a male-dominated harmony rather than the rights of the victim to reparation.

As Merry attests in her books and elsewhere, those who struggle against gender violence and promote women's human rights are often in a fraught and precarious situation. It is not just a case of benign interpretation or mediation between local and global cultures.⁸⁹ The very tensions and political contests between competing values can leave such activists perilously alienated from both their domestic environment and the transnational networks and circuits on which they move. This is obvious in high profile cases such as the young Pakistani woman Malala Yousafzai targeted by the Taliban for going to school and promoting the cause of women's education.⁹⁰ It is also clear for those women who have used the language of human rights not just

conversions in a Melanesian island society', Dr. polit thesis, Oslo: University of Oslo.

86 John P. Taylor, 2008, 'The social life of rights: "Gender antagonism", modernity and *raet* in Vanuatu', in *Changing Pacific Masculinities*, ed. John P. Taylor, Special Issue of *The Australian Journal of Anthropology* 19(2): 165–78; Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu', this volume.

87 George, *Situating Women*.

88 See Newland, 'Villages, violence and atonement in Fiji'; and George, "'Lost in translation'", this volume.

89 Merry, 'Transnational human rights and local activism'.

90 See Aletta Biersack and Martha Macintyre, 'Introduction: Gender violence and human rights in the western Pacific', this volume.

to oppose the Burmese army's 'license to rape' but the very nationalist, secessionist armies of which they were a part.⁹¹ Women involved in peace-making processes in both Bougainville and Solomons conflicts were often themselves at risk of injury or death in mediating conflicts,⁹² especially when they raised confronting issues of gender violence in war, of rape and sexual torture, used by all militarised male protagonists, including their own kin or men on their side of the conflict.

Lost in translation? Women's capabilities and prospects of economic and political empowerment

Translation is the invisible skein that binds our world.⁹³

In her compelling chapter Nicole George argues that an undue emphasis on culture, translation and vernacularisation, evinced in the work of Sally Engle Merry and others, has meant that broader questions of women's capabilities for economic and political empowerment have been occluded. She is inspired by the capabilities approach of Sen, Nussbaum and Macintyre. As suggested above, I consider Merry's approach as 'cultural' only insofar as she critically deploys that concept to highlight the political stakes at play in contests about culture. As we saw above, Merry is keenly aware how reciprocal acts of translation are constrained or even negated by the inequities of global political economy and the flow of aid and development from the rich and powerful to the relatively poor and weak. But I absolutely agree with George that the emphasis on the power of the law and especially of international law to combat gender violence has not only been unduly optimistic but has sometimes failed to acknowledge

91 Jane M. Ferguson, 2013, 'Is the pen mightier than the AK-47? Tracking Shan women's militancy within and beyond the ongoing internal conflict in Burma', *Intersections: Gender and Sexuality in Asia and the Pacific* 33.

92 See Rebecca Monson, 2013, 'Vernacularising political participation: Strategies of women peace-builders in Solomon Islands', *Intersections: Gender and Sexuality in Asia and the Pacific* 33; and Anna-Karina Hermkens, 2013, "'Raits blong mere?" Framing human rights and gender relations in Solomon Islands', *Intersections: Gender and Sexuality in Asia and the Pacific* 33.

93 Jaivin, *Found in Translation*, p. 2.

how changes in the broader economic and political situation in which Pacific women are situated powerfully moulds and often constrains their capabilities to redress gender violence.

Jean Zorn's excellent chapter shows what *has* been achieved legally by reviewing the way in which CEDAW has been used (or not) in legal cases heard in Pacific jurisdictions. She stresses that CEDAW, as a convention ratified (or not) by states, is technically non-enforceable, since it lacks direct sanctions. Its ratification requires due diligence by states and is limited to their behaviour, since it does not extend to the behaviour of individual citizens.⁹⁴ It generates effective action primarily by persuasion and the powers of international shaming of those who fail to sign or comply. Yet, as Biersack points out, the lack of coercive sanctions does not totally negate forcible persuasion given that most of the Pacific states considered here, although sovereign, are relatively poor and weak and thus subject to the conditionalities of foreign aid, especially as exercised by states like Australia and the United States (China has its conditionalities too, though these are often less public and transparent).⁹⁵ Signing onto CEDAW by Pacific states was clearly not merely a sign of passionate commitment to gender equality by predominantly male politicians.⁹⁶

Still, as is clear from Zorn's analysis of case law across several jurisdictions in the Anglophone Pacific, CEDAW has had a definite impact and indeed a 'salutary effect' on island nations across the Pacific, including PNG. She weighs up the relative merits of Sally Engle Merry and Bonita Meyersfeld's assessments of CEDAW's impact in terms of their respective models of 'vernacularization' and 'infiltration' and adjudges it a qualified success, insofar as an international convention can only aspire to shape the behaviour of states rather than of individuals within those states. Clearly there is a difference between a non-enforceable international convention and a national law as enshrined in statute. But courts can translate the provisions of CEDAW into their decisions even if the national parliament has not enacted a statute binding on its citizens.

94 Zorn, 'Translating and internalising international human rights law', this volume.

95 See Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu', this volume.

96 Biersack and Macintyre, 'Introduction: Gender violence and human rights in the western Pacific', this volume; Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu', this volume.

This is precisely what has happened in several states of the Pacific, including PNG, Vanuatu, Fiji and Samoa. CEDAW has been invoked in court cases primarily to assert its relevance and more rarely to deny it. It has been used variously as a precedent, as an authority for change, as a way of invalidating the currency of local statutes or customs and even in ways that presumes its powers are parallel to a domestic statute.⁹⁷ It has been used in a wide variety of cases apropos gender issues in customary land law, in arranged marriages and most frequently in sexual violence or rape. The most empowering use of CEDAW has perhaps been by the Australian feminist barrister and judge Jocelyne Scutt, even in the dark days of Bainimarama's military regime in Fiji. Acting as a judge of the High Court of Fiji, Family Division, she voided five cases of arranged marriages within Fiji's Indian community in 2008–09 on the grounds that arranged marriage was itself coercive (and that no proof of physical injury or threat was needed). Annulment was granted since such marriages were seen to violate CEDAW; section 26 of the Family Law Act of Fiji requests courts to take CEDAW into account when reaching decisions. Given Justice Scutt's history as scholar and feminist on questions of gender violence, Zorn is inclined to adjudge that this reference to CEDAW was her own initiative and that her judgements inspired other young men and women in similar situations to turn to the courts.

Dame Carol Kidu was equally central in promoting the crucial significance of CEDAW in combatting gender violence and promoting human rights both in PNG and the region more generally. She was a prime mover behind the PNG CEDAW report of 2008 which covered several reporting periods and which, says Zorn, was 'not shy' in finding women's subordination in the patriarchal patterns of customary norms and institutions, Christianity and introduced patterns of politics. At the national level this is symbolised by the *Haus Tambaran*, modelled on a Sepik men's house where only men congregate, in a fashion similar to the national parliament of that period, where Dame Carol was the sole female member. Dame Carol Kidu's promotion of CEDAW extended beyond PNG; she clearly not only 'mapped the middle' between the local and the global but created a novel cartography for empowering women in the region.

97 Zorn, 'Translating and internalising international human rights law', this volume.

Even though Kidu has now retired as a member of parliament and a minister in PNG she is still vitally engaged in promoting women's empowerment, nationally, regionally and globally.

But, as the chapters by Aletta Biersack and Nicole George show, it is important not to be unduly optimistic about the gains made nor the power of CEDAW and the discourse of human rights to redress gender violence in the region. Biersack recounts a trio of rather sobering histories from Papua New Guinea, Fiji and Vanuatu. These evince the faltering progress of efforts to reduce gender violence in these three countries despite decades of efforts by state agencies like the Department of Community Development in PNG and a range of NGOs, including the Fiji Women's Crisis Centre and the Fiji Women's Rights Movement, the Vanuatu Women's Centre, Women Arise, and Family and Sexual Violence Action Committees in PNG (which link government agencies, private sector and civil society partners). Like Zorn,⁹⁸ she highlights the delays in the ratification of CEDAW, the initial reservations and caveats (usually on the basis of preserving indigenous culture) and the long delays in filing reports for all these three states. Like Zorn, she acknowledges how international conventions signed by sovereign states require only that they exercise 'due diligence'; these are non-enforceable laws. But Biersack cogently observes that, although sovereign, these three states are poor and aid dependent, and thus vulnerable to pressures from aid donors to sign on to such conventions and to promote the values of gender equality and human rights.

Much effort to redress gender violence has been expended on legal reforms, through acts of legislation like the Crimes Decree passed by Fiji's Parliament in 2009, the Family Protection Act passed by the Vanuatu Parliament in 2008 or the new Criminal Code passed by the National Parliament of PNG in 2002. These variously updated notions of gender violence and sexual penetration, legislated penalties for offenders and offered protection for women and children who were victims. But resistance to such legal reform was widespread. For example, the Family Protection Bill in Vanuatu was first drafted in 1997 but not passed till over a decade later, because of virulent opposition including from the all-male Malvatumauri Council of Chiefs, the Vanuatu Christian Council and a short-lived but powerful male backlash movement based in Luganville, sardonically called the

98 Zorn, 'Translating and internalising international human rights law', this volume.

Violence Against Men and Family Protection Centre.⁹⁹ Opponents mounted conservative arguments to respect the male authority inherent in *kastom*, in resistance to what is portrayed as the neo-colonial regime of the international human rights agenda. Given such resistance it is not surprising that these three histories are frustratingly non-linear. Still, we must acknowledge that feminist gains have hardly been linear in the United States and Australia either. Struggles for reproductive rights, affordable child care and equal pay have been waged and resisted, in a strenuous choreography of moves for and against gender equality.

In the Pacific, resistance to gender equality often entails an insistence on customary modes of justice rather than those of the introduced law. Restorative justice in Fiji, Vanuatu and PNG can be portrayed as win-win in that it seeks harmony and reconciliation rather than the win-lose of the state legal system. But it is focused on restoring relations between men rather than pursuing justice for the female victim. Echoing Newland on Fiji, Biersack shows similar processes at work elsewhere which dissuade women from reporting gender or sexual violence to the police: an undue sense of shame and heavy familial, communal and church pressures, even threats of being ostracised from communities. As earlier observed, sometimes progressive legal reforms can have perverse effects: the 'no drop' policy in Fiji meant women were even less likely to report gender violence since charges could not be withdrawn and the current zero-tolerance campaign may, through the introduction of gatekeeper committees in communities, rather be reinforcing a desire for communal resolution before gender or sexual violence is reported to police. Biersack stresses that not all men are united in their resistance to the novel values of gender equality and human rights; indeed male advocacy has been important in all three countries.¹⁰⁰ The Pacific, like Australia, has its 'male champions for change'.¹⁰¹ Yet, overall, this sequence of legal solutions has had little effect in actually reducing levels of gender violence and there is even some evidence of increasing severity, especially in urban areas. Biersack refuses to be totally pessimistic about future possibilities and envisages a more reciprocal process of influence between global

99 Taylor, 'The social life of rights'.

100 See Gibbs, 'Men's Matters', this volume.

101 See Elizabeth Broderick, 2014, 'Progressing gender equity and the role of male champions for change', Address by Australia's Sex Discrimination Commissioner to third anniversary of Gender Institute, Australian National University, 21 March 2014.

and local forces which will dislodge the 'hypodermic' model of UN influence and precipitate the emergence of many worlds of human rights regimes rather than one world of universal, imperial visions.¹⁰²

Nicole George similarly stresses the importance of connecting the processes of translation and vernacularisation of human rights with the questions of women's 'capabilities' to claim their rights and to redress gender violence. Echoing arguments made in her book *Situating Women* she shows how the space of women's agency is constrained by the broader political economy of a country, the region and the world.¹⁰³ That book showed how the relatively expansive agenda of women's groups like the YWCA in Fiji in the 1970s and 1980s gave way to a far more confined and issue-specific feminist agenda with the resurgence of ethno-nationalism in Fiji, the growth of militarism through a cycle of coups and the simultaneous emergence of neoliberal policies and audit cultures of aid.

In this volume she stresses how the military regime in Fiji has not only silenced and coralled the women's movement there but has created an economic and political climate in which women are poorer, more vulnerable and more dependent on men both for economic survival and physical protection. Gender violence has been exacerbated both by uneven capitalist development¹⁰⁴ and by the militarism of Fiji's political culture. The juridical success of the human rights agenda in redressing gender violence has not been matched by an actual decrease in the incidence of gender violence. Indeed, though it ostensibly opposed gender violence, the Bainimarama military regime daily performed a paradox whereby it attacked the values of human rights by silencing critics (including Fiji's feminist activists) and by its authoritarian enactment of a zero-tolerance approach to gender violence.¹⁰⁵

102 See Biersack, 'Human rights work in Papua New Guinea, Fiji and Vanuatu', this volume.

103 George, *Situating Women*.

104 On Vanuatu, see also Taylor and Araújo, 'Sorcery talk, gender violence and the law in Vanuatu', this volume.

105 Bainimarama stood down in early 2014 as head of the military to contest the elections in Fiji (17 September 2014) and his Fiji First party attained a large majority in the new parliament. His election was no doubt aided by the efficacy of the military state to effect practical changes like building bridges and roads and the way in which he supported ordinary Fijians rather than the chiefly hierarchy, and opposed ethnonationalism against Indo-Fijians. Of course his control of the media also enabled his victory, and the lack of media freedom and the dominance of military personnel in civilian roles in the government continues. It will be interesting to see what the new

The chapters in this volume thus offer a sobering and realistic evaluation of how Pacific women (and some men) are navigating turbulent waters to redress if not end gender violence. There are reasons to despair, there are also reasons to hope. The work of governments, aid donors and NGOs is ongoing alongside the efforts of ordinary Pacific people, women and men to try to redress the scourge of gender violence in this region, through persisting and innovative efforts. In ending I can only offer a few final words from another poignant song by Fred Smith from his CD *Bagarap Empires: 'The Infinite Ocean'*.

The infinite Ocean collects all the tears that we cry.¹⁰⁶

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political environment and the election of several women to parliament means for Fijian women in the future. See Stewart Firth, 2014, 'Rights, representation and legitimacy in Fiji Politics', paper presented at East-West Centre Honolulu, 10 December.

¹⁰⁶ These are the final words of the song 'The Infinite Ocean', song 14 on the CD *Bagarap Empires* by Iain 'Fred' Smith, 2012, 10th Anniversary edition. CD and line notes in author's collection.

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