

POSTCOLONIAL TRANSFORMATION IN YAP:
TRADITION, BALLOT BOXES AND A CONSTITUTION

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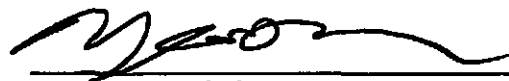
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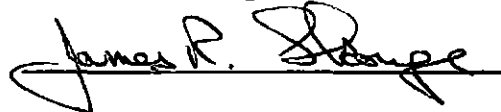
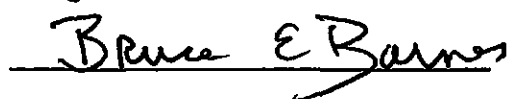
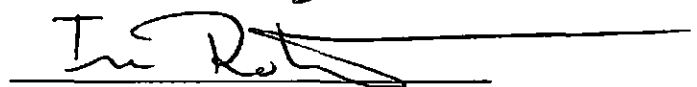
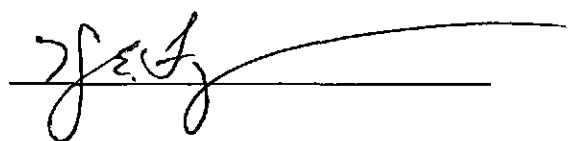
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ABSTRACT

Numerous cultures, traditions and languages can be found in the Federated States of Micronesia (FSM), but all of the FSM states have undergone similar changes in culture and island life due to foreign occupations. In Yap, specifically, political structures are steeped in oral tradition and chants, some of which outline the beginnings of Yap's caste and village hierarchies. Eventually, imperialism affected these structures and remnants of the imperial powers continue to influence Yap today.

The FSM states modeled their governments after Western governments, but they incorporated stipulations meant to protect tradition. Each constitution protects tradition to a different degree. As a new FSM state, Yap created a constitution that integrates traditional practices into a new democratic structure. The Yapese created a fourth branch of government that consists of two councils of chiefs. These councils review all legislation to ensure that it coincides with tradition. They are ultimately tasked with protecting Yapese tradition within a democratic framework. The Yap State Constitution recognizes traditional leaders while providing leadership roles to groups who have not historically been given leadership roles including women and lower castes.

Interviews with Yapese chiefs, villagers and legislators, along with an analysis of FSM and Yap constitutional convention minutes illustrate Yap's efforts to combine democracy with tradition. These hybrid compromises were a break from tradition and may have initially been created out of historical necessity, but they did indeed provide new rights to groups who wouldn't otherwise have them.

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Chapter 1. The Ins and Outs of Research on Yap

I spent hundreds of days sitting in a thatched roof koyeng staring at the sea and pondering Yap's system of law between 1998-2000. As a Peace Corps volunteer, I chewed countless betelnuts while trying to pry Yapese culture out of my host mothers, aunts, uncles and colleagues. Sometimes they would voluntarily share customs and traditions, but usually this was during relevant activities such as gardening or walking to school. I lived with two host families in Maap, Yap, a rural municipality in northeast Yap. Throughout my two years of service I helped to open a school library and I taught 7th and 8th grade English at Maap Community School. My job and living situation allowed me to regularly converse with villagers, chiefs and lawmakers. One host family was directly related to the chief of Maap municipality, which allowed me to gain insight I probably wouldn't have gained otherwise. I often conversed with village chiefs and the municipal chief during school board meetings and school trips. On one occasion, I accompanied our 8th graders, parents, teachers and two municipal chiefs to Palau for a cultural exchange trip. These experiences helped me to forge relationships with the community, which proved to be useful during my interviews that would take place years later.

I frequently heard the Yapese refer to traditional councils of chiefs who apparently held quite a bit of political power. These councils always sparked my interest and I was constantly seeking out more information about them. Upon first hearing of the councils, I was honestly just plain interested in them because they are unlike anything I had heard of in the US. Over time, I began to understand their purpose and their significance to Yapese culture and politics. Now, ten years later, I

aim to make a significant contribution to literature on Yap through research and more importantly through the facilitation and analysis of interviews with Yapese about Yapese culture, politics and more specifically, the councils of chiefs. These interviews create a substantial and meaningful portion of my dissertation. I used experiences learned from past ethnographers along with archival research, personal experiences, observations, a literature review and interviews with numerous Yapese to formulate my research approach and agenda. My research agenda soon centered around the question I often pondered while living in Yap: How and why does Yap combine Western and traditional law? This is now my guiding question.

Lynn Wilson, author of *Speaking to Power*, performed ethnographic research in the Republic of Palau. In *Speaking to Power*, she states that “she [conducted] research with people living in a group of islands that the government of [her] own country had held hostage both politically and economically...” (41). Because of our similar research situation (I being an American performing research in Yap), I’ve remained sensitive to the fact that I, too, interviewed people who have experienced American imperialism first hand. Hence, I might embody imperialism to some of my interviewees.

I may represent imperialism to those I spoke with, however unlike Lynn Wilson, I have prior experience living in Yap with Yapese host families. In Yap, I tended the taro patch with the women, I gardened around the house, I scaled the fish, and I attempted to cook traditional Yapese foods, although usually unsuccessfully. I believe my experience living with villagers created a connection between those I later interviewed and myself. I lived in Yap from 1998-2000 and returned in 2001 and

2006 to carry out research. Although these experiences undoubtedly allowed me access to people and information that are not usually accessible to outsiders, I certainly didn't feel like an insider while living in Yap. Merton sums up my experiences well through the statement, "we are all, of course, both Insiders and Outsiders..." (Naples, 22). For most of my two years in Yap, I felt awkward and unsure of myself. I was never exactly sure if I was dressed appropriately, if I was eating correctly or if I was just downright offensive. I was constantly aware of my lack of cultural skills. I can only blame myself for these feelings of insecurity as my families and colleagues were nothing but supportive, accepting and caring. On the other hand, when I returned to Yap for research, my interactions with my in-laws and host families gave me the sense that I was indeed an insider, for research purposes at least.

Sally Merry, author of *Colonizing Hawaii*, also incorporated ethnography into her research analysis on the transformation of law in Hawaii. Unlike Wilson, Merry seems to have relied more on legal documents and used an "archival" approach during her research. But Merry did interview many people who were involved in the events she discusses in her book. She interviewed attorneys, plantation managers, descendents of lunas and members of the Native Hawaiian resistance movement (Merry, 10-11). I initially believed that I would use my interviews as my primary sources throughout my dissertation and that I would use archival research to support what I learned through my interviews. However, I later found a copy of the minutes from the Yap constitutional convention, an archival gold mine that I hadn't expected

to find. My analysis of the Yap con-con soon became the focus of chapters 5 and 6, which are my chapters that explore attempts to protect and define Yapese tradition.

Lynn Wilson describes her research agenda as focusing on her dialogues with Palauans. These dialogues are her “object,” rather than using the “other,” i.e. Palauans, as her object, as has been done in past ethnographic research (50). I, too, allow the dialogues to speak in my dissertation. I decided to take an approach that focuses on dialogue for numerous reasons. Comaroff and Comaroff, authors of *Ethnography and the Historical Imagination*, state that “ethnography serves at once to make the familiar strange and the strange familiar, all better to understand them both” (6). The Comaroffs go on to state that “no ethnography can ever hope to penetrate beyond the surface planes of everyday life...unless it is informed by the historical imagination—the imagination, that is of both those who make history and those who write it” (xi). This is why it is necessary for me to examine not only Yapese political structures, but the history of Yapese political structures. Most of the literature I’ve found on Micronesian history was not written by Micronesians. It was written primarily by Americans who have focused on encounters between Micronesia and foreign visitors. I admit that this has been a problem of mine throughout my own writings on Micronesia. In accordance with the Comaroff’s statement, “people everywhere turn out to have had history all along,” (5) I must state that I asked my discussants about their own history. I’m also mindful of the fact that ethnography can’t “capture” the reality of the “other” (9) as many anthropologists and historians have claimed to do in the past. Some ethnographic accounts have actually “misinterpreted information,” which is my guess as to why Yapese women’s political

roles are not mentioned in current literature (22). To build on that, Cita Morei, a Palauan woman, states that “history is written by outsiders...but what they have written is from their own perspective” (Ishtar, 250). I take into account numerous perspectives, not just *the* Yapese perspective, but Yapese women’s perspectives, Yapese men’s perspective, Yapese chiefs’ perspectives, and so on.

“The qualitative researcher learns about a way of life by studying the people who live it and asking them how they think about their experiences” (Yow, 7). In addition, oral history “reveals daily life at home and at work—the very stuff that rarely gets into any kind of public record” (Yow, 13). Zohl De Ishtar builds on this by stating that “oral traditions [have been] silenced” because of the “written word” (250), which is why interviews both *inside* and outside of the family compound take a leading role in my dissertation. I’ve taken measures to explore both the public and private spheres in this dissertation.

Before I began my interviews I obviously needed to determine what exactly it is that I wanted to know, but my line of questioning was flexible because qualitative researchers “gain information not imagined at the beginning” (Yow, 38). A questionnaire was not used, but I did develop a guide for myself. According to Yow, ethnographers “begin research with a set of questions, revise them throughout the course of inquiry, and in the end emerge with different questions than they started with” (8). These in-depth interviews allow the “researcher to give the subject leeway to answer as he or she chooses” (5). Ultimately, this was a useful approach and the path the discussion took was based on the experiences of the interviewees. My primary guiding questions follow, but each interview took on a different tone and

path depending on who was being interviewed and what they were willing to share. Most interviews included at least these questions: Would you mind telling us who you are and anything else you feel comfortable sharing? What is the most significant change you've seen in Yapese culture in your lifetime? What is one positive characteristic and one negative characteristic of the state government? Can democracy and tradition be successfully combined? Do women play a role in politics or in decision-making? Have women's roles changed because of Westernization? Who is responsible for protecting Yapese tradition? Have the councils been successful at protecting tradition? Where do you hope to see Yap in ten years? When speaking with chiefs, I expanded my questions about the councils. I asked all of the chiefs how they determined what is and is not traditional. When speaking with women, I asked for explanations about historical menstruation practices. Interviews with Americans who participated in the FSM and Yap constitutional conventions were necessary to gain additional perspectives and took on a different format. I asked Dave Bird and Dan Foley questions relating specifically to the events of the con-cons.

Under the guidance of Neal Milner, I explored Yap's combination of Western and traditional law during my Master's studies. I examined hundreds of historical documents in the Pacific collection at UH Manoa to acquire a better understanding of Yap's history and government. I studied the Yap State Constitution, resolutions from the FSM constitutional convention, the shocking Solomon Report, books written by Westerners about Yap, the official Yap State website, and the Compact of Free Association. Throughout my analysis, my interest in Yap's traditional councils grew. These councils soon became the primary focus of my research. While visiting the

UH Pacific collection was a useful and necessary step, I quickly realized that I needed to return to Yap to speak with members of the councils and Yapese villagers. Moreover, the library, research organizations and the internet have very limited information about Yap. This has been a challenge throughout my research. Aside from my interviews, my fortuitous encounter with Professor Dave Bird was integral to this project. This will be discussed further later.

In 1999, I married a Yapese man, Steven Buchun. His mother is from Gagil, Yap and his father was from Woleai, an atoll of Yap State. To my surprise, after the wedding I learned that Buchun is next in line to be chief of a village in Gagil. Buchun and his family have been instrumental to my research. Their patience and connections have allowed me access to Yap's archives and traditional council members. Buchun enthusiastically translated interviews and documents for me and assisted in the scheduling of numerous interviews. Buchun kindly served as my technology coordinator for all the interviews I recorded. He set up the equipment and taught me how to transfer the interviews onto DVDs. I sense that his interest in Yap's political transformation has increased throughout my studies as well.

In 2001, I spent two weeks carrying out Master's research in Yap. I stayed with my in-laws and reconnected with villagers. I interviewed members of the traditional councils, the director of the Historical Preservation Office, and I gained access to all resolutions passed in Yap's legislative branch. These resolutions were a rare and valuable find. I spoke with Ulithian, Hilary Tacheliol, at Yap's main government administrative offices during this trip. Hilary has served Yap in a variety of capacities. He was Yap's first outer island lieutenant governor and he served as

the director of Yap's Administrative Services. After hearing my research interests, he opened up a tall gray cabinet that contained piles of documents from all of Yap's legislative sessions. He allowed me to sit and peruse through the stacks. At that time, his office didn't have copying capabilities for one reason or another. So I took what I wanted to copy to the high school, a place I was fairly sure had a copier. The principal allowed me to make copies while he reminisced with Steven. My 2001 trip was successful, but certainly didn't supply me with enough information for my dissertation. It did, however, increase my interest in Yap's politics.

My interviews began with a brief introduction of who I am and what I plan to do with my research. I am a student but I am also a teacher, which I think gained a higher level of interest and respect from some interviewees. But I am primarily a student, a student who wishes to learn about those I interview, their history, and their perspectives. I let those who spoke with me know that I am working on a project that explores changes in Yapese tradition and politics throughout history.

In 2006, I returned to Yap to carry out additional interviews. During this trip, my research had more direction and focus. Before embarking on my trip, I worked closely with Steven Buchun to acquire the appropriate equipment and accommodations for the trip. Steven helped to arrange living quarters for me in the village of Gachapar in the municipality of Gagil. I stayed at his brother's family's house, which used to belong to their late great aunt, Fagalapin. She recently died and now the family is determining who should have rights to the land and thus the house. I was fortunate to have electricity, which allowed us to charge our batteries and copy footage in the evenings. The house is right next to the village school and the

community health center. These municipal health centers are new and seek to bring medicine to the villagers since the main hospital is quite far for many in the villages.

The information that follows is somewhat of a chronology of my 2006 research trip. I discuss our daily challenges, encounters and daily formalities because most of our activities were stepping stones for future activities, usually unknowingly. My access to information was determined by my past experiences in Yap, my Yapese relatives, our adherence to protocol, Yapese traditions and newly introduced traditions, including Christmas.

Buchun and I arrived in Yap around 7 AM on Wed., Dec. 20th. We left Hawaii on the 18th, but Yap is 20 hours ahead of Hawaii and we had to stay in Guam over night because flights only land in Yap twice a week. Once in Yap, Buchun's family met us at the airport and then went to work at their jobs in the town of Colonia. We searched for a rental car for a few hours, almost with no success. The first two places we went to didn't want to accept my credit card because they have to get all credit cards approved over the phone through Guam. This was too much trouble for them and I wasn't willing to give up 300 dollars in cash since I knew there were no ATMs on the island. We eventually went back to the airport where we rented from Budget who has high rates but who accepts credit cards. We used Budget's rental car for a few days and then Buchun's sister offered her spare truck, which was a financial blessing.

After finding a rental car the day we arrived, we started making phone calls to arrange and confirm our interviews. We went to the Council of Pilung, the fourth branch of government that consists of chiefs, in hopes of chatting with a high chief.

We were able to do this during my last trip to Yap, but evidently they've become much more selective of whom they will talk to. We were only able to chat with the secretary who said she would try to contact one of the chiefs. Feeling frustrated we later went to chat with Steven's uncle who lives in Gagil and who apparently has connections. He called Steven's uncle, Gufsaag, who works with the high chief of Gagil on traditional construction projects. An interview wasn't looking very promising until a day before we left.

The same day we arrived we rented a cell phone so that we could continue to schedule interviews. It cost me twenty dollars a week. I was surprised by how many people have cell phones in Yap. Interestingly, many have cell phones, but no bathroom.

I was hoping to tape all of the interviews, but I didn't assume that all would be willing to be videotaped. As James Skouge states in *Pacific Voices*, the video camera "receives...a mix of joy and trepidation" (3.1). Some may find it too foreign or too intimidating to be used. With a thorough explanation of the video's purpose and the perpetuity of tradition it may bring, all interviewees agreed to be taped. But I do realize that recording traditional stories on video isn't exactly historically traditional in Yap. I was worried that some would be hesitant for this reason. Am I imposing my Western values regarding storytelling on the Yapese? I left this decision to my interviewees. Professor James Skouge of the UH College of Education has successfully carried out numerous interviews with Yapese community members. He provided me with practical tips prior to my trip. Finding a quiet location, setting up

equipment, making the proper introductions and explanations, and chewing a few betelnut could take at least an hour, excluding the actual interview.

After setting up the equipment in an appropriate place, I asked each person to share whatever they felt comfortable sharing about their background. I used a list of questions from then on. But before the camera was turned on, we chatted about the purpose of the interviews, chewed some betelnut and discussed life in general. I already knew most of my interviewees so we had some catching up to do since my last trip to Yap in 2001. Each night I would transfer the videotapes onto DVDs and I gave a copy to each of the interviewees, which they seemed to appreciate. Professor James Skouge suggested I do this. Professor Skouge allowed me to take his best equipment on the trip and prepped me for humidity issues and the possibility of having no electricity. The equipment worked perfectly throughout the trip. We forgot the tri pod the first day of interviews, but aside from that, all went as planned.

The second day began with a visit to the FSM's national office in Yap. We met with Senator Isaac Figir in the morning in his office. He agreed to be interviewed on camera and seemed quite comfortable throughout our discussion, perhaps because he is a politician and is often in the public eye. I was not entirely satisfied with our discussion because I felt like I wasn't asking the right questions. It was my first interview of the trip and I was a bit unsure of myself even though I had already established a research agenda. It was during his interview that I also found that once the camera is off, the more interesting conversation begins.

Later during the second day of our trip we went to the office of Henry Falan, the former DOE director, a new Yap State senator and a member of the team that

helped create the first Yap State charter under the Trust Territory of the Pacific Islands. We know him well and his daughter lives in Hawaii. He was ousted as DOE director when the new governor was elected, which was a sad moment throughout the Pacific. We went to his new place of business, an internet café, to schedule an interview with him. He was extremely enthusiastic and allowed us to interview him at that moment.

Throughout the next few days I interviewed Amanda and Waag, Rutineg, Evelyn, and Bernie. Amanda and Waag are married and are related to Steven. I interviewed both of them at Steven's mother's house, which is in the city. About a dozen kids were around at the time so the interviewees were a bit distracted. However, a house full of kids is the norm in Yap, so it wasn't an unusual day. I think I could have gotten very different information out of the two if I had interviewed them separately, which is what I really had hoped to do. However their busy schedules didn't allow this. While living in Yap, I found that women were often willing to provide their thoughts on politics and gender roles during casual conversation, but the conversations would come to a screeching halt once men entered the room. Waag, Amanda's husband, is in his early thirties and is the son of the highest chief in Yap, which I didn't previously know. So Waag's son will most likely be the next high chief of Yap and of the municipality of Tamil. Waag mentioned that women had no political power in Yap, but his uncle, Rikin, mentioned that they do have political power through their influence over the men. They don't sit in meetings, but they strongly encourage men to follow their decisions. Waaq

described the complex caste system and Amanda expressed her appreciation of the state government, which allows women a voice in political decisions.

Rutineg, my former host mother and the sister of the high chief of Maap municipality, allowed me to interview and film her at her home in Maap. She preferred to be interviewed in Yapese, which required me to solicit Buchun's translation skills. My Yapese is weak.

Between interviews, I was fortunate to attend a baby naming ceremony. The naming of babies is incredibly important because names determine land and status. I also attended a Catholic wedding ceremony at the church in Colonia. Around six couples, who were already married according to Yapese tradition, sat in front of the church while a Caucasian priest performed a ceremony. At the end of the ceremony the couples exchanged leis and then chatted with family members. At the same church, I attended a Christmas mass where Yapese women performed a dance in traditional attire and chanted the Christmas story. This syncretism will be explained later.

I was very excited to interview Bernie, Buchun's mother and Evelyn, his cousin. Both women are always performing some kind of work and are very knowledgeable of Yapese agricultural and cooking practices. Bernie taught a class on Yapese cooking to the Peace Corps volunteers during my Peace Corps service. She's tough, but loving. Her family describes her as small but terrible. She's a bit unique in that she married an outer island man, which was quite unusual at the time, and even today is rare in Yap. During our interview she mentioned that it's not as unusual for a

person from Gagil to marry an outer islander because of the historical relationship between the outer islands and Gagil.

Bernie has five children and has helped raise numerous grandchildren. Her husband passed away in 2001. I interviewed her brother, the former chief of Gagil, during my 2001 stay in Yap. He has since passed away, too. We filmed Bernie at her place of work, the agricultural department.

I visited the Historical Preservation Office one day at the suggestion of Steven's uncle. The HPO provided us with dozens of interviews that have already been transcribed. Only a few, however, have been transcribed in English. Interviews focus on many subjects including chiefs, castes, and legends. Sadly, the HPO lost a lot of material because of the 2004 typhoon.

During my 2006 trip to Yap, I found that interviewing a member of the traditional councils was more difficult than during my last trip in 2001. Interviewing Flauaw on my last trip was quite easy because I married into his family. He has since passed away and Fithingmow now represents Gagil. I am not, however, related to Fithingmow or any of the current members of the Council of Pilung. To my surprise, Fithingmow did indeed agree to be interviewed and arrived at Buchun's brother's house in Gagil the day before our departure. He was extremely kind and patient and provided a useful explanation of the Yapese caste system. He preferred to speak in Yapese so Steven was an integral part of the interview. Although I was a bit frustrated earlier in the trip, this experience helped me to understand the importance of protocol in Yapese village life. I probably could have called Fithingmow, but I

feel as though I gained much more respect and knowledge from him because we used village protocol.

I stayed with Robert Fathaltamanbay and his wife during my trip. Robert is half Yapese, half outer island and married to an outer island woman. They have two young children and they speak to their kids in the outer island language, Woleaian. Robert is the chief of finance in the state and has traveled to the US on many occasions. He allowed me to interview and film him, although we chatted throughout my stay at his house.

My final interview was with another outer island man, John Haglegam, at his house. He's from Woleai atoll and is Robert's father-in-law. We spoke the night I left until around 11:30. He works for a Yapese retail company, but also performs his traditional massage skills, which have been passed down through the family. He and his wife met me in their home around 9:30 that night. His wife wanted to be present, but she didn't feel comfortable speaking. One interesting point John shared with me was the fact that female chiefs do exist in the outer islands, unlike on mainland Yap. Unfortunately, due to time constraints, I was not able to ask him to elaborate on this. Off camera, he also shared his thoughts on the Japanese occupation of the FSM.

I feel as though I was able to ascertain the perspectives of a diverse cross-section of Yap's population, although many of my interviewees were more politically privileged because of their chiefly status or caste. The councils of chiefs are the focus of my research though, so this was expected. I lived in Maap and married into Gagil, so most of my interviewees are from either Gagil municipality or Maap municipality. I'm not sure how different responses would have been if I had been able to interview

Yapese from the other municipalities. I found it difficult to meet Yapese with whom I did not work or live, because Yapese lifestyles center around the family. The Yapese don't visit other villages unless they have a specific purpose and usually visits will be with family members. One does not simply drive or walk around another village for leisure. Maap is located in the northeast corner of Yap and Gagil is a bit more central, so I don't feel as though my interviewees are geographically isolated. I was fortunate to interview John, from Woleai atoll, but again, this was the result of family relations.

Among other questions, I asked each interviewee in 2006 to describe a change in Yapese culture that has occurred in their lifetime. Most interviewees responded with "respect." Chiefs, kids and Yapese in general show less respect for tradition and for their land than in the past. Some of the interviewees believe that chiefs are most responsible for perpetuating respect and tradition. Some believe that the new Western ways, although useful, don't coincide with tradition. Most interviewees believe that the councils of chiefs are most responsible for protecting Yapese tradition.

When I returned from Yap, I took another look at *Yap Regains Its Sovereignty*, a book written by David Bird, a professor at Leeward Community College (LCC) in Hawaii. From what I can tell, this is the only book written on the Yap constitutional convention. The interviews in Yap increased my confidence in my interviewing skills and I decided I would try to contact Professor Bird. I found his name on the LCC webpage and emailed him my research interests. He agreed to meet with me in his LCC classroom. We chatted for a couple of hours about our

experiences in Yap and set up an interview for the next weekend. Buchun was able to access the camera we used in Yap for what would be an informative three hour interview. I soon found out that Professor Bird holds the only copy of the Yap constitutional convention minutes. The other copy, which was housed in Yap, blew away during the 2004 typhoon. Dave was understandably concerned about letting me take the minutes home. Another American researcher borrowed an interview from him the year before and had not yet returned it to Professor Bird. This is unfortunate given that so little exists on this historical event. A few weekends later, Dave invited me to have dinner with his family at their house. I had the opportunity to examine a fraction of the minutes that evening. I mention this series of events because Dave, as had members of Yap's HPO, wanted to ensure that I wouldn't take advantage of the information I was gathering. Most of my Yapese interviewees knew me, worked with me and trusted me. But Dave and I had no history together. Eventually, Dave and I came to an agreement that would allow me to take a scanner to his house to copy the minutes. Our plan was to scan them into PDF files that could be copied onto disks and ultimately given to the Yap State government, the UH Pacific Collection and to whomever else is interested in a copy. Our plan was successful, although a bit lengthier than I had expected. We found that Dave's two large plastic containers contained not just the con-con minutes, but also the floor comments, committee reports, ballots from the election of the con-con delegates, election results, communication from the traditional councils, among other documents. The floor comments were quite entertaining to read. They express the personalities and frustrations of the delegates through illustrations and remarks.

Many of the documents had become frayed over the decades and had to be photo copied before we scanned them. But with the help of Dave's niece, Ritin, and Steven Buchun, we scanned the contents of the containers. These documents were an unexpected find and are vital to my discussion about Yap's attempts to protect its traditions.

After taking a close look at Yap's political system and its attempts to maintain tradition, I examined other Pacific Island societies and found that they share similar circumstances. I was able to draw numerous parallels between the colonial and post-colonial experiences of Hawaii, Palau and the Marshall Islands. Most of the Micronesian islands share similar colonial histories. Hawaii and these islands were all at one point a territory of the USA, although the Micronesian islands did manage to reclaim some level of sovereignty. The constitutions of Yap, the FSM, Palau and the Marshalls all include measures to protect tradition. Hawaii and Yap both devote an article to the perpetuation of native cultural education in the public school system. More comparisons and relationships among these islands will be discussed further later.

Chapter 2 examines the history of foreigners in Micronesia. I can't imagine discussing Yap's attempts to maintain tradition without first knowing why they felt as though these measures were necessary. The Spanish, the Germans, the Japanese and the Americans, among other foreign powers, have all left their mark in various forms throughout the islands. The Yapese, along with other Micronesian states, recognize the impact of imperialism on their cultures, as can be seen in their pursuit of independence and in their hybrid constitutions.

Chapter 3 uses the Micronesian constitutional convention minutes, observations by Norman Meller, interviews with Yapese and American policy makers, the Solomon Report and the few pieces of literature that exist about the Micronesian constitutional convention to explore discourse about tradition among the con-con delegates. Struggles between the many cultures of Micronesia are presented and make it clear that despite their common goal of sovereignty, the unique desires of the island groups led to a need for different political futures.

Chapter 4 builds on my theoretical basis. Colonial and postcolonial societies often find they've created hybrid political structures and constitutions in their move toward sovereignty. That is, structures that incorporate indigenous ideas with colonial ideas. Although I believe that FSM hybridity was originally intended to be hybridity due to "historical necessity," many Yapese have found usefulness in the new democratic structure that allows for more political participation than the traditional political structures (Bhabha, 41).

Chapter 5 looks specifically at attempts to maintain tradition in Yap. The origins of Yapese politics are discussed along with present day debates about which traditions should be preserved. The perceived positive impact of democracy on women and the low caste demonstrates that many Yapese feel as though new democratic ideas are beneficial to Yapese society, despite earlier protests against Westernization. The discovery of the Yap con-con minutes and interviews with Henry Falan, Dan Foley, Dave Bird and dozens of Yapese citizens were vital to this chapter.

Chapter 6 examines attempts to define Yapese traditions. Ultimately, the councils of chiefs are the deciding factor when determining what is and isn't traditionally Yapese. They are also responsible for the protection of Yapese tradition. Interviews with villagers and resolutions from the Yap con-con are used to illustrate the chiefs' effectiveness in protecting tradition. Yap con-con proposals and minutes describe what some delegates felt was a need to define tradition.

Prior to the 2006 trip, I was convinced that Yap had adopted a Western style government to ensure its release from foreign occupation. I couldn't imagine why Yap would try to find any other use for America's three branches of government. When I learned that councils of chiefs were added as a fourth branch of government, I figured this was Yap's way of manipulating this American style government to meet traditional needs. I never imagined that the Yapese actually value the American branches. However, after interviews with Henry Falan and Yapese women, I realized that some Yapese appreciate the adoption of a democratic government. The new system allows the lower caste and women to directly participate in government. Henry Falan's family is not from one of the ruling castes, but he was elected to the legislature and thus makes statewide decisions. Women don't officially attend village meetings, but they do officially vote in state elections and can serve in government office. Christina Fel, a Yapese woman who could never take the role of chief on mainland Yap, even participated in the first Yap constitutional convention. Henry Falan was the first to debunk my earlier assumptions and soon the women I interviewed confirmed that this American style democracy does indeed benefit some Yapese.

To reiterate, I sought to gather as many perspectives as possible throughout my dissertation research. I focused on Yapese perspectives, perspectives that I don't think have been fully explored by current writers. I also focus on dialogue with the Yapese. This dialogue transformed my earlier assumptions. According to Paulo Freire, dialogue is one "component of the process of both learning and knowing" (17). This articulates my primary goals for my own research, for those I interview and for those who will read my work: to learn and to know.

Chapter 2. Foreign Encroachment in Micronesia

A Yapese woman sits in her traditional thatched roof hut while chewing betelnut. She contemplates her trip to the taro patch. Her taro patch is on a piece of land that was given to her at birth. She spends hours in the taro patch each week harvesting taro root. In the taro patch she cuts the giant elephant ear plants and pokes holes in the knee-high mud to plant the young stalks. She chops down weeds and other obstacles to healthy taro growth. She carries the taro back to her house wrapped in the elephant ear leaves in baskets woven from coconut frond. Her family depends on this starchy root for most meals.

In Yap, distinct gender roles, traditional clothing and family customs are visible along with school buses and community libraries. Shell money continues to be exchanged during marriage ceremonies and village kids are learning how to use new computers in school while wearing grass skirts and loincloths. Cell phones are the norm and are carried in traditional woven baskets.

While living in Yap between 1998 and 2000, I became aware of the fact that the state of Yap uses law to maintain its rich culture. I often heard of councils of chiefs that act as a fourth branch of government along with the legislative, judicial and executive branches. I ultimately came to understand that Yap uses Western legislation and traditional leaders to ensure that Yapese customs continue to flourish.

Is this new system an example of hybridity, which is often discussed by postcolonial theorists? Or is it simply a result of cultural change, natural changes that occur in every culture (Benhabib, 385)? Postcolonial theorist, Homi Bhabha, who

along with Salman Rushdie coined the term “hybridity,” (Young, 349) describes this “heterogeneity” as “the native rewriting of the colonial text, in those hybrid moments when the colonized produce not a copy of the original but misappropriate it, thereby...exposing its ambivalence, and denying its authority” (McClintock, 1997, 499).

Bhaba describes hybridity as “almost the same but not quite” (123). Although the FSM Constitution looks very similar to the US Constitution, the integration of the protection of tradition and land is clear through numerous constitutional articles. Likewise, Yap adopted an American style for its constitution, but provided chiefs with ultimate authority, thus undermining Western democracy. Although Edward Said describes all cultures as “hybrid, heterogeneous,” it is obvious that the FSM would not exist in its present form had it not been for American imperialism, as will be seen in the following chapters (Kennedy, 106).

Most writing about the Micronesian islands exemplifies the practice of Orientalism. Orientalism is the “occasion when a Westerner has either imagined or written about the non-Western world” (Gandhi, 76). According to Edward Said, Orientalists allude to a superior west by “authorizing views of it [the Orient], describing it, by teaching it, settling it, [and] ruling over it” (Said, 3). Writing by foreigners about the “lazy” Micronesian is very similar to writings about the lazy, childish Hawaiian (Merry, 5). According to Paulo Freire, the oppressors often refer to the oppressed as “incompetent and lazy” (74). This is not uncommon in Orientalist analysis. Orientalists in general believe that the Oriental is “backward and degenerate” (Said, 206). Having read over dozens of documents produced by the US

government, I understand that the US has historically taken a condescending, paternalistic, caretaker role when writing about or creating policy for the Micronesians. I remain mindful of this throughout the following chapters.

Similarly, I understand that the subaltern voice is often neglected or ignored in postcolonial writings. According to Leela Gandhi, subaltern studies is an “attempt to allow the ‘people’ finally to speak...or to sound the voices of, the truly oppressed.” It has been my experience that the Micronesian voice is not being heard in today’s writings on Micronesia. To answer Gayatri Spivak’s well-known question, “Can the subaltern speak?” yes, the subaltern who is the Micronesian in this case can and will speak throughout these chapters (2).

This chapter describes the history of foreigners in Micronesia, particularly in Yap. One must understand this history to understand why Yap has taken such unique measures to protect its traditions.

A brief history

The Federated States of Micronesia (FSM) is a group of over 600 tropical islands that create the Caroline Islands in the Pacific Ocean. A million square miles of ocean envelops 270 square miles of tropical land-mass. The four FSM states stretch over 2,000 miles from east to west (Legal Information System of the FSM) and are home to approximately 107,000 islanders (ibid). Although Yap, Kosrae, Pohnpei and Chuuk are member states of the FSM, they each have their own distinct culture and language.

While the FSM consists of numerous cultures, traditions and languages, all of the states have undergone similar changes in culture and island life due to foreign

occupations. The FSM is a rather new political entity and is just one of the many island nations that resides in the region of the Pacific known as Micronesia.

Foreign occupation in Yap began when the Portuguese settled on Yap in the early 1500s while in search of the Spice Islands. In 1526, Yap was visited by the explorer, Diego de Rocha of Portugal. Two years later Deigo de Saavedra of Spain landed on Yap in search of Magellan. The Spanish also reached Guam in 1520. In 1565, Spain made its presence official on Guam with the creation of Port Agana, which allowed ships traveling between the Philippines and Mexico to re-provision water and fuel (Navy Dept., 69-70).

The Spanish take control

Violence, domination, exploitation, and racism would all characterize to varying degrees the tenures of each metropolitan power that governed Micronesia at different times between 1886 and the outbreak of WWII (Hanlon, 93).

The Spanish occupation of the Caroline Islands began in the late 1800s and quickly took on a religious tone (Navy Dept., 69). But this was not the first time the Spanish had attempted to convert the Yapese to Catholicism. Over a century and a half earlier, Spanish missionaries landed on Yap's neighboring atolls of Ulithi and Sonsorol only to ultimately be killed by the islanders (Hezel, *The Catholic Church...*, 2003).

Pope Leo XIII eventually declared that Spain should rule the Carolines. Hence, Spain was the first official occupying force in Yap. In 1885 Spain "raised its flag," but only ruled for 13 years (Boecker, 53). And the Yapese weren't so pleased

about their arrival. The Spanish sent war ships to Yap to convince the Yapese and the hopeful Germans to accept Spanish reign. At this same time, the Germans controlled the Marshall Islands and hoped to gain control of the Carolines (ibid.)

Although the Spanish were not entirely welcome on Yap, a significant portion of Micronesians, especially the Yapese, were converted to Catholicism by the Spanish Missionaries. Lingenfelter estimates that 80% of the Yapese were converted to Catholicism (3). On Pohnpei, however, early Protestant missionaries clashed with the Spanish missionaries in 1887, ending in the killing of the Spanish governor. Another fight between the two sects took place in 1898 (Boecker, 61). Catholic churches and traditions are prevalent in the FSM to this day, but from what I saw, are much more common in Yap than on the other islands. Today, American and Yapese priests preside over the Catholic churches in Yap and provide sermons in English, Yapese and the languages of the outer islands. For the most part, Micronesia is Christian. Kosrae, Chuuk, Pohnpei and the Marshalls primarily practice New England Puritan Protestantism while Yap, Palau and the Marianas were and continue to be influenced more so by Catholicism (Heine, 34).

While nations were battling to control the islands, the islands proved to be a popular place to re-provision ships during the days of the whaling industry. As in Hawaii, whalers brought smallpox and other diseases to the Micronesian islands. Whalers often disrespected local cultures, initiated violence and sought island women, including the wives of chiefs. Understandably, offended islanders sometimes “attacked whaling ships” in retaliation (Navy Dept., 72-73). Whalers and traders from Russia, France, the Netherlands, the US, Britain, Germany and Denmark came

into contact with the Yapese between the 1500s and 1800s on numerous occasions. In 1865, Captain Andrew Cheyne received beche-de-mer from the islanders in exchange for Western weapons. Many of the encounters ended in death, kidnappings, harmless trading and sometimes just brief conversations (*Foreign Ships*).

German influence

The Spanish occupation lasted until 1899 when the islands were sold to Germany (Boecker, 64). This was just after the Spanish lost the Spanish-American War of 1898. According to the current municipal chief of Gagil, the Germans divided mainland Yap into ten municipalities for administration purposes while disregarding local politics (Fithingmow). Today these municipalities still exist, but three hold more power than the others. Prior to the German occupation, villages were frequently at war, which in turn gave castes more or less privilege. Wars often began due to a “failure to follow customary economic and political rights” (Lingenfelter, 173). A few traders took note of these wars during their visits to the islands. In October, 1864, Captain Cheyne noted that Tomil was at war. German Captain Tetens later landed on Yap in 1866 and found “the island ravaged by warfare” (*Foreign Ships*). The Germans forced the Yapese to stop this warring so that the Yapese could be used to perform labor required by the Germans. Hence, the caste system, which is still practiced today, was frozen in time during the German administration (Fithingmow). The Germans created new chiefly positions in each of the new districts and hired Yapese police officers to help maintain order. Traditional chiefs’ powers were often ignored or limited by the Germans at this time (Navy Dept., 77). According to David

Hanlon, every colonial power in Micronesia minimized traditional leaders to boost their own power (98).

While in Yap, I was told of numerous cruel accounts by the Germans directed at the Micronesians. Historical anecdotes told by the Yapese range from a forced copra trade to forced and severe manual labor. There exists a canal that was created by the Yapese under forced labor by the Germans. Today, it is called the German Canal.

The Germans also taxed the Micronesians, prohibited the sale of liquor, and forced chiefs to increase copra plantations to encourage the sale of copra (Navy Dept., 77-78). Again, disregarding local culture, the Germans halted the import of stone money quarried in Palau and trained Yapese men to be German soldiers (Lingenfelter, 185). Unlike the Japanese occupation of Yap, the Germans sought mostly economic gains, while the Japanese sought to establish military outposts, which will be discussed later.

The Germans eventually lost control of the islands. A 1920 League of Nations Mandate gave control of the islands to Japan. The Japanese sought to increase their military presence in Micronesia to protect Japan and its possessions. Once secured, the islands could act as a location for migration as well as for military purposes (Navy Dept., 78-82).

David O'Keefe, an Irish American trader, officially arrived in Yap in 1872 on a Chinese junk. Prior to his official presence, O'Keefe shipwrecked near Yap and was the only survivor of a pearl diving expedition. He later returned to Yap foreseeing successful trade (*Foreign Ships*). O'Keefe is best known in Yap for his

successful copra trade and for his transport of stone money from Palau to Yap. He would transport this gigantic and heavy money in return for copra and sea cucumber. This, however, decreased the value of the stone money transferred by these ships (Lingenfelter, 184). The value of stone money is based on the difficulty and lives lost during its transport via canoe from Palau to Yap. The greater the danger posed, the more value the money would hold (Buchun). But O'Keefe's journeys were much less treacherous than the traditional journeys, thus decreasing the value of the money (Lingenfelter, 184). Nonetheless, O'Keefe is still a popular historical figure in Yap. Today a small island off of mainland Yap continues to be called O'Keefe's island and is home to ruins that once housed O'Keefe.

The Japanese take control

Maria Leengrow from Maap, Yap recounts her life under the Japanese occupation:

The Japanese made us slaves. We all had certain work to be done each day and could not go home until we had finished. We had to grate copra from early morning, until we each had grated 75....The soldiers were very hungry. Many would steal our food, usually from our garden or from around our house (Boecker, 130).

The South Seas Government, Japan's government in Micronesia, sought new territory and natural resources. Japan exploited Micronesia's land, copra trade, phosphate mines and sugar industry. In 1942, Japan stationed its naval fleet in Chuuk. Soon, the islands were controlled by Japanese military under martial law (Boecker, 121-129).

As is the case in most colonial encounters, the Japanese took on the role of the Orientalist when communicating with and ruling over the Micronesians. The Japanese believed the Micronesians to be “third class peoples,” lying below other colonized nations in East Asia including Korea. Within Micronesia, different island groups were believed to be superior to others. The Yapese were considered the lowest of this third class because they were incredibly resistant to change and appeared to be “savages” (Peattie, 111-112). One Japanese Naval lieutenant described Micronesian life as “a life of dissipation: eating, dancing, and carnal pleasure absorb their waking hours” (Peattie, 113). It was with this disrespect and ignorance that the Japanese administered their League of Nations mandate in the islands.

Atrocities committed by the Japanese in Micronesia are numerous. Many of the Yapese survivors still have Japanese tattoos on their arms that were required during the Japanese occupation. During an interview with John Hagileluo, a Woelain, John stated that Japanese brutality was common and was often directed at the elderly. He believes that many Yapese and other islanders lost their lives as a result of the Japanese occupation.

By the 1930s, Japan decided it best to implement a policy of assimilation throughout Micronesia. They attempted this through forced education, among other strategies (Peattie, 104-105). The Japanese forced the Micronesians to attend school and to learn Japanese. But only a very elementary education, mostly Japanese language, would be provided to the Micronesians, while Japanese students received an education comparable to that of students in Japan (Peattie, 92-95). Parents were

beaten by school officials if their children were truant from school or underperforming (Minginug). Chiefs, too, were beaten if their villagers misbehaved (Boecker, 101). I visited the site of one infamous Japanese school in December 2006. This site is now being used as a ceremonial dance ground for the Yapese. A huge traditional meeting-house is being built on this site for the upcoming Yap Day festivities. Remnants of the Japanese school are still very visible on this land. The school constructed on this site, Makiy, Gagil, was known as the strictest Japanese school on the main island. All students had to shave their heads to attend and were physically punished for a variety of reasons. Students at the Makiy school attended formal schooling in the mornings and were required to garden and make handicrafts in the afternoons and on weekends. The produce and handicrafts were later sold to the Japanese. Some students lived in dorms while others walked many miles each way to acquire their mandatory education. Children from the neighboring islands were forced to move to mainland Yap to attend school (Boecker, 111-113).

The reason I mention these personal and historical anecdotes is because the Micronesian people traditionally pass down their history orally. The FSM's numerous languages have only recently become written languages. These stories are an excellent source of the feelings and perceptions held by the Micronesians during these times of change.

All in all, the Japanese were a cruel occupation force. The Japanese seized land and gardens, thus creating a food shortage. Gardens, privately owned land and homes were confiscated by the Japanese throughout their occupation, oftentimes without any compensation (Peattie, 99-100). On Falalop, Woleai, an airstrip was

poured over the island's largest taro patch. Likewise, islanders were used as slave labor and suffered from physical abuse by the Japanese, as stated by John Hagileluo (Boecker, 131-133). Shockingly, in 1944, the Japanese decided to relocate 7,000 servicemen to an island in the Woleaian atoll that was home to only 300 Woleaians. Along with destruction caused by frequent US bombings, starvation and disease quickly set in. By September 1945, only 1,600 Japanese servicemen had survived (Peattie, 305-307). I have been unable to find a source that provides the number of Woleaians who survived.

Oral tradition and the history books also describe an incident when the Japanese decided to exterminate the Yapese due to a food shortage. The Yapese were ordered to hide in caves to seek protection from the Americans. But the Japanese didn't have protection in mind for the Yapese. Instead, they were going to trap them in the cave to be part of a giant massacre. Fortunately, a spy was amongst the Yapese and spread this news quickly before all was lost (Boecker, 130 and Hagileluo).

The Japanese disregarded Micronesian land rights and customs throughout the occupation. The Japanese implemented a tax system that required islanders to "pay" coconuts, a necessary item in the islanders' diets (Hughes, 282). Chamorros were transplanted from Guam to run businesses, animal use was restricted and canoe voyages were outlawed (Bird, 13). The Japanese also destroyed thousands of pieces of stone money. Stone money was used as anchors, protective walls and were sometimes destroyed during threats to the Yapese (Boecker, 47).

A police force was created and local islanders were hired as police officers. Not surprisingly, these officers were not well liked by the other islanders (Boecker,

97). At the same time, local Yapese who could speak Japanese were used as “middlemen” between the chiefs and the new Japanese government on Yap, thus challenging traditional power structures. These middlemen were later used in a similar manner by the US occupation forces. Eventually, the Yapese participated in two systems of government during the Japanese occupation. One was used to carry out Japanese orders, the other to carry out tradition (Hughes, 56). I believe that two forms of government are still used in Yap today: One to maintain global recognition of sovereignty, the other to carry out tradition.

To add, Palau experienced years of unrest during the Japanese occupation. In *Nan'yo*, author Peattie reports that at one point the Japanese “outnumbered the Palauans by two to one” (115). During WWII the Japanese moved the Palauans to different villages and destroyed traditional structures, which hindered clan relations (Wilson, 70). As in Yap, the Japanese were cruel to the Palauans. Maech Ngirakedrang states that the Japanese wouldn’t allow the Palauans to fish or harvest coconuts. He was once “beaten for taking a coconut” (Ishtar, 50). Another Palauan recalls that after the war, “customs were very small compared to before the war” because the Japanese didn’t allow Palauans to practice rituals that involved food due to a food shortage (Wilson, 118). And from what I saw in Micronesia, just about every custom involves the sharing of food.

Aside from military personnel, Japanese nationals moved to the islands for a variety of reasons; to farm, to fish, to trade. Japanese civilians actually began immigrating to Micronesia in the late 1800s (Navy Dept., 65). The brutality of the Meiji Restoration, the 1923 Kanto Earthquake and poor economic conditions are just

a few of the reasons many Japanese were willing to relocate to Micronesia (Peattie, 155). By 1942, over 96,000 Japanese were living throughout Micronesia (Peattie, 160). Some Japanese immigrants intermarried with the Micronesians and a few were allowed to stay even after the arrival of the US (Navy Dept., 65).

Soon the Americans were involved in WWII and began their attempt to halt the Japanese invasion of the Pacific. The American bombing of the Micronesian islands had a devastating effect on the islands. Because it was a region controlled by the Japanese, the Americans dropped bombs and fiery gasoline drums on the islands, which destroyed houses and traditional structures. This bombing was carried out for over a year (Boecker, 134-137). Lorenzo Pedro, a Palauan, asserts that the US claimed it would protect Palau from the Japanese, “but instead of defending Belau they fought their wars in Belau and, as a result, many Belauans lost their lives, our islands were devastated and we suffered from starvation and sickness.” One beach is even nicknamed, “Bloody Beach” (Ishtar, 48). One can witness this damage through dive tours in the Chuuk lagoon and in Palau. Numerous sunken ships and dive-bombers along with gorgeous reefs and manta rays now attract tourists to many of the islands. Despite the damage inflicted by the US, WWII was viewed as a “war of liberation” by the Micronesians. Most were thrilled that the Japanese regime had come to an end, but they also realized that they hadn’t completely been released from colonial rule (Heine, 20).

The Trust Territory of the Pacific Islands is formed

Japan’s loss of the islands was envisioned by the international community as early as 1943 when the Cairo Declaration of Dec. 1943 was signed by the US, the

UK, China and the Soviet Union. In 1945 the Potsdam Declaration again declared that Japan would lose rights in all islands except for the main islands of Japan. In 1947, the United Nations Security Council created what was then known as the Trust Territory of the Pacific Islands (TTPI) (Navy Dept., 85). The TTPI consisted of the Caroline Islands, the Marshall Islands and the Northern Mariana Islands. At this time, the United States Navy was given the role of Administrator of the TTPI. The primary purpose of this endeavor was to “secure western borders” (Navy Dept., 1). In 1951, the Navy transferred control of the islands to the US Department of the Interior (Boecker, 156). However, the Micronesians were never consulted regarding who would rule the islands, as was the case during the Spanish, German and Japanese administrations. In Ishtar’s words, “the spoils of war were divided up amongst the victors...without consultation, consideration...” (19). Carl Heine was a Marshallese delegate in the first Micronesian con-con. To him, “it was simply the case of a stronger outside force moving in and dominating a weaker and helpless people” (16). Throughout America’s reign, Micronesians continued to grow “resentful” of policies made without the consent of the islanders (Heine, 62).

The important strategic location of the group of islands rests south of Japan and right above the equator. But the US wasn’t just securing this area for strategic interests. According to the Navy Department’s Handbook on the TTPI, the Navy would also “assume responsibility for the welfare of the 50,000 brown skinned islanders who live on them” (1). This patriarchal statement expresses the condescending relationship that continues to exist between the US and Micronesia

today. Moreover, because so many Americans lost their lives in the Pacific, the US felt as though they were entitled to the islands (Kiste, 229).

However, I don't believe that all US Navy personnel were ethnocentric and condescending. For example, John Fry was a young man of 22 stationed in Chuuk with his wife during the early days of the TTPI. From 1949-1951 he was a junior operations officer who loaded and unloaded ships, hired islanders and acted as the communications officer among other roles. He frequently worked with the Chuukese and does not recall any "friction" between himself and the islanders. During our communications he is not at all condescending and seems to really appreciate the time the Chuukese afforded him. He does, however recall that all of the Chuukese were not pleased about the US occupation. They weren't always consulted before decisions were made and their land was often "confiscated for roads, infrastructure and housing" (Fry, April 2006). On Chuuk, the TTPI managed to build an airfield, sewage systems, phone systems, docks, a hospital and roads, but at the expense of traditional land use of course. For the most part, Mr. Fry felt welcomed by the islanders (Fry, April 2006).

At the close of WWII, the Americans repatriated 30,000 Japanese residents and the Japanese military personnel who were living in the islands (Murdock, Oct. 1948, 1-2). Anthropologist George Murdock goes on to state that when the Americans arrived in the islands, a small number of missionaries, both German and Spanish, a Belgian businessman and a Korean dentist were also residing in the islands (2-3).

Once the US had settled in, the US hired a team of over 40 anthropologists and linguists to acquire a better understanding of the Micronesian peoples and

languages. The Coordinated Investigation of Micronesian Anthropology (CIMA) worked alongside the US Navy throughout Micronesia and was funded through the Office of Naval Research, among other agencies (Murdock, October 1948, 1-2). John Fry clearly remembers one anthropologist, Tom Gladwin, assisting the Navy in most decisions, which I assume was an attempt to create culturally sensitive policies in the islands (April 2006).

The populations of the Micronesian islands decreased dramatically between the Spanish and US occupations. In 1899, mainland Yap's population was estimated to be 7,808. It decreased significantly during the Japanese occupation and by 1937 had dropped to 3,391. It dropped further to 2,582 in 1946 (Lingenfelter, 17). Perhaps this shouldn't be surprising given that all of the occupying powers relocated the islanders, thus destroying land and cultural practices. During the war many islanders took refuge in the hills and were placed in temporary refugee camps by the US (Navy Dept., 49). The TTPI Handbook briefly describes the destruction on the islands caused by heavy bombings between the US and Japan (Navy Dept., 23-24). Micronesia, along with all of the islands who were unfortunate enough to be caught up in WWII, "were turned into battlefields" during the war and faced "disease, hunger, [and] danger" (Laracy, 155). Moreover, the Japanese forced many Micronesians to move to different islands to perform labor, leaving family behind (Navy Dept., 60). Of course violence shown by the foreigners to the Micronesians must have also been a factor in this population decrease. In their own studies, the Japanese determined that the shrinking Yapese population was a result of tuberculosis, "infantile intestinal inflammation" and a low birth rate (Navy Dept., 59).

During the US and Japanese Naval Administration of Micronesia, Yap had the lowest life expectancy of the Micronesian islands and the lowest birth rate (Boecker, 142 and Peattie, 89). Japan blamed the Yapese for this because of their “stubborn resistance” to change what the Japanese thought to be unhealthy living practices (Peattie, 89). From the Yapese perspective, this decline was due to a breakdown of traditional structures and customs by the Japanese, which *was* actually a conscious effort by the Japanese. Moreover, the Japanese forced the Yapese to perform non-traditional work that interfered with their diets and food gathering customs. The Yapese believed that the Japanese were consciously attempting to wipe out the Yapese, and thus resisted Japanese healthcare that was intended to increase the population (Peattie, 89-90). Today’s population estimates are somewhere around 11,000 for mainland Yap (Government of the FSM, *People*). I haven’t yet found evidence that either the Japanese or the US has taken responsibility for a population decrease.

Murdock describes US foreign policy in Micronesia as being similar to US policy in the Philippines, which he feels “succeeded” even though the US was forced out of the country (Fry, 5). He goes on to state that the US was the “benevolent guardian” of the Micronesian islands. Through his experiences in Micronesia, he believed that the US did indeed seek to grant independence to the Micronesians, which does not actually seem to be the case later in the future when the islands sought independence through the creation of the FSM (Fry, 5). To add, the US Secretary of War, didn’t recognize the act of acquiring the islands as an act of colonial expansion. The islands were to be used by the US as “outposts,” not colonies. This was around

the same time that the holding of territories became passé to the developed world (Kiste, 229).

Evidently there was debate amongst the Naval administrators about whether or not the island cultures should be “protected...from the outside world...and preserv[ed]... as a living museum” (Fry, 6). This I’m sure was most likely seen as a form of protection for the islanders, which the islanders didn’t need decided for them by the occupying force. Nor did the Navy allow a large migration of businessmen into the islands because they felt the islands were best left to “native enterprise” for the time being (Fry, 5). The only trading company in the islands was operated by the Naval Administration, no doubt for the benefit of the administration. The Island Trading Company of Micronesia was spelled out in the TTPI governing documents to oversee the move toward economic self-sufficiency in the islands. This sole trading company that was owned by the TTPI government determined what would be imported, taxed and sold in the islands (Navy Dept., 203-204). The TTPI controlled foreign investment in the islands until the 1960s out of fear of the “Russian bear” (*Strangers...*, 1995, 319). If anyone was going to control Micronesia, it was going to be the US.

Murdock explains that each island group supported the Naval administration to a different extent. In his opinion, Palau was “eager to adopt western civilization,” while Yap wished “only to be left alone so that they may pursue their traditional mode of life undisturbed.” Those residing in the Caroline island chain, which includes the Yapese, were considered very “primitive” by CIMA, whereas those in the Mariana Islands were a bit more accustomed to Europeans. The Carolinians could

perhaps one day “evolve” into a democracy, according to Murdock. Thus, the Navy created different policies according to each island’s needs and wants as defined by the US (Murdock, October 1948, 2).

The Navy attempted to use the Yapese to carry out orders. They first tried using the chiefs selected by the Japanese administration. They then held an election in 1946 that determined who would serve as *chiefs* for the islands, despite the fact that Yapese leaders already existed and gain power through very different means (Lingenfelter, 188-189). It’s important to note here that an election for chiefs completely undermines Yapese custom. Perhaps the Americans used the term *chief* because they felt as though this term would be familiar to the Yapese. These *chiefs* worked alongside Yapese policemen, but their success was similar to the success of Yapese leaders appointed by the Germans. These unorthodox leaders did not have the support of the villagers and found difficulty in arresting other villagers. The Department of the Interior furthered the creation of new roles, including that of interpreter, when it took control in 1951 (Lingenfelter, 189-190). In 1952, the previously elected chiefs were replaced with a council of magistrates who were also elected. Magistrates had numerous tasks spelled out by the TTPI government including the collection of taxes and the regulation of alcohol and firearms (Lingenfelter, 190).

In 1966, Peace Corps volunteers inundated the islands with English teachers and lawyers. The lawyers assisted the new legislative branch and the teachers taught the Micronesians their new national language. The TTPI government also hoped that the volunteers would be an example of the benefits of democracy (Boecker, 171).

Other teachers and principals were brought in by the TTPI to open and operate American style schools. These schools taught English, Western history, science, math and American table manners to help prepare students for college (Boecker, 172). The Solomon Report points out that the expansion of the secondary education system in the islands would encourage the islanders to go to college, rather than to “return to their primitive outlying lands” (S26). To Kiste, America’s implementation of these programs, among others, was “culturally and socially destructive” to the islands (232).

Aside from Americanizing the education system in the islands, the US sent volunteers to the islands to improve the dilapidated infrastructure that continued to crumble under the US administration of the islands. The Solomon Report clearly states that the islands were in much worse condition under the US administration than under the Japanese occupation (S10). The Solomon Report also states that the goal of the first 60 Peace Corps volunteers would be to encourage the acceptance of territory status by Micronesians, among other tasks (S17). Ironically, the US government ultimately came to believe that idealistic Peace Corps volunteers contributed to the future independence movement in Micronesia (*Strangers...*, 1995, 314).

Throughout the Solomon report, the Micronesians are described as unable to govern and support themselves, yet the report also discusses the pitiful job the US has done in administering the islands. Despite this, the US feels as though it would be more effective administering the islands as a territory rather than granting them independence. Knowingly incompetent, the US maintained its goal of creating a territory for “security interests” (Solomon Report, Political Development).

Up until 1965, the TTPI government had never been “opposed” by the Micronesians. It even employed some islanders. But the US was always the deciding party under the TTPI (Heine, 6). Prior to 1965, district legislatures served as advisory committees to the TTPI (Meller, March 1969, 14). Carl Heine, a Micronesian con-con delegate, wrote the powerful *Micronesia at the Crossroads*, a book that some might label a Micronesian manifesto. Heine’s book describes the need to create the Congress of Micronesia, which would ultimately act as the TTPI’s “adversary.” In 1965, this “indigenous public institution” began making waves throughout Micronesia (Heine, 6). This uni-cameral Congress was modeled after American government and adopted English as the official language of Micronesia because of the TTPI presence. The first election for Congressional representatives took place in 1965 and only a few chiefs were elected because of their lack of English language skills (Boecker, 169-170). Sherwood Lingenfelter describes the Congress as a “territory-wide elite” (193). Congress developed judicial systems in each district along with the new legislative system. The new Congress, however, was not completely autonomous of US power because the TTPI continued to control the islands. According to Joseph Tamag, a Yapese who worked for the Congress of Micronesia, “The people had no choice of government. They had to adopt the American system because America supported Micronesia” (Boecker, 169-170). Lingenfelter builds on this by stating that the TTPI continued to have the “final word” in the Congress’ decision-making process (Lingenfelter, 207). Nonetheless, the Congress opened the “door” to self-government for Micronesians that lasted well into the compact negotiations with the US government (*Strangers...*, 1995, 303.) The

Congress challenged the TTPI administration, demanded higher salaries from the TTPI and argued with the TTPI about issues of eminent domain (*Strangers...*, 1995, 308).

The first congressional elections seemed to be a confusing yet exciting process for Micronesia. Secret ballots, debates on the voting age and the translation of the ballots into local languages were just a few of the challenges the islands faced (Meller, Congress 1969, 244-247). Although the islands found their differences in opinion and tradition challenging, a sense of “brotherhood” united them in their quest for independence (Meller, March 1969, 16-17).

The Congress was born out of the Micronesian belief that “alien rule is humiliating” and “incompatible with freedom.” Hence, the Congress of Micronesia quickly began renegotiating its status with the US. In 1969, negotiations began in DC and then continued throughout the next three years in Saipan, Hawaii and Palau (Heine, 8). The newly formed Future Political Status Commission was organized in 1969 by the Congress of Micronesia to research options for independence and to participate in these negotiations (Heine, 178). The commission traveled throughout the world trying to figure out which political structure would be most appropriate for the islands (*Strangers...*, 1995, 309.)

Obviously aware that an appearance of democracy was necessary to rid the islands of occupiers, the Micronesian districts held a constitutional convention in 1978 and proceeded to become the Federated States of Micronesia in 1979. This movement was certified by the United Nations. Eventually, the FSM became a member nation of the United Nations in 1991 (United Nations).

In 1986, the FSM entered into a Compact of Free Association with the United States. In return for the sole military rights to the FSM region, the US agreed to make cash payments to the FSM for an initial period of fifteen years (Legal Information System of the FSM). However, renegotiations were held and the Compact continues to exist. The Compact allows the US to use the islands as the Americans see fit during times of war and peace. Title 3, Article 2 of the Compact explains that water, air and land can be used by the US for security and defense purposes. Article 1 states that the US will provide military protection for the islands. At the moment, US military personnel is not stationed in Yap.

Nevertheless, the islanders have experienced and enjoyed Westernized ways that require money to sustain. These new lifestyles challenge the traditional cultures and old ways of life. Hence, because traditions are important aspects of daily Micronesian life, the governments of the FSM have taken measures to protect their distinctive ways of life.

Chapter 3. Culture and Constitutionalism in the FSM

Be it resolved that the Delegates to the Micronesian Constitutional Convention be cautious of outside influence and be guided in our deliberations by our own values and political interests so as to preserve and solidify goodwill and harmony among all the people of Micronesia
(Micronesian Con-Con Resolution 8).

Throughout the many occupations of Micronesia, the islanders yearned for independence. Who wouldn't? Before the Compact of Free Association was signed, Micronesians were determined to write a constitution of their own. But why? A constitution agreed upon by culturally and linguistically diverse states couldn't be culturally or traditionally relevant. At least this is what I initially thought. But one thing I did find that all of these islands have in common, was their yearning for sovereignty. According to one delegate, if the convention concluded unsuccessfully, "Micronesia [would] disintegrate into the unknown." Convention President Nakayama supported this with his comment to the delegates, "It is now or never for Micronesia" (*Strangers...*, 1995, 34). The Micronesian constitutional convention delegates were obviously passionate about their roles in the Micronesian constitutional convention.

This chapter explores the perspectives and concerns discussed by some of the Micronesian constitutional convention delegates. Although former members of the Trust Territory of the Pacific Islands participated in the convention, all members did not ultimately become member states of the FSM. Reasons for their separation are discussed in this chapter.

During the convention, there was much debate among delegates about the use and ownership of land and the implications of eminent domain. After all, in Micronesia, land is life. The use of land and the disregard for traditional land usage by imperial powers was not a distant memory to many of the delegates.

This chapter goes on to discuss other factors that influenced the creation of the FSM and the FSM Constitution. The involvement of the United States certainly attempted to stymie the creation of a sovereign nation. The US government hoped that Micronesia would choose a closer relationship with the US, while some politicians were completely indifferent to the creation of this new nation.

The impact that the US testing had on the Marshall Islands was also a factor that would later influence the forthcoming constitution. Delegate concerns about the atrocities committed by the US government in the Marshalls are reflected in the constitutions of Palau and the FSM.

The recognition that convention members spoke different languages and valued a wide variety of traditions was a theme discussed throughout the Micronesian constitutional convention. Delegates understood the need to protect tradition and did so through the constitution.

This chapter concludes with a brief explanation of the Compact of Free Association and its effects on both countries. This political arrangement outlines the FSM's current relationship with the US.

Why did the FSM create a constitution modeled after the American Constitution? FSM Senator Figir states that the FSM had been ruled by numerous foreigner powers for over 100 years, but most recently by America. The FSM used

the American model, but “with modifications specifically relating to tradition” (Figir). During the first Yap constitutional convention, FSM Vice President, Petrus Tun, expressed that “to have genuine, internal self-government, we must have a constitution of our own” (Yap Con-Con Journal, 16 March 1982). The creation of a constitution is a “renunciation of sovereignty...which leads to independence” (Ghai, 4). John Haglegam, former FSM President, believes that an American form of political organization was sought so that the “fast moving, interdependent” world wouldn’t “pass the [Micronesians] by” (6). While creating a constitution, the Micronesians took special measures to protect the traditions and land rights within each island state. The Micronesians knew they needed this constitution to be recognized by the world. Perhaps they also need it to deter further occupations. After all, the constitution was negotiated while the TTPI was still in existence. During the TTPI era, the government was arranged as such: The TTPI High Commissioner, the TTPI high court, the districts courts, which served the high court, and the chartered legislature (Foley). This was not uncommon in the history of the Pacific. Hawaii, too, sought to use a Western system of government to prevent challenges to Hawaii’s sovereignty. Noenoe Silva explains that Western law was adopted in Hawaii to “adhere to international norms of nation-statehood...with the goals of preserving sovereignty” (37). However, this Western system was soon appreciated by Micronesians who held little if any political power under the traditional government structures.

Leaders from the Marshall Islands, the Northern Mariana Islands, Palau, Yap, Pohnpei, Chuuk and Kosrae met in Saipan over a period of five months to draft the

first Micronesian constitution. The creation of constitutions by formerly colonized island groups is not unusual throughout the Pacific Islands. Numerous other island nations including Fiji, Vanuatu, Nauru and Kiribati sought to gain independence from Western powers through similar processes (Ghai). The Micronesian constitutional convention was a long, confusing and culturally tense process for those involved. You'll notice that Norman Meller is the source of much of my information regarding the first convention. Literature on the convention is lacking, however, Meller has produced a variety of documents on the convention. He helped establish the Congress of Micronesia and served as its chief consultant (*Strangers...*, 1995, 338). Meller later observed and participated in the first Micronesian constitutional convention (Meller, 1985, vii). His observations are extremely detailed and I've concluded that Meller truly wanted the Micronesians to create a constitution that reflected their society.

Judge Dan Foley wrote the FSM Constitution with the input of the con-con delegates. Prior to this, he served as legislative council for the Congress of Micronesia in Saipan under the TTPI. He was later asked to write the charters and constitutions for some of the FSM states. In a February 2007 interview, Foley stated that arguments that frequently arose during the con-con focused on the unity of the island groups, the division of state and federal power, capital and the inclusion of traditional leaders. Judge Foley went on to state that even before the convention began, it was known that Palau, the Marianas and the Marshalls would ultimately negotiate their own independent relationships with the US. These island groups participated in the preliminary discussions but gradually pulled out of the convention.

During the earlier negotiations between the Congress of Micronesia and the TTPI, Chuuk pushed for complete independence for its people (Heine, 123). Chuuk, however, did join the forthcoming con-con and eventually became a state in the FSM.

Just days after the first Micronesian constitutional convention convened in 1975 in Saipan, Palau delegates initiated what would later be known as the “Palau Ploy.” Norman Meller describes seven traditional political strategies used by Palauans in his short piece, *The Micronesian Constitutional Convention*. They include the use of threats and surprise, both of which were used by Palau at the con-con (17). On the seventh day of the convention, Palau presented a Micronesian constitution and an ultimatum. Their Micronesian constitution expressed, not surprisingly, seven points including a loose central government, land control through each district, the equal division of foreign aid, and Koror, Palau as the location of the capital (Meller, 1985, 177). The demands were presented in Petition No. 1. The petition begins with, “The Palau Delegation...will support the unity of Micronesia if and only if the following terms and conditions are incorporated in the final draft constitution...” Upon reading this, I initially imagined that this would be offensive to the other delegates. But Judge Dan Foley thought otherwise. In February 2008, Judge Foley stated that the delegates “were familiar with one another” from years of participation in the Congress of Micronesia. Miscellaneous Communication No. 9, a letter from Itelbang Luit of the Palau Legislature to the convention’s president, Tosiwo Nakayama, goes on to state that if the seven points were not met, Palau may decide to withdraw from the convention and thus from political unity. Despite being a convention bully, the Palau delegates did raise critical issues. For one, Palau

expressed its wishes for the district governments to determine whether or not the central government had the right of eminent domain, which was a topic to be emotionally debated throughout the convention (Meller, 1985, 179).

Palau had been planning this tactic at least as far back as April 1974. During the fifth Palau legislative session, a resolution was adopted that expresses this ultimatum. The resolution also states that “mutual needs” and “common interests” need to be taken into consideration when determining Micronesian unity, but this was obviously not put into practice during the convention by the Palauans. Following is a quote by one Palauan delegate that clearly explains Palau’s tone during the convention: “We had drafted a Constitution. We told you what we required of you if Palau was to be part of you” (Meller, 1985, 187). Foley was not surprised by the Palauan delegates’ actions. He believes these actions actually helped to “facilitate an orderly transition to separate status and separate negotiations with the United States.” This led me to ask Judge Foley why the Palauans even decided to participate in the convention in the first place. Judge Foley responded by explaining that the road to separate status may have been more difficult for the Palauans had they boycotted the convention (2008). This is the extent of the elaboration I’ve found regarding Palau’s tone during the convention.

In the end, Palau did not sign the forthcoming constitution. They held their own con-con between January 28th and April 2nd in 1979 (Palau Consolidated Legislation). Palau instead entered into its own relationship of free association with the United States and remains the Republic of Palau today. The Marshalls also withdrew from the convention along with Saipan. Joaquin Pangelinan informed

President Nakiyama through a letter on August 11th, 1975, that Saipan sought a “closer relationship with the United States” than free association would have allowed. The Northern Marianas are now a US commonwealth. The Marshalls, however, did enter into a separate relationship of free association with the US. According to Judge Foley, the Marshalls didn’t want the money they received for the use of Kwajelein Atoll to be distributed amongst all of the islands.

The land debate

“Perhaps the one Micronesian condition we should most keep in mind is the condition of our land...land more than money, more than material possessions, is the basis of life in Micronesia.” (Falcam, Minutes, 20 Sept. 1975).

The FSM Constitution frequently refers to the use of land. Article 13 prohibits foreigners from owning land and prohibits leases for an “indefinite” number of years. At the moment, foreigners can’t buy land in Yap, but they can lease it for up to 50 years. In the Nov. 2006 Yap State election, a referendum was not passed that would have increased this time period to 100 years. This seems like an incredibly long time to lease land in Yap. Knowing what I know about Yapese land, I don’t understand how one could lease land that theoretically should be given to another upon one’s death. Land ownership in Yap is constantly changing because of births, deaths and marriages. While 50 years seems like a lengthy period, it may still allow for generational renegotiation of the leases. Land leases allow Micronesians to keep their land while earning cash payments. Lengthier leases would make sense in a liberal economic model because they could encourage foreign investment and thus

profit, but at the expense of traditional land tenure of course. In a December 2006 interview in Yap, FSM Senator Isaac Figir stated his belief that 100-year leases are needed to attract investors. To Figir, investors want to see a return on their investments and fifty years is just too short a time for these returns. Our discussion took place before the most recent land lease referendum results were released. He stated that he would have been very happy to see these leases increase to 90 or 100 years. However, as previously stated, this referendum, along with seven others, did not pass (*Election Results...*). In 1974, Carl Heine foresaw this dilemma. He states that Micronesians will eventually need to forfeit some traditional land rights to increase economic development (142). The Yapese delegates continued to discuss this topic during the 1982 Yap constitutional convention. Standing Committee Report No. 40 outlines the acceptable exchange of land in Yap. The selling of land is contradictory to Yapese custom because all land can only be exchanged through the following means: "Through the father, through the mother, as payment for help rendered, or through exchange." All means prohibit foreigners from buying Yapese land.

Centuries of foreign involvement in the FSM have had detrimental effects on the Micronesians. As a result, for the first 40 days of the con-con, land issues were heatedly discussed (Con-Con Special Report No. 1). Through the con-con and the forthcoming constitution, Micronesians made it clear to the world that their land was their own. It is difficult to have a discussion about Micronesian culture without discussing land. In Palau, land "belongs to the clans." Palauan land represents

ancestors, titles, and Palauan identity” (Ishtar, 47). Micronesian citizens continue to be active participants in this matter, as can be seen in the recent Yapese referendum.

Furthermore, the right of eminent domain was debated throughout the FSM constitutional convention’s five months. According to Con-Con Special Report No. 1, in August, the majority of the convention’s delegates preferred to reserve this right within the districts. Districts, according to Yapese Delegate Falanruw, “are in a better position to compromise with local landowners when acquiring private property for public use.” Others argued that Americans abused this right under the TTPI and Chief Bossy wasn’t confident that the new federal government wouldn’t do the same (Con-Con Special Report No. 1). A minority faction, however, believed that national governments inherently have the right of eminent domain. In opposition to this minority faction, Chief Bossy of Chuuk stated that “Micronesians need their land more than they need their civil liberties” (Con-Con Special Report No. 1).

Traditional land rights differ in each district so I can’t imagine why any of the islands would want to relinquish this right. In addition, under the TTPI, three-fifths of the land and water were claimed to be public domain (Meller, 1985, 59). The idea of public domain had to be frustrating for the Micronesians since families owned and worked their own land and waters.

The convention’s “traditionalists” argued that the national government should have no right to eminent domain and that traditionally, Micronesians donate land when necessary for the good of the community. Therefore, the constitution need not provide this right to the government (Meller, 1985, 270). For example, John Mangefel, first governor of Yap, gave up a taro patch without compensation so that a

road could be built in its place. In addition, the Yapese municipality of Gagil donated 200 acres to be used for the Yap Sports Complex (Radway, 22). This did seem to be common while I was living in Yap. Land was donated by families for schools, churches, water catchments and community houses. On one occasion though, my former host family decided that it no longer wanted the village school to be located on their land, so an entirely new school had to be built elsewhere. In spite of this, I do believe this was a very isolated case.

Some delegates knew, however, that consensus had to be made and that eminent domain had to be discussed in the constitution. They feared that excluding eminent domain from the constitution would undoubtedly let future debates determine its meaning (Meller, 1985, 271). In the end, the FSM Constitution does allow states the right of eminent domain within twelve miles of the shores. The national government controls all waters thereafter up to 200 miles from the shores. Article 4 of the constitution also protects Micronesians from the arbitrary taking of land. Of course, the US still maintains the right to use the land and waters during time of war or when deemed necessary for security, according to the Compact of Free Association.

Eminent domain was a topic to be revisited at the 1990 FSM constitutional convention. The Yapese delegation argued that the states needed to determine the ownership of submerged reefs, a topic that had not yet been considered when discussing water rights. Some delegates wanted to do away with national eminent domain all together. The ownership of reefs and atolls has been a source of much

confusion within Micronesia because as mentioned earlier, Western powers created districts without respect to language or culture (Peterson, 37-38).

US involvement in the convention

At first glance, it's obvious the FSM Constitution was modeled after the United States Constitution, which shouldn't be a surprise. At the time of the convention, the US had controlled the government for about 30 years and Americans, such as Meller, assisted in the convention. Moreover, Judge Foley, who assisted numerous islands in the creation of their constitutions, states that former colonial states often combine colonial and traditional structures. The final constitution includes a preamble, a bill of rights that almost mirrors the American Bill of Rights and the three American branches of government. However, the convention delegates managed to weave the importance of Micronesian tradition into the preamble and the articles. The primary reason for the constitution may be stated in the preamble's lines "Having been ruled, we seek freedom" and "With this Constitution we, who have been the wards of other nations, become the proud guardian of our own islands, now and forever." Evidently, the US, did not feel as though the Micronesians were no longer "wards" because the US refused to approve and recognize the constitution. President Carter's representative believed that the constitution was not "consistent" with the Compact. To the US, the FSM's claim of sovereignty could not exist alongside a relationship of free association (Meller, 1985, 318-320).

Some US leaders wished to hang on to the islands, but certain US officials seemed uninterested as seen in the following quotes:

“There are only 90,000 people there; who gives a damn.”

—Henry Kissinger, 1972.

“The best thing that could happen to the Islands of Micronesia in the interest of the United States is that they would be sunk.”

—US Congressman, Wayne Hayes, 1973 (*FSM Congress Chronology*).

Ultimately, the US “accepted” the constitution, but the TTPI high commissioner had to decide on a date to hold the referendum (Meller, 1985, 318-320). This is all despite General Assembly Resolution 1542, which requires that a territory “determine its internal constitution without outside interference” (Meller, 1985, 67). Likewise, the US and the UN were supposedly encouraging self-governance and the original TTPI agreement basically states that that the end result of the occupation was to be self-governance. To add to that, the director of territorial affairs for the TTPI sent a letter to the president of the con-con expressing his idea that “...the formation of a future Micronesian government is a matter for the people and leaders of Micronesia themselves.” However, a much earlier document may have set the tone more accurately. Proclamation No. 1 from US Commander in Chief of the US Pacific Fleets to the Micronesians states,

Your existing customs, religious beliefs, and property rights will be respected and existing laws will remain in effect except insofar as it may be necessary for me in the exercise of my powers and duties to change them (Navy Dept., 45).

To add, a memorandum from the 1960s explained that the US had no intentions to help Micronesia gain independence, but instead created development programs to create a “permanent relationship with the US within our [the US] political framework” (*Strangers...*,1995, 301). The controversial and one time confidential Solomon Report of 1963 actually states “We cannot give the area up, yet time is running out for the United States...” It goes on to state that the US would face “embarrassment” if it did not quickly dissolve the Trust Territory (Solomon Report, S2). The report expresses a need to grant independence to the TTPI to save face, but it also expresses a wish to transform the TTPI into a permanent US territory. The writers recognize that anti-colonialism was spreading throughout the world at the time and that to create another territory would contradict US foreign policy of the day (S6). The report labels this a “delicate problem” (S6). Interference by a former imperial power is common in the quest for independence of other island nations as well. During moves toward sovereignty, the “metropolitan power maintains great leverage on the shape of the constitution” to “protect its own interest” (Ghai, 4), which was obviously the case during the Micronesian constitutional convention.

Henry Falan, a member of the committee who met with the TTPI high commissioner and a current Yap State legislator, states that the high commissioner was an obstacle in the creation of the FSM. The FSM had Dan Foley on its side who assisted in negotiations with the TTPI high commissioner. The constitution was finally ratified in 1978 after the people of Micronesia voted on whether or not to adopt the constitution. Sixty-one percent of the Kosraens voted “yes,” 75 percent of

the Pohnpeians voted “yes,” 70 percent of the Chuukese voted “yes” and 95 percent of the Yapese voted “yes” to adopt the constitution (Ghai, 256).

Upon ratification of the FSM Constitution, the districts of Yap, Chuuk, Pohnpei and Kosrae were not organized to act as states. Foley was asked by Chuuk to assist in the creation of the Chuuk charter and later did the same for the Yapese. Foley used input from charter committees in each state and used Hawaii’s state constitution as a model for the districts because of its flexibility and length. He however, did not offer advice or input during the committee meetings unless it was sought by the Micronesians. Before the charters could be enacted in each district, they first had to be approved by the Congress of Micronesia. These charters ultimately transformed into state constitutions once each state completed its own constitutional convention (Foley, 2007).

We can’t forget the Marshallese

“We live on our ocean—it’s like our supermarket—and from our land we get breadfruit and other foods. But on Rongerik there was nothing” (Ishtar, 21). Rongerik, described as a sandbar by one Marshallese woman, is one of the islands that served as the new home for those displaced by the nuclear testing in Bikini (Ishtar, 21).

As mentioned earlier, The Marshall Islands participated in the constitutional convention, but decided to create a relationship with the US without the other members of the TTPI. The story of the Marshallese is unique because the Marshallese have suffered so differently from other Micronesians. The Marshallese experienced foreign occupation by the Spanish, the Germans and the Japanese as did

other Micronesian island groups, but it was the US testing of weapons in the Marshalls that seems to have had the most devastating effect on the islanders. From 1946-1958, the US tested over 60 nuclear weapons in the islands. Islanders were relocated from island to island before the testings and then numerous times after the testings. One small island, Runit, will never be inhabitable again because of its toxicity. Even islands that didn't experience testing first hand were radioactive because of their close proximity to the testing islands. The testing of BRAVO on Bikini exploded a device that was over "1000 times stronger than the bomb dropped on Hiroshima" (Ishtar, 19-21). Bikinians were relocated by the US government prior to the testing, but islanders on nearby Rongelap felt the terrible effects of the bomb. Soon after the bomb people started losing their hair, their skin burned, their eyes itched and they resorted to drinking contaminated water because of extreme thirst. It wasn't until three days after the blast that the islanders were evacuated (Ishtar, 20).

Marshallese women have been giving birth to "jellyfish" babies since the testings. The result of nuclear contamination, jellyfish babies are born severely deformed, sometimes without eyes, without legs, or without heads. Women fear even giving birth for fear that their baby will be a jellyfish baby (Ishtar, 24). Islanders continue to be treated for conditions caused by the nuclear testing, including thyroid cancer and multiple miscarriages (Ishtar, 39-40). In 1966, 52% of the children under ten on Rongelap at the time of the testing and 35% of the total population had "developed thyroid abnormalities" as a result of BRAVO (Ishtar, 23). Decades after the testings, the people of Rongelap "noticed inedible fish, mutant coconut trees and deformed fruits and vegetables—the food chain was irradiated" (Ishtar, 23). From

what I understand, many Marshallese continue to be sent to Tripler Hospital in Honolulu for treatment. The US has obviously abused its power at the expense of yet another “other.”

The US has for decades occupied Kwajalein Atoll in the Marshalls for military purposes, pushing many Marshallese onto the small island of Ebeye. Islanders were initially forced to leave Kwajalein for purposes of eminent domain. As a result, those from Kwajalein lost their land and Ebeye is now over crowded with few, if any, chances to live a subsistence lifestyle (Ishtar, 30-37). Women played a leading role in the struggle to reside on Kwajalein Atoll. Women were even beaten during demonstrations in their attempt to reclaim their atoll (Ishtar, 30). The Marshalls, once a member of the Trust Territory of the Pacific Islands, is now joined with the US through their own Compact of Free Association, which allows US military usage of the islands. The Marshallese experience obviously influenced the FSM Constitution, although I can’t find evidence of this in conference minutes. Article 8, Section 2 of the FSM Constitution states:

Radioactive, toxic chemical, or other harmful substances may not be tested, stored, used, or disposed of within the jurisdiction of the Federated States of Micronesia without the express approval of the national government of the Federated States of Micronesia.

The Yapese also discussed this issue during their own con-con. One proposal entitled, “A Proposal Relating to Prohibitions on Radioactive and Nuclear Substances” sought to keep all radioactive and nuclear substances out of the island,

except for those intended for medical use (Standing Committee Report No. 46, 16 April 1982).

The Republic of Palau included a similar stipulation in its constitution, but added a referendum requirement. Article 2, Section 6 of Palau's Constitution states:

Harmful substances such as nuclear, chemical, gas or biological weapons intended for use in warfare, nuclear power plants, and waste materials therefrom, shall not be used, tested, stored, or disposed of within the territorial jurisdiction of Palau without the express approval of not less than three-fourths (3/4) of the votes cast in a referendum submitted on this specific question.

To many Pacific Islanders, including those affected by France's nuclear testing in the Pacific, the nuclear issue is a colonial issue. Palau, along with other concerned Pacific Island nations, is demanding a "nuclear free Pacific" (Firth, 311). Palau was so intent on its refusal to allow the storing or testing of nuclear materials on its island that its Compact negotiations with the US were much lengthier than that of the FSM and called for numerous referendums that centered around this issue. This was extremely frustrating for the American negotiation team who didn't want to give up the possibility of storing nuclear materials in Palau, an island deemed more strategically located than those in the FSM. The US even offered further economic compensation to Palau in the Compact to speed the negotiations. But the people of Palau continued to demand a nuclear free Pacific and ultimately outlawed the storing of nuclear materials in their islands as can be seen in the aforementioned constitutional stipulation. In 1981, Palau was declared the "world's first nuclear-free

nation” (Ishtar, 45). To Firth, this passion for a nuclear free Palau is based on Palauans’ connection to their land, land that has been exploited by foreigners and land that continues to be “vulnerable” to America’s military presence (Firth, 316-318). To one Palauan woman, “Land is *the* issue. And tied to the land is the nuclear free issue in the constitution, but it is there to protect the land...If it is taken, where do we go?” (Ishtar, 45).

Tradition in the constitution

“What’s the most positive characteristic of the FSM Constitution?” I asked FSM Senator Figir this question. He was elected to the FSM legislature in 1983. Prior to serving as a senator, he served on the Future Political Status Commission that would ultimately negotiate the Compact of Free Association. To Figir, the FSM Constitution’s most positive characteristic is its blend of Western and traditional law.

The FSM created a Western style constitution that appeased the Western world while recognizing Micronesian traditions. The recognition of tradition and the participation of traditional leaders in the con-con was discussed throughout the event. Numerous resolutions and discussions were based on traditional leaders. On August 19th, Delegate Carl Heine summed up the issue of defining tradition in the constitution through his comment, “Micronesian custom is an undefined matter. It is different in every district...throughout Micronesia” (Minutes, August 19, 1975). Cultural differences and disagreements continue to exist within the FSM government today (Figir). During the FSM con-con, these differences in culture made it difficult to determine which traditions would and would not be protected under the constitution. Chiefs attended the con-con and provided their input throughout the

convention. But not all delegates wanted the chiefs included in this process or in the soon-to-be constitution. Yapese Falanruw explained his belief that modern chiefs don't always have the best interests of the villagers in mind. Many "seek nontraditional power and goods and money...[and] keep their people down as their traditional subjects." Falanruw then stated that the chiefs should be protecting tradition in their villages, not at the con-con (Con-Con Special Report No. 2). Regardless of these feelings, the chiefs' presence was undoubtedly felt at the con-con. Article 3 of the FSM Constitution specifically points to the importance of the traditional roles of chiefs and allows for the creation of a chamber of chiefs in each state where chiefs could have a "functional role" in the new government. Similarly, Article 11, which outlines judicial powers, explains that decisions would be made in accordance with "Micronesian customs and traditions." Progress was made to allow for the protection of chiefly roles, but the delegates' discussions regarding the role of chiefs seemed uncomfortable. During the 1990 convention, one delegate explained that "writing" the specific roles of chiefs would "put limits on their authority" that could later be "misconstrued" (White, 190-191). Outlining chiefly roles surely would have been difficult since the role of a chief differs depending on the island. The delegates obviously respected the chiefs, but didn't want to define their roles through the constitution.

The con-con delegates went so far as to specifically invite Marshallese chiefs to the convention through Resolution 20. There is no explanation in the resolution as to why the chiefs were invited through a resolution, but it may have been a result of traditional protocol. Resolution 31 states that the delegates had no "intention...to

affect adversely any of the relationships which prevail between leaders and the people of Micronesia, nor to diminish in any way the full honor and respect to which they are entitled.” The new lawmakers must have felt the need to continuously recognize the presence of the chiefs who traditionally would have acted as the law-makers and law enforcers. Even with these efforts, the participating chiefs organized a walk out and “threatened to pull out of the convention” if they weren’t given recognition in the forthcoming constitution (*Strangers...*, 1995, 349).

Today, a national chamber of chiefs does not exist, but Yap did create its own chambers for traditional leaders. This shouldn’t be a surprise. In 1948, even the Navy Department realized that Yap “possesses a unique social organization...and spontaneous emulation of the foreigner’s ways seldom occurs” (41). Article 3 of the Yap State Constitution calls for a council of chiefs with two chambers; one represents the main island and one represents the outer lying atolls. These chiefs exercise executive, judicial and legislative powers relating to tradition. The chambers have complete veto power over all legislation that pertains to or that may affect Yapese tradition. Traditional chiefs from each municipality sit on each council, while also maintaining their obligations in their municipalities. Chiefs are truly respected in Yap today. From my observations, most seemed to take their responsibilities seriously. If they do not prove to be effective, they can be removed from their position, which would surely be humiliating.

On the contrary, traditional chiefs can no longer be found in Kosrae, an island where Protestantism rules. At the 1990 con-con, the Kosraen delegation even attempted to reword the constitutional article pertaining to the freedom of religion to

maintain a Protestant majority within the state. To the Kosraens, the introduction of new religions brings family problems and loud music, thus upsetting the island's "peace and harmony" (Peterson, 42-44). The 1990 con-con did not meet Kosrae's request. One delegate during the Yap con-con attempted something similar. In Proposal 133, Tony Tawerlemang, hoped to limit religions in Yap to only Catholicism and Protestantism. Interestingly, he believed this would help protect "the traditions of the people." He appeared to seek to protect newer traditions, rather than historically Yapese traditions.

Another debate focused on whether or not to include the right to freedom of speech in the constitution. The right to speak freely is not a traditional right throughout Micronesia. Lower caste, young people and women can't speak freely in meetings or in daily life unless special protocols have been met. According to the minutes of the con-con from August 12th, Pohnpeian Delegate Weital voiced his opposition to the inclusion of the freedom of speech. He states that "the freedom of speech and freedom of press is not a custom." He hoped to give each district the power to interpret this freedom. Chief Bossy supported Delegate Weital by explaining that Americans find it acceptable to make "bad or nasty" comments about others, but in Chuuk, this could result in physical punishment to the person who made the negative comments. However, other delegates believed that the inclusion of freedom of speech was necessary because it's now a "fundamental and basic [right] throughout the world." Perhaps this right was needed to be recognized by the world as a sovereign nation. Marshallese Delegate Isaac Lanwi encouraged the other delegates to accept this right since one of the goals of the convention was to "liberate

women.” The freedom of speech would theoretically allow women to speak freely, which still isn’t widely accepted throughout the FSM. Chuukese Delegate Sony supported this right by explaining its importance to “an informed public” (Minutes, August 12, 1975). The freedom of expression was ultimately included in Article 4 of the FSM Constitution. This struggle between the perpetuation of traditional ways and the need to coincide with practices accepted by the Western world must have been common throughout the con-con. It’s apparent that some delegates were welcoming new ideas, although I’m not sure if they were supporting these ideas because of their own societal ideals or because they felt they were necessary for favorable recognition by the West.

Not all delegates believed that all rights pertained to all people. Yapese chief Luktun stated that discrimination was acceptable if it was practiced in accordance with local traditions. He supported this belief with an example that described gender based traditions in Yap, specifically cooking. “It is custom in Yap that a woman cooks for her family. If she insists on not cooking, using provisions in the future Constitution as an excuse, than that violates customary and traditional laws” (Con-Con Special Report No. 2). I didn’t see any debate about the need for men to maintain their traditional roles.

Today, tradition prevails, as long as it doesn’t interfere with the FSM Bill of Rights, which is very similar to the American Bill of Rights. For the most part, the FSM legislature tries to leave debates about tradition up to the states. “Tradition is a sensitive area” (Figir).

Many debates took place during the convention. Some specifically mentioned tradition, some didn't. But I believe that every debate and every new law was based on or affected tradition. The delegates were trying to determine what worked with what they already had. Which Western ideas wouldn't be too offensive to the islands as a whole and how could they eke out a greater form of sovereignty than territorial status without disregarding the traditions of the islands that didn't necessarily align with Western standards? In the words of Yapese delegate, Falanruw, "the constitution...would involve compromise between old and new; between Micronesia and the outside world" (Con-Con Special Report No. 2).

The Compact of Free Association

It is not surprising that, with the assistance of the US government, the FSM has attempted to create a democratic government and a liberal economy. This is the American way, after all. In an interview, Judge Foley stated that the US was hoping for an even closer relationship with the FSM. According to the Solomon Report and to Foley, the US hoped to create a commonwealth or other permanent association with the TTPI states, rather than a freely associated state (Foley, 2007).

As outlined in the Solomon Report of 1963, the US intended to offer the Micronesians only two future political options in a plebiscite they imagined would take place in the near future. The US wanted only to provide the islanders with two options: independence or permanent affiliation. They were only planning to provide options for the sake of UN involvement and were sure permanent affiliation would prevail (SR, 44). Political status wasn't determined as quickly as the US had anticipated. Compact negotiations began years later in 1969, but the TTPI was still in

existence. In 1969, members of the Future Political Status Commission met with the US negotiation team to discuss each team's hopes for the future (*Strangers...*, 1995, 331). But the status commission was better prepared and more demanding than the US had anticipated. The Micronesians brought with them a list of demands that included Micronesian control of land. The Micronesian team, led by Lazarus Salii, requested a relationship of free association, not territorial status as anticipated (*Strangers...*, 1995, 331). At the second meeting, held in 1970, the US requested that the TTPI enter into a commonwealth status with the US. Salii and much of the Micronesian team was shocked that the US wanted to basically continue the status quo. Marshallese representative Henry Samuel, expressed his displeasure with the statement, 'this assumes that America knows what is best for Micronesia,' and suggested that Micronesia seek full independence (*Strangers...*, 1995, 333-334). The Independence Coalition quickly came into existence within the Congress of Micronesia, although independence was not the sentiment of most congressmen. However, an independence movement spread throughout the islands and made popular the slogans, "Micronesia for Micronesians" and "Yankee go Home." Micronesian students in Hawaii embraced the movement and national newspapers reported on the movement while students in Guam created their own newspaper, *The Surviving Micronesian* (*Strangers...*, 1995, 337-338).

In 1971, during yet another round of talks, the US presented a relationship of association, but not free association. In the end, the US decided that free association would suffice (*Strangers...*, 1995, 340-341).

It was at this time that the Marianas began considering their own commonwealth relationship with the US. Members from the Marianas felt culturally superior to the other lesser-developed islands and did not want to be classified with the “primitive” Micronesians such as the topless Yapese (*Strangers...*, 1995, 335-337). Eventually, they became adamant about their succession as can be seen in a 1971 Marianas District Legislature resolution that states they would “secede from the Trust Territory...by force of arms if necessary” (*Strangers...*, 1995, 337). Prior to this time, the Congress of Micronesia met on Capitol Hill in Saipan. But the day after this resolution was produced, an arsonist destroyed the Congress of Micronesia. In 1975, the Marianas did indeed enter into their own agreement with the US (*Strangers...*, 1995, 337).

Despite resistance from the Marianas, other TPPI islands continued future political status talks. In 1972, the US conceded to free association, but the Congress wasn't content just yet. To ensure a sovereign future if for some reason the agreement on free association failed, the Congress of Micronesia began exploring the possibility of full independence, which was quickly opposed by the US (*Strangers...*, 1995, 342). Tension grew among the districts and the Marshalls became so discontent with the unfairness they perceived that they created a Marshallese Future Political Status Commission (*Strangers...*, 1995, 343-345). Yellow buttons worn by the Marshallese expressed their goal to “Free the Marshallese” from the other TPPI districts (*Strangers...*, 1995, 352). By 1975, the Marshalls and Palau had made it clear to the US that they wanted their own set of negotiations (*Strangers...*, 1995, 343-345). Nationalism from within the districts divided what was once a group of

islands seeking to release itself from US control (*Strangers...*, 1995, 363). But this shouldn't be too much of a surprise given that the districts were originally created by foreign powers without respect for cultural differences or language. The islands of Micronesia weren't united culturally or linguistically prior to the Spanish occupation and evidently didn't intend to be.

The FSM now has its own Compact with the US that was enacted in 1986. The Compact provides funds to the islands in exchange for sole military rights to the islands (Legal Information System of the FSM). The Compact has allowed Micronesians to work and live in the US without having to jump through immigration hoops like most immigrants. Micronesians are now one of the fastest growing groups in Hawaii. FSM citizens have access to jobs, public schools and medical care in the US. Hawaii teachers even hold workshops on how to teach this new unfamiliar group of immigrant students. According to Gerald Shea, a representative of the US Department of the Interior, Hawaii is not prepared for this wave of immigration. Hawaii receives 11 million dollars in impact aid from the US government, but in reality, the financial impact of Micronesians in Hawaii is around 91 million dollars. The greatest impact is felt within the Department of Education. Other geographical areas receiving aid include Guam and the Commonwealth of the Northern Mariana Islands. Micronesians are leaving their islands in such great numbers that some villages, primarily in Chuuk, are closing schools due to a lack of students (Shea).

The 2003 Compact of Free Association includes more restrictions on the use of funds than did the original Compact. The US government now dictates how the funds received by the FSM government must be used and requires that all funds be

accounted for by the FSM. At a 2008 Micronesian Town Hall Meeting in Honolulu, Hawaii, Shea stated that Compact money can only be used for health, education, infrastructure, executive branch projects and private sector development. I spoke with Muguy, a Yapese computer technician for the Yap Department of Education in Dec. 2006. Prior to April 2004, he helped to maintain a public computer lab for the community that allowed the Yapese to learn new skills and to check their email. The lab was destroyed during the devastating 2004 typhoon. I saw evidence of this in December 2006. The room that housed the lab still has water damage and the computer tables and parts are scattered throughout the room. He stated that it will not be rebuilt because of the new Compact. The most recently negotiated arrangement will not allow the DOE to provide this free service to the islanders using Compact funds. This they (the Americans) hope will encourage the use of privately owned internet cafes. From what I saw in December 2006, one internet cafe is open for business in the capital town, Colonia.

So why has the FSM bothered to create a national government and enter into a relationship of free association with a former occupying power? Perhaps the Micronesians felt as though they didn't really have a choice. The Micronesians are now doing business with foreign nations and have thus become part of our interdependent world. The islanders had to create a system of government that would protect the interests and resources of the island nation. Hezel asserts similar assumptions in his article, "The Rule of Law" (2001).

What does this mean to Micronesia today? Well, the FSM survives economically through the Compact of Free Association. Furthermore, land can still

be exploited by the US. Economics aside, the FSM is governing itself. It's a member of the United Nations, it elects its own leaders and it appears to manipulate US foreign policy as advantageously as possible. First governor of Yap, Mangafel, is convinced that Yap will eventually join Palau. Yap has proven to be the most organized FSM state traditionally and economically. The state already has money tucked away because of its tight policies that are created through traditional consensus (Johnson, 22-23). From what I experienced in Yap during community and school board meetings, consensus involves a discussion by a group of Yapese. Men and women may both attend the discussion, but I found that it is usually men who do the talking. Male elders and chiefs seem to have the most influence at these meetings. After what could be many hours or days, the group decides to agree upon a solution. I don't think this necessarily means that all attendees are satisfied with the decision. Those who are unsatisfied may just decide to support the majority to avoid further frustration or additional lengthy meetings.

Palauan, Roman Bedor, believes that Palau's dependency on US assistance must come to an end. He recognizes that many Palauans live completely off a cash economy and most are dependent on the cash economy to some extent. But he believes that "losing US economic aid would be a good thing for us." Bedor realizes that this would at first be a struggle. However, all Palauans have family land and thus homes and food so they would survive (Ishtar, 60-61). To Bernie Keldermans, Palauans need to be educated on and fully understand their political and economic choices (Ishtar, 62). In the words of Bedor, "We existed long before the US came to

these islands. What makes them think we cannot continue to exist without them?” (Ishtar, 61).

As stated earlier, Micronesians have experienced numerous occupations by foreigners. To one Palauan, a constitution is not a necessity for Palau. One was adopted only to have the ability to “confront [Western] governments” (Ishtar, 65). It’s conceivable that the islanders were convinced that they had no other option but to unite as a nation-state and to eventually join the United Nations out of fear that their islands, their waters and their cultures might once again be threatened by outsiders. These fears are clearly stated in the FSM’s preamble: “Having known war, we hope for peace...Having been ruled, we seek freedom.” However, the FSM preamble also exudes optimism in the words, “[we have] become the proud guardian of our own islands, now and forever.”

Chapter 4. Pacific Island Hybridity

Throughout my research I've come across numerous descriptions of colonial and postcolonial governments and explanations for their formations and existence. Hybrid governments are common throughout the Pacific Islands. The FSM and the Marshalls, as well as other island nations, modeled their governments after Western governments, but they incorporated stipulations meant to protect tradition. Each constitution protects tradition to a different degree. Furthermore, syncretism is common in many of these island cultures. As will be seen later in the chapter, some islanders believe the introduction of Western religious beliefs to be destructive to island cultures. This chapter explores the development and implications of hybridity and syncretism in selected Pacific Island cultures.

To Sally Merry, “transplanted systems of law are a widespread feature of the contemporary world as well as the colonial one.” Merry goes on to state that transplanted systems seek “Christianity, civilization [and] modernity” (260). This was certainly the case in Hawaii. The system of law under the Hawaiian Kingdom was obviously modeled after New England law by New Englanders. Many years after the arrival of the first missionaries, the Hawaiians, along with other Pacific Island nations, were convinced that a Western form of government was their ticket to sovereignty (Merry, 36). The Hawaiian government realized that “a colonial takeover was very real and immediate” (Merry, 77). During the 19th and 20th centuries, the West not only threatened Hawaii's sovereignty, but “an assumption had been made that the Orient and everything in it was, if not patently inferior to, then in need of corrective study by the West” (Said, 41). Therefore, the adoption of Western laws

and religion was necessary, despite the obvious conflicts with Hawaiian culture. Foreign advisors were appointed by numerous Kings to lead in the creation of the new Western government that would hopefully combat colonization. Hawaiians initially didn't have the Western training needed to create such a government. Chiefs quickly lost power and Hawaiians must have felt as though they weren't allowed to assist in the shaping of their own society (Merry, 82-89). In *Aloha Betrayed*, Silva explains that Hawaiian resistance to the presence of the foreigners in government positions was expressed in publications from that time (38). This was not an isolated situation and according to Merry, "law clearly embodies the desires and interests of groups in power" (Merry, 264). In this case, the monarchs' power and wishes were carried out through the foreigners who later gained power and controlled law (Merry, 13). Despite a Western system of law, the US continued to believe that Hawaii was "incapable of self-government" because of "uncivilized" ways (Silva, 54). These thoughts are very similar to those shared about Micronesians in the 1963 Solomon Report.

As previously mentioned, the Hawaiian government was molded by New Englanders. But Merry doesn't seem convinced that this situation fits well within the definition of hybridity. She feels as though the adoption of a Western system was a "form of resistance to imperialism," "a struggle for sovereignty" (Merry, 13). I don't necessarily think the adoption of Western law alone fits within the definition of hybridity, but because a few laws were created with the consideration of Hawaiian tradition in mind, I do think hybridity applies to the circumstances in Yap and in Hawaii. For example, Article 12, Section 7 of Hawaii's constitution calls for the

protection of limited customary rights, although the state can regulate these rights. Article 13 as a whole seeks to restore rights to land and decision making to Hawaiians, while Article 15, Section 4 states that both Hawaiian and English are the official languages of the state. Perhaps Merry sees these acts as reciprocity for past wrongs, rather than hybridity. It's my understanding that hybridity applies to all instances where foreign and traditional law are combined, regardless of the reasons for the combination.

However, is hybridity really so unique that it warrants a special label? It is obvious that cultures meet and when they meet they exchange ideas. Travel and immigration are just two factors that have created "mixed identities in the West" (Said, 347). According to Comaroff and Comaroff, hybridity implies that "creolization" only "occurs along...frontiers" (1997, 59). This meeting of cultures is described by Merry as "culture in contact zones" (29). But cultures are constantly changing, regardless of whether or not they are exposed to foreign influence (Comaroff and Comaroff, 1992, 26). "Cultural tradition dies or ossifies when its members no longer find the resources through which to contest the past, present, and future narratives of their collective existence" (Benhabib, 385). Basically, when a cultural characteristic is no longer useful, the characteristic is no longer practiced. This may be a surprise to Orientalists. Early Orientalists have historically been under the impression that the Orient is "static, frozen, fixed eternally" (Said, 208).

Law determines appropriate behavior and seeks to create and shape our future ideal society (Merry, 8). Micronesia sought to create a sovereign nation after many eras of imperialism through a Western form of government and an American style

constitution. Similar to the Hawaiians, Micronesians used foreign advisors to shape their new government. Norman Meller and Dan Foley assisted Micronesia in the early days of the FSM's existence. While I was in Yap, the Attorney General, the state auditor and at least one legislative aid were all Americans. Consequently, the FSM Constitution and government structure are indeed very similar to the US Constitution and American government structure. To add, Nickontro Johnny, FSM National Ombudsman, states that between 1981 and 1987, the only two FSM Supreme Court Justices were Americans, not Micronesians. Johnny goes on to share that Micronesia has been influenced by many foreign countries, but the islands have managed to keep their traditional structures separate from their national government structures (3-4). The Supreme Court only hears cases that involve the FSM Constitution, not traditional law (Johnny, 13). Unlike in Western governments, "friendliness is clearly integral to Micronesian custom" because of the close relationships within the small islands (Johnny, 7). The need for "conciliation, and restoration or community harmony" is perhaps one reason why the traditional government is kept apart from the Western national government in the FSM (Johnny, 9).

The FSM, however, had the opportunity to learn from America's colonial history. As in the case of other "others," including the Hawaiians, Micronesians knew that the Americans deemed them barbaric and uncivilized (Bhabha, 143). But this didn't stop them from perpetuating their values through their new constitution. Taking the lessons of the Hawaiians and the Native Americans into consideration, Micronesian leaders consciously restricted US land rights in the islands when creating

a new government. In Noenoe Silva's words, the Micronesians "took the tools of the colonizers and made use of them to secure their own national sovereignty and wellbeing" (15-16). While Silva is actually describing attempts made by Hawaiians to acquire sovereignty, this statement accurately expresses the use of a constitution as a tool for the Micronesians to obtain sovereignty.

The FSM leaders were also at an advantage because they were being monitored and to some extent protected by the United Nations because the FSM was part of the last remaining UN administered Trust Territory (Peterson, 2004). The conscious efforts of the Micronesian leaders does not support Goethe's belief that postcolonial nations practice foreign ideas "unconsciously" (Bhabha, 17). This would imply that postcolonial nations aren't aware of their histories, which I believe sounds quite in line with Orientalist writings.

The form of hybridity found in the FSM is what Homi Bhabha refers to as hybridity due to "historical necessity" (Bhabha, 41). Without this Western government, the FSM may not have achieved sovereignty. In agreement with Merry, Bhabha expresses that "transmutations...of indigenous traditions" (such as the Yap traditional councils) are often the result of "opposition to colonial authority" (48). This is apparent throughout the debates during the Micronesian constitutional conventions. It is also obvious when examining the many FSM constitutional articles that refer to tradition.

Other examples of hybridity can be seen throughout the FSM. As in Hawaii, missionaries settled in the Micronesian islands. Both the Spanish Catholics and the American Protestants managed to have lasting effects on the islands. In Yap,

churches are found in most municipalities and most Yapese attend church on Sundays. Kosraen culture is now based on Protestantism and the Bible prevails. In contrast, the Yapese hold an annual Christmas mass where they combine Christianity with Yapese tradition. Topless women in grass skirts, covered with yellow tumeric, chant the Christmas story in Yapese. This would undoubtedly be considered scandalous in Kosrae.

According to Anne McClintock, the syncretism described here is found in many postcolonial societies (McClintock, 513). To Robert C. Kiste, professor of Pacific Island Studies at the University of Hawaii at Manoa, during the 1800s, Protestant and Catholic missionaries used “different strategies of missionisation” (*Tides...* 23). Protestant missionaries expected their converts to adopt the Protestant work ethic, Protestant ideas of sexuality and a general Protestant lifestyle (ibid). In contrast, Catholic missionaries were “more tolerant of traditional cultures and behaviors” (ibid). This does appear to be the case in Micronesia when comparing religious practices in Yap and Kosrae.

Some Vanuatu women believe that Christianity has led to the demise of women’s roles and their importance in Pacific Island societies. To Susanna Ounei, “The custom is corrupted by religion.” Numerous Indigenous women are quoted in *Daughters of the Pacific* about this connection. To them, the destruction of traditional structures, customs, and gender roles and the introduction of domestic violence and female oppression are the result of Christianity (218-220). To Susanna Ounei, missionaries “destroyed women’s power” (Ishtar, 220). There are women

from Vanuatu who believe that “the voice of women is no longer heard” during important discussions because of the values brought by Christianity (Ishtar, 220).

I found that in Yap, it is primarily women who attend church and encourage Christianity. Although Catholicism is the dominant religion in Yap, other Christian denominations are becoming more popular. The Mormons built a church on the lagoon and LDS missionaries can be seen visiting Yap’s villages daily. The Seventh Day Adventists have a church and a high school on the main island of Yap. They have very strict guidelines for their students, which are reminiscent of school rules imposed by Americans on Native Americans and Hawaiians. These guidelines do not allow chewing betelnut, sitting cross-legged or speaking Yapese on campus. Young American high school graduates, sometimes college graduates, teach the Yapese students at the SDA school. The largest Catholic church, which is located in the main town in Yap, also operates a school. This K-8 school is attended by many Yapese, holds classes in Yapese and seems more accepting of Yapese culture. This is perhaps because the teachers and administrators are Yapese. Or perhaps it’s because they’re Catholic. This is also the church where the previously mentioned Christmas dance is held. Yap’s adoption of Christianity was obvious at the 1982 Yap constitutional convention. The opening speech was given by Father Horgan and made numerous references to Jesus and asked for God’s guidance throughout the convention (Yap Con-Con Journal, 16 March 1982.)

Christianity is not historically traditional in Yap, but it is now a daily part of the lives of many Yapese. Churches are full on Sunday mornings, Wednesday evenings and during Christmas and Easter masses. In 2000, I was an unlucky

passenger on a flight that crashed on the runway in Yap. I soon learned that many Yapese women quickly organized prayer groups to pray for the safety of the passengers. I noticed that Yapese women were often the driving force behind Christian events including masses, prayer groups and baptisms. So the Yapese must appreciate at least some Christian values despite the comments made by Pacific Island women regarding Christianity's negative impact on island societies.

The written word was eventually valued in Yap, along with Western education. Today textbooks are used and the new Western laws are on paper. A Western college education is now sought after by Micronesians wishing to gain "admission into a new world in which power, wealth, and comfort are available to all." To the modern Micronesian, education brings not only "material rewards," but also a "skepticism and reflection about the nature of freedom and authority" (Heine, 37-38).

Similarly, powerful Hawaiians not only encouraged Christianity, they also encouraged literacy and found value in the written word. Books, which focused primarily on religion, were in demand. Chiefs eventually used the written word to communicate with each other across the islands (Merry, 65). This new form of communication for the Hawaiians ultimately recorded the new laws that would be imposed upon them. Oral law in old Hawaii, as is in Yap, was "flexible" and "adaptable" depending on the situation. But the missionaries encouraged the writing of the new laws and by 1822, Hawaii had its first set of written laws (Merry, 68-69.)

Colonial and postcolonial societies clearly exist today and continue to feel the effects of their former or current colonists. Hilda Halkyard-Harawira, a Maori

woman, asserts that “Our histories of colonisation match almost exactly those of our Indigenous brothers and sisters... We too have been the victims of land alienation... We too have been forced to carry our cultures within our hearts and wear the culture of the European like a second skin” (Ishtar, 4).

The FSM is a neocolonial state because of its close relationship with the US via the Compact of Free Association. Hawaii was unable to acquire the sovereignty it had yearned for and is today a state in the USA. Guam, Puerto Rico and American Samoa continue to exist as territories of the US. Guam frequently holds referendums on whether or not to become a US state, but the Chamorros consistently choose to remain a territory rather than become a state. Although territorial status creates a very close relationship between the US and Guam, perhaps those in Guam are hanging onto the very last thread of sovereignty they have by avoiding statehood. I’ve been to Guam on a few occasions and it was obvious that the island is a military outpost for the US. One can barely drive around the island without having to take a detour around a military base. An old adage in Guam describes this: “Behind every palm tree there is a military base” and “behind every military base there is a tourist hotel” (Ishtar, 74). Unlike in the FSM, the US Constitution reigns supreme in Guam and Chamorro tradition is not recognized formally by the government (Powles, 309). But Chamorros have not yet given up hope that they’ll one day be in control of their culture and future. Numerous coalitions, movements and discussions with the UN have attempted to gain some form of self-determination. As of today, the US refuses to relinquish control of this “strategic outpost” (Ishtar, 78-79).

The Marshall Islands, a former member of the Trust Territory of the Pacific Islands, has included stipulations to protect tradition in its government structure. The Marshalls, like the FSM, signed a Compact of Free Association with the USA. Today, the Republic of the Marshall Islands uses a government that combines American law and customary Marshallese law. As in Yap, a council of traditional chiefs is given the authority to review laws and court cases that may affect custom and traditional land usage (Powles, 318).

Palauans, too, included stipulations in their constitution that seek to protect traditional leaders and law. Article 1, Section 2 protects traditional fishing practices. Article 5 is devoted solely to the protection of the roles of traditional leaders and law. Article 8, Section 6 outlines the role of a council of chiefs that advises “the President on matters concerning traditional laws [and] customs.” According to the constitution, these chiefs, who must gain power through traditional means, serve only as advisors (Constitution of the Republic of Palau).

The postcolonial cases presented above are just a few of the struggles for sovereignty that can be found throughout the world. Although very different culturally, the island nations all attempted to release themselves from colonial rule through the creation of a constitution that adopted ideas from their colonial rulers. To different extents, these constitutions provide stipulations that seek to protect tradition. Homi Bhabha may see these constitutions as hybrid constitutions that were created out of “historical necessity” to gain sovereignty and to protect indigenous land. Aboriginal, Gamalroi, confirms this through the following statement:

Aboriginal people see a connection with the struggles of the Indigenous and oppressed groups in the Pacific. Like them, we want recognition of our sovereignty, of our right to control our own country, our own land...We don't want European colonising powers coming here and telling us what to do (Ishtar, 8).

“For Indigenous people, identity is inextricably linked with the land and the ocean that cradles it” (Ishtar, 9). The struggle to control one’s land is obviously not over in Yap as can be seen in the recent Yap referendum regarding foreign lease of land in Yap. In my opinion, colonialism is still alive today and the “others” know this. Modern colonialism involves “the extension of political, economic, social and other forms of control by...European powers over...third world peoples” (Comaroff and Comaroff, 1997, 16). Colonialism has taken place in different countries with different actors. According to the Comaroffs, colonialism is “everywhere the same, yet different,” (1997, 19) just as the postcolonial quest for sovereignty in the Pacific has been different due to different colonial encounters, yet very similar as can be seen in the creation of Pacific Island governments.

Chapter 5. Yapese Politics Old and New

We, the people of the State of Yap, desire to live in peace and harmony with one another, our neighbors and our environment; recognize our traditional heritage and villages as the foundation of our society and economy; realize our prosperity and welfare; require an intelligent selection and integration of modern technology and institutions; dedicate ourselves to govern our State, now and forever, for the general welfare of all generations to come do hereby ordain and establish this Constitution of the State of Yap (Yap State Preamble).

Yap State's preamble clearly expresses a desire to combine the old with the new. This chapter will explore how and why Yap has interwoven centuries of Yapese political practices with new Western political ideas. As a new FSM state, Yap was in need of a constitution. To meet this need, the Yapese created a constitution that integrates traditional practices into a new democratic structure. The Yap State Constitution recognizes traditional leaders while providing new leadership roles to groups who have not historically been given leadership roles including women and lower castes.

This chapter presents the creation and transformation of Yap's political structures and land usage. Yap's political structures and land usage are steeped in oral tradition and chants, some of which outline the beginnings of Yap's caste and village hierarchies. Eventually imperialism affected these structures and remnants of the imperial powers continue to influence Yap today.

Chapter 5 goes on to examine the development of democratic structures in Yap, which began during the early days of the TTPI. The organization of the Council of Magistrates and the Yap District Legislature both played a role in the creation of Yap State and its constitution. Lessons learned from the Councils of Magistrates and the Yap District Legislature helped to shape the debates and participants of the forthcoming Yap constitutional convention. The election of delegates, the rules of procedure and con-con debates as they pertain to this chapter are presented. Many debates took place during the con-con, but I've chosen to focus on those pertaining to tradition and political structures. When examining the minutes of the con-con, one can see that tradition was definitely on the minds' of the delegates throughout the con-con proceedings.

Yap's constitution laid out the structure of the new state and outlined roles for traditional and state leaders. The implications of these new roles on chiefs, women and the low caste are discussed. Similar effects have been felt in other Pacific Island nations including Palau, a former member of the TTPI.

Yap's councils of chiefs were given a formal role in Yap State after much debate from the delegates. Some delegates were certain that it was necessary to include these traditional leaders, while others believed their duties should be confined to their villages and municipalities. Minutes from the con-con and observations by Norman Meller explore these concerns. Despite the disagreements about the inclusion of the chiefs, they do play a significant role in Yapese politics today. They maintain village responsibilities while also serving in a branch of the state

government. This chapter concludes with further attempts to maintain Yapese culture and traditions.

When a Yapese male is born, he is given a name that determines the piece of land where he will build his family's home. A birth name will also determine the future chief of that piece of land. When a Yapese female is born, she is given a name that determines where her taro patch will grow. This taro patch will feed her future family. If for some reason, a Yapese boy does not live up to the village's expectations, his name will be taken away from him, thus leaving him landless. But, if all goes well, a Yapese couple will provide for their family with their land, their taro patch and the ocean (Rutineg and Buchun).

In Yap, land is life. Land provides sustenance and power. Without land, Yapese lack power. Without land, Yapese lack food and the resources necessary to survive not only on their islands, but in our interdependent world. According to a man who is next in line to be a chief in Yap, the Yapese are consistently taught the importance of land during their lifetimes (Buchun).

The traditional Yapese land system provides a governmental and societal structure that continues to be used in Yap today. In Yap, one's land determines one's caste. Traditionally, the high caste acquires power through birthright. The high caste originally gained power through oral traditions passed down since the beginning of Yapese society and through war.

According to oral tradition provided by the Yap Historical Preservation Office (HPO), a spirit couple once rose up from a sacred well in the village of Ngolog, located in the municipality of Rul. These two spirits produced seven offspring; four

boys and three girls. Each spirit child was given a portion of land in Yap to oversee. These pieces of land were the original seven municipalities of Yap. During the German occupation, the number of municipalities was increased to 10 for administrative purposes (Yap HPO). Today, the high chief of each municipality or his representative sits on the aforementioned council of chiefs that acts as the fourth branch of government.

Many years after the seven spirit children received their land, the three most powerful estates would be formed during meetings in Arib. Heated discussions and sometimes war ultimately determined the high estates of Yap. Arib, Tamil was chosen as one high estate because this is the land of the oldest male spirit. Ruuway, Rul was chosen because this is the land of the spirit couple. Bulwol, Gagil was chosen because this is the land of the second offspring. The high villages were also determined at these meetings in Arib. Yapese estates are located within villages and villages are located within the municipalities. These high villages, called Nguchol, include Teb in Tamil, Gachpar in Gagil and Ngolog in Rul. Each high village then decided which villages would be allies. Each ally served a specific purpose. Some villages served as the “channels of communication” between villages, while others served as warriors (HPO).

According to the high chief of Gagil, an estate is served by seven estates within the municipality and seven estates serve each of those seven estates and so on. The higher estates are considered high caste and are served by seven estates, but they are also responsible for the well-being of the lower castes. According to Chief Fithingmow of Gagil, many high caste Yapese take advantage of their power today

and expect their low caste to perform tasks without reciprocation. While in Yap, I saw many examples of this abuse. To add, someone who is high caste in his/her municipality only has authority over his or her estates. Moreover, chiefs throughout Yap have different caste rank depending on their municipality and village (Buchun). Sherwood Lingenfelter, describes the caste rankings of villages: The chiefly villages are of the highest rank followed by noble villages, common villages, servant villages and then serf villages. The serfs are landless and work and live on the land of the higher caste (Lingenfelter, 136-137).

But traditionally, war was also a primary factor that influenced one's rank (Lingenfelter, 136-137). I found further explanation of the purpose of war in the minutes from the Yap con-con. Delegate Falmog asserted that "long ago, we had village wars to keep peace." Wars determined caste early on and utilized spies, tit for tat killings and ultimately "cooperation and exchange." Early wars led to the creation of Yap's traditional government structure (Committee of the Whole, 18 April 1982). The Germans, however, wouldn't allow the Yapese to participate in war, thus the caste system has since been frozen in time (Fithingmow). So those who were lucky enough to be high caste before the German regime are still high caste. As discussed earlier, the Germans divided Micronesia into the currently identified states for administrative purposes. The Yapese caste system is incredibly complex and this is just a brief explanation of it as it pertains to this project.

The spirits also assigned seven dance grounds, one in each municipality (Yap HPO). Yapese traditions, history and genealogy are passed down through dances at these dance grounds and others throughout the island. Today, a large dance ground is

under construction in Makiy village in Gagil, one of these original dance grounds and the site of an old infamous Japanese school. While in Yap in 2006, I observed the men and chiefs of Gagil building massive thatched roof structures on the site. They were preparing the grounds for the 2007 Yap Day festivities.

It's important to mention that the outer islands of Yap practice different political systems, cultures and languages from that of mainland Yap. The outer islands are part of Yap politically because of decisions made by foreign powers, more specifically the Germans, but culturally, they are very different. While living in Yap, I noticed that the outer islanders are ranked so low they are basically casteless. The municipality of Gagil shares a unique relationship with the outer islands that other municipalities don't share. The outer islanders are considered Gagil's "children," children who pay tribute to Gagil, specifically to the villages of Gachpar and Wanyan. Gagil in turn provides assistance to the outer islanders when need be (Lingenfelter, 147). At least, historically this was the case. But Gagil never actually communicated directly with the islands to the east of Ulithi. Ulithi was used as a middleman for relaying messages and for ceremonial exchanges. This relationship weakened during the German and Japanese administrations because the foreigners would provide necessary supplies to the outer islanders, thus decreasing dependence on goods from mainland Yap. The Japanese restricted traditional voyaging as well, which contributed to this weakening relationship (Meller, *The Congress of Micronesia*, 148-151).

This relationship is so complex and unique that Proposal No. 66 was submitted during the Yap con-con to preserve the relationship. The proposal

discourages the state government from “interfering” with the relationship in order to preserve the “traditions between Gachpar and Wanyan and the outer islands” (Standing Committee Report No. 23, 15 April 1982).

Many outer islanders now live on mainland Yap, but they have no land of their own. There are two pieces of land that I know of that have been given to these outer islanders for housing and subsistence. One plot is located on the lagoon and provides absolutely pitiful conditions. It’s basically a shanty-town for outer islanders. The other is inland and a bit remote, but it does provide what appears to be adequate facilities. I conducted one interview in the inland settlement and although it did seem a bit crowded, the house we chatted in was clean with potable water. I can’t imagine that taro could be harvested or gardens maintained in either settlement. There just didn’t seem to be enough land to do this. Outer islanders now live on mainland Yap and both mainland Yapese and outer islanders live in Hawaii and on the US mainland to attend school or to find work. Twenty-four year old, Sam Yiluy, a mainland Yapese, studies at the University of Hawaii at Manoa along with many other mainland Yapese and outer island Yapese to “help [him] some day to execute [his] role as a Yapese...to contribute to improvements that will serve the present needs of the people.” He feels as though it is his future duty to care for his “people, community, island and nation.”

Some Yapese return to Yap with college degrees, but those who are low caste are rarely compensated fairly for their skills. Henry Falan, Yap State Legislator, describes one scenario where an outer island man returned to Yap after many years of training to be a brain surgeon. The government, however, would not pay him what a

mainland Yapese would be paid for the same position because he is outer island. He therefore sought work elsewhere. This discrimination is just one factor leading to Yap's brain drain, as described by Henry Falan. Many Pacific Islands are experiencing this brain drain, which Ishtar describes as being common throughout the Pacific. Pacific Islanders are leaving their islands to gain an education in the land of the colonizers. The mostly privileged males who gain an education abroad "benefit from the continuation of the status quo." Ishtar asserts that some return to better their country, but most stay abroad (226).

Again, one's birth status determines one's land and hence one's caste. The naming of babies is a strategic and important ritual. In 2006, I had the opportunity to attend a naming ceremony. Understanding the process was difficult for me because my Yapese language skills are weak so I had to depend on a few generous Yapese to translate for me. Firstly, it is the women on the father's side of the family who determine the name of the baby. The father's sisters will ultimately have more control over the child than the actual mother. The parents of the child do not play a role in the choosing of the name. Before the official baby naming ceremony, we first went to the father's parents' house with the father's cousins and aunts. It seemed as though they were already pretty sure what name would be given to the baby. The name was confirmed over a few chews of betelnut. We then proceeded to the baby's mother's house, which was right down the tropical dirt road. We sat in the house's *koyeng*, a bamboo platform with a thatched roof, located just off the beach. We chewed betelnut, chatted and presented gifts for the baby. The tumeric-covered baby was passed around in its palm frond basket. At some point during the chatting, the

husband's family informed the mother's family of the baby's new name. It seemed to be a pleasant occasion for all, although I'm not sure if all naming ceremonies are as agreeable as this one. Moreover, the tone of this ceremony may have been different because the father of the new baby is currently serving in Iraq with the US military.

Because names are directly linked to one's estate and these estates are determined at birth, future chiefs are aware of their possible role early in life. However, not all men with a chiefly name or chiefly relatives are guaranteed a chiefly position. Men must prove themselves to be competent and compassionate. According to Rikin, a Yapese man from Gagil, the chief's role is to collect and distribute services and items. The items should "go and flow." But some Yapese believe that today's chiefs are looking out for themselves rather than taking responsibility for their villagers (Fathaltamanbay). It appears that some chiefs are also asking too much of their villagers. In 2006, each village in Gagil was required to donate a certain number of woven palm fronds for the construction of the Yap Day traditional houses in Makiy village. Some villages, however, are less populated than others and the number of donated palm fronds became a great burden on the village's families. I witnessed this scenario while in Yap in December 2006. When villagers are unhappy, they can voice their dissatisfaction to the chiefs during village meetings. The chiefs sometimes take the villagers' concerns into consideration. Young chiefs may even ask older villagers for guidance (Rikin).

Chiefs who consistently disappoint their villagers risk impeachment by the disgruntled villagers. According to Lingenfelter, "when a chief loses the support of his people, he is no longer chief" (197). Although this is uncommon, one unlucky

chief in Gagil recently lost his title because of negligence. He was replaced by the young chief, Fithingmow.

Yap's blend of tradition and democracy

Yap State Legislator and former Yap Department of Education Director, Henry Falan, states:

When the two cultures [Yapese and American] came together, was an invitation for change. One school of thought is that tradition is better...but to me the best is the best of both. The difficulty comes in [deciding] what do we keep and what do we use. And then we end up debating over petty little things. We should employ the global thinking and implement local actions. Yap can no longer be Yap by itself. The world is one and we are all a part of it (Interview).

This quote perfectly describes the actions taken by Yap in the creation of Yap State. Many Yapese feel as though Yap is quickly losing traditions such as canoe making, despite attempts to protect tradition (Finechigey). Traditions like canoe making have been overshadowed by boats, cars and other forms of development. Moreover, chiefs throughout Micronesia must feel as though their duties are in competition with new Western laws. Chiefs are after all, given their power through birthright. In spite of these challenges, Fran X. Hezel believes that chiefs continue to be well respected throughout Micronesia. To many, they “are a valued link [to] the past” (*The New Shape of Old Island Cultures*, 124). To others, mainland Yapese chiefs are losing their power to influence their villagers (Minginug). Minginug states that in the outer islands, “when the chief says no, then it’s no, but not here in Yap.”

One's culture may be identified through its traditions, among other characteristics including language and religion. According to Geerte Hofstede, culture "...distinguishes the members of one group...[from] people from another" (5). Yapese tradition is negotiated daily by the Yapese, just as other culture's traditions are constantly reforming themselves to suit society. In agreement, Palauan woman, Gabriela, expresses her belief that tradition is always changing in Palau, Yap's closest island neighbor (Wilson, 192). A Yap con-con delegate supports this in his comment, "our traditions and customs are constantly changing" (Committee of the Whole, 18 April 1982).

A culture's traditions may be difficult to identify. Culture is "a matter of argument" to Comaroff and Comaroff (1992, 18). To build on that, Cita, another Palauan woman, defines "custom" as "the relationship between people...not the event...not a concrete thing." Custom is a "web of relatedness, responsibilities, and obligations" (Wilson, 103). Discussion on the creation of new relationships and obligations within Yap follows.

The blending of Western and traditional law began during the American administration of the islands. The Yap Islands Council of Magistrates was organized in 1952 and utilized democratic elections to elect council magistrates (Boecker, 157-158). These magistrates acted as advisors to the legislature and to other policy makers. Basically, they served as a link between the traditional system and the new Western system of government. The council was mandated by the US administration and magistrates were usually from the highest caste villages in their municipalities (Lingenfelter, 204). Magistrate positions were often occupied by traditional chiefs,

but more so in the early days of the council (Lingenfelter, 196-199). Perhaps the election of those who would otherwise be traditional leaders was a compromise on the part of the Yapese. The Yapese did as told by the Americans, but they elected those who would traditionally serve anyway. Legislators, on the other hand, were elected based on their knowledge of American politics and English language skills (Lingenfelter, 204).

Discussions about the complex relationship between the Yapese and the outer islanders arose during the Council of Magistrates existence. The subordinate role of the outer islanders was obvious to the American Administration and outer island leaders voiced their resentment of their historical place in society. One outer islander expressed that “We want the chance to become “up” men and not remain dog men as the Yap chiefs want us to be” (Meller, *The Congress of Micronesia*, 151). The Council of Magistrates eventually adopted a resolution that stated “servitude in all its forms is abolished; inhabitants of the [outer islands] are to be treated as equals in every respect” (Meller, *The Congress of Micronesia*, 151). This resolution may have appeased the Americans, but it didn’t express the sentiments of all Yapese regarding outer islanders.

The Council of Magistrates later evolved into what would be a Yap District Legislature. Before the District Legislature was created, the Yap Islands Congress served a similar purpose, but included no outer island representation. The TTPI high commissioner, however, sought to create a district wide legislative body that would include all of Yap, including the outer islands (Meller, *The Congress of Micronesia*, 155). The outer islanders were hesitant to join this new body, especially after

learning that they had been taxed by the Congress without representation in the government (ibid.). Considering the paternalistic role Yap historically took with the outer islanders, the outer islanders were understandably “suspicious” of mainland Yap’s “motives and intentions” to bring outer islanders into the new governing body (Meller, *The Congress of Micronesia*, 161). Suspicious feelings led to much debate about how much representation and compensation would be afforded the outer islanders. Norman Meller found himself acting as a negotiator between the two groups in hopes of ensuring the inclusion of both groups in the legislature. He includes his field notes from these negotiations in *The Congress of Micronesia*. When he spoke to representatives from Gagil, they claimed that the outer islands are now independent and they disregarded feelings of “inferiority” felt by the outer islanders (Meller, *The Congress of Micronesia*, 164). This I know to be untrue. It is obvious today in Yap that outer islanders are not given the same treatment as mainland Yapese. Meller knew that for the legislative body to succeed, all delegates needed to at least perceive to feel equal status. He reiterated this to the Yapese and to the outer islanders (Meller, *The Congress of Micronesia*, 167).

Outer island chiefs were some of the most outspoken opponents of the district legislature. To them, the election of leaders contradicted custom. To many outer islanders, chiefs had to be given a role in this new body. The chiefs and potential delegates also wanted to be educated on how this new body would work and on its benefits to the outer islanders. Eventually, travel arrangements were made for the eighteen high outer island chiefs or their representatives to receive training on mainland Yap. To show that respect for the chiefs had not diminished, their

representatives were sometimes referred to as “chief of the white man.” Both mainland Yapese and outer islanders use this term. This helped to create a distinction between the traditional chiefs and their representatives (Meller, *The Congress of Micronesia*, 164). One participant in the negotiations expressed a sentiment that would later be heard again during the first Yap con-con, “There is no place for chiefs in the legislature.” To him, “The chief represents land and the elected representatives represent the people” (Meller, *The Congress of Micronesia*, 166). A district wide legislative body was finally created in 1968 with twelve mainland Yapese representatives and eight outer island representatives (Meller, *The Congress of Micronesia*, 177).

Once the FSM came into existence, each district was in need of a district charter. Yap’s charter, which would later influence the Yap State Constitution, was approved by the TTPI high commissioner in 1978. Although the charter was a step toward sovereignty, the TTPI high commissioner required that it and the other states’ charters be approved by the TTPI administration. The TTPI high commissioner could even amend the state charters as can be seen in Article 13, Section 4 of Yap’s charter: “The High Commissioner may amend or revise this Charter on his own initiative, unless otherwise provided by law” (Bird, 242). The high commissioner continued to withhold sovereignty in an amendment to the charter, which states, “The High Commissioner may issue executive order prescribing the manner in which the Governor’s personal and legal business shall be discharged” (Bird, 248).

Judge Dan Foley assisted in the creation of Yap’s charter and the forthcoming Yap Constitution. Foley, along with district and traditional leaders, met for just one

day in a small room at the legislative building to create the Yap District Charter. John Mangefel, a well respected Yapese man who was also Yap's first elected governor, asked that those on the charter committee follow two key rules; to agree on all decisions through consensus and to be recognized before speaking. These rules are traditionally Yapese and according to Foley, worked extremely well during the charter committee meeting.

Yap borrowed Foley, who also assisted Chuuk in the creation of the Chuuk charter, from Chuuk for about a month to help create the Yap Charter. Foley and the charter commission used Hawaii's and Alaska's constitutions as models for the Chuuk charter and then later the Yap Charter. These US state constitutions are "short and flexible" according to Foley. Hawaii's was also appealing because Hawaii is a group of islands, as are the FSM states. These examples proved to be useful particularly since both Chuuk and Yap had so little time to create their charters (Foley, 1985).

The charter made the fourth branch of government, the Councils of Chiefs, official. Previously, chiefs had been used as advisors and were sometimes elected as magistrates, but the charter gave the chiefs a formal recognized role in the government. Together, the outer islands council and the mainland council, could jointly disapprove legislation if they determined that it threatened tradition. But not all Yapese felt as though their participation in the new government was appropriate. It appeared that some Yapese wanted to keep the new Western government separate from the traditional system. The new government was a democratic government. Chiefs did not gain power democratically and to some, did not have a place in this

new government (Foley, 2007). Some members of the charter commission agreed to include chiefs in the new government, but wanted the legislature to have the power to override a veto (Foley, 1985). In the end, the two were combined and chiefs continue to serve as an official branch of government with veto power.

The charter committee also determined that the outer islands and the mainland Yapese would share gubernatorial power. If a mainland Yapese holds the position of governor, an outer islander must serve as lieutenant governor. This ensures that both are represented and provided for by the governor's office. Otherwise, it would certainly be possible that both positions would be held by mainland Yapese because of their numbers and because of the general Yapese perception of the outer islanders. This gubernatorial organization was not the ideal choice of all con-con delegates. Yap con-con Proposal 113 from the Government Structure and Functions committee suggested a structure that would require the governor's seat to be held by the chairman of the Council of Pilung, the council that represents mainland Yap. The chairman from the Council of Tamol would have served as the lieutenant governor. This arrangement certainly would have given the councils a greater role in the state government.

The charter committee created a provision in the judiciary section that obviously sought the continuation of Yapese dispute resolution practices. A judiciary was created, but before approaching the judiciary, one was required to first attempt to resolve the matter in the village through village measures. Yap was the only district in the FSM to create this stipulation (Foley, 2007).

As previously discussed, Yap has been visited by explorers and unsuspecting visitors for more than 500 years. According to oral history, Spanish ships spotted a tropical island in the distance. While sailing, they came across canoeing Yapese. The Spanish pointed and asked the Yapese what the name of “that” was. The Yapese, thinking that the Spanish were pointing to the canoe ore, said, “Yap.” From that day on, foreigners have continued to call Yap “Yap.” The Yapese, however, do not refer to their island as Yap. The Yapese use the name Waab. During the creation of Yap’s charter, committee member and state legislator, Henry Falan, suggested that the name Waab be restored to the island and to the forthcoming documents. Foreseeing this change to be a tedious and complicated task for the other member states, a high chief argued that this would only create a burden. Both men sought different forms of traditional practice; Falan wanted the traditional name to be used and the chief didn’t want to impose this change upon the other FSM states (Foley, 2007). Ultimately, Yap would be used for state and national purposes, although the Yapese continue to refer to their island as Waab when conversing with each other.

Yap’s constitutional convention

The influence of chiefs in the convention was felt even before the convention began. In 1980, the chiefs almost vetoed bill No. 1-131 that attempted to call for a convention a couple of years before it actually took place. The bill outlined what the legislature hoped would be the format for the convention including the election of delegates, duties, procedures, and a budget (Memorandum, 27 May 1980). In a letter from Andrew Roboman, chief in the Council of Pilung, addressed to Joseph Ayin, the legislature speaker, Roboman states “...the Council of Pilung has decided it cannot

give its approval to Bill No. 1-131 on the proposed Constitutional Convention for Yap State.” The council did not feel as though it was an appropriate time to have the convention because of issues being settled within the FSM government, particularly involving “revenue sharing and provisions related to Palau and the Marshalls.” The Council of Tamol sent an almost identical letter to the Speaker Ayin. Eight of 10 legislators approved the bill and two abstained from voting. The legislature clearly sought to move ahead with a convention, but had to defer to the traditional councils who have veto power over all legislation. In a letter dated February 23rd, 1980, a representative from the TTPI also discouraged the state from holding a con-con at that time. Fran Defngin encouraged the legislature to “postpone [it] until after the plebiscite on the Compact of Free Association.” He was concerned that a change in national status might require changes within the states. To the TTPI government, the chiefs and the governor, the Yap Charter would have to suffice until an appropriate time could be determined to hold the Yap con-con. This was surely frustrating for the legislators.

Eventually, Yap did hold a constitutional convention in 1982. Falmag, the high chief of Gagil and participant in the con-con, expressed that Yap had a hand in the past and a hand in the future. He encouraged the delegates to be sensitive when borrowing from the outside world. These remarks helped to set the tone of the con-con (Foley).

Elected delegates, chiefs and one woman would participate in the Yap con-con. Delegates were from mainland Yap and the outer islands. Christina Fel, the only female delegate, was the only female delegate elected throughout the FSM to

participate in the con-cons (Bird, 84). However, she was not the only woman who ran in the election. Two others ran in mainland Yap, but no women ran in the outer islands (Ballot). The election of delegates took place on November 24th, 1981. At the time, the number of eligible voters on mainland Yap was 3,072 and the number of people who actually voted was 1,872, with 11 spoiled ballots. Christina Fel, the only female delegate, received more votes than five of the male candidates, but the other two female candidates didn't do quite as well. The two men who won in the second outer island district that represented Ulithi Atoll and Fais Island didn't even run in the election. They were write in candidates (Results of con-con election). Ninety three percent, or 1,651, of the outer island registered voters turned out to vote (Results of con-con election). I wonder why the percentage of voters was much higher in the outer islands.

The backgrounds of the winning delegates were incredibly diverse. Ayin, the president of the convention, had an extensive background in local politics and was the speaker of the Yap State Legislature. Even with his experience and obvious respect by the other delegates, Ayin placed number 10 in the election of delegates, 200 votes behind the top candidate, Falmog (Results of con-con election). Hathey and Faleuaath were members of the traditional councils. Ruecho had teaching experience and served in the legislature. A few delegates were businessmen and one was a Catholic priest. In all, 22 delegates participated in Yap's first con-con (Bird, 79-86).

Prior to the actual convention, a location, vehicles and resources needed to be procured. Moreover, a format for the convention needed to be created. American Legislative Council, Dan Foley, was an integral part of the pre-convention activities.

He drew up the format of the convention along with the positions that needed to be filled including President, Vice President, Floor Leader, Chairmen of Committees and so on. He also submitted committee topics that would ultimately be adopted by the convention delegates (Bird, 97-101). A week's worth of workshops were held for the delegates and included discussions on procedures, the FSM Constitution and the state charter, among other things (Memorandum, 2 March 1982). The rules suggested by Mangefel during the creation of the charter, also applied to the con-con: One had to be recognized before speaking and all decisions were made through consensus (Bird, 109). But additional rules of procedure were needed to "move things along," especially during heated debates (Foley, 1985). According to Foley and Bird, the con-con delegates took their jobs very seriously and spent little time at home during the convention. Throughout the next five months, the Yap State Constitution would be debated and created (Foley, 2007). Debate amongst delegates sometimes centered around regional differences, age, gender and "there was a lot of stress between traditional and elected viewpoints" (Foley, 1985). There were a few occasions when the younger outer island delegates felt as though they were being treated unfairly and threatened to walk out. Foley saw most of these tensions as productive to the mission of creating a relevant constitution that all delegates could live with (Foley, 1985).

Along with the convention minutes and proposals, Dave Bird had also been storing the convention budget since the 1980s. This is an interesting document to examine and expresses the needs and wants of the delegates. In all, the convention budget totaled \$97, 547.32. It appears as though the biggest expenses were those allocated for travel and housing for the delegates during the convention. Despite the

unhappiness of some outer island delegates, it looks like the outer islanders and mainland Yapese received equal compensation for their time, but issues certainly could have arisen that are not stated on the official budget. Members of the traditional councils who participated in the convention were also compensated for their meals and transportation (Budget).

The fourth branch of government, which is composed of traditional chiefs, was opposed by some of the delegates. To some delegates, the fourth branch was not consistent with the idea of democracy, as was the case during charter commission debates (Bird, 2007). This was a hot debate during the convention (Foley, 1985). Chiefs were respected, but to some, their inclusion into the new government was inappropriate in the new democratic system and could possibly cause chiefs, who were often unfamiliar with Western law, to lose face (Falan). Henry Falan shared these concerns during the creation of the Yap Charter and Yap Constitution and continues to express these concerns today. Prior to my interviews, I had assumed that all Yapese would want to include chiefs in the state government, but this was obviously not the case. Many delegates wanted to keep the Western government separate from the traditional government (Bird and Falan).

Despite this, chiefs did participate in the con-con as advisors and respect was afforded to them throughout the proceedings. The chairman of the Council of Pilung, Roboman, was allowed to provide opening remarks for the delegates. During his short speech, he stated, "...when we create this Constitution, we shall include all our customs both from Yap and the Neighbor Islands..." (Yap Con-Con Journal, 16 March 1982). This does not seem like a suggestion for the delegates, but rather a

polite demand. On the other hand, the importance of chiefs' guidance was addressed in Standing Committee Report No. 35. This report encourages the con-con delegates and future judges to "seek the advice and expertise of the traditional leaders."

Some delegates attempted to limit and define chiefs' responsibilities through numerous proposals involving traditional leaders. Proposal 43 from the Government Structure and Functions committee, would have required the councils of chiefs to "...promote and coordinate the development of village economies..." Proposal 62 from the same committee spelled out tasks for the councils of chiefs that the author hoped would preserve tradition. Had this proposal passed, chiefs would be obligated to "solicit, record, compile, organize, and publish oral statements on traditional culture..." Standing Committee Report No. 36 tried to prevent chiefs from practicing antiquated customs such as "suwone pogofan." Suwone pogofan grants chiefs the right to carry out the death penalty when deemed necessary. Report 36 describes this practice as "barbaric" and states that chiefs shouldn't revive customs that "are no longer practiced." The same report, however, does encourage chiefs to practice two other basic chiefly powers including "pilung ko but" and "pilung ko gidii." Pilung ko but gives chiefs "supreme right to the land" and pilung ko gidii grants chiefs "authority over everyone." Although chiefs can no longer practice capital punishment, they continue to hold power over the land and people. They can "exile" negligent villagers, although I'm not sure where they go when banished. These con-con discussions make it clear that Yapese culture is changing and that Yapese traditions are sometimes even deemed obsolete. As stated earlier, when traditions are no longer useful, they are no longer practiced.

When examining the minutes, resolutions and reports from Yap's con-con, it is obvious that the struggle to protect tradition and to what extent was on the minds of many of the delegates. Many proposals and resolutions regarding tradition were submitted and debated by the committees. Some are almost painful to read because the writers were emotionally trying to protect Yapese culture despite so much change in their islands. Proposal two from the committee on Civil Liberties and Traditions proposed to protect the traditional roles of family members and village leaders. It specifically states, "The government shall take no action to prohibit, revoke or limit the role or function of a spouse, parent or traditional leader as recognized by tradition..." In the final constitution, Yapese traditions are not listed or defined, but they're protection is left in the hands of the councils of chiefs. Proposal 126 from the same committee later suggests that fathers be "legally responsible for the support and for the unlawful conduct of their minor children until the age of 21." I'm not sure why this was not included in the constitution, but I did find that parents in Yap are sometimes held responsible for their children's wrongdoings and might even be publicly humiliated because of their children's actions.

Proposal 127, authored by Faleuaath, outlined what he hoped would be the final definitions for Yapese castes, chiefs and traditional government structure. It includes Faleuaath's hope to maintain the three highest estates as the "supreme" estates of Yap. In the end, Yap's constitution left these definitions and Yapese tradition open for debate, discussion and interpretation by the councils of chiefs.

Yap held its constitutional referendum on November 2nd, 1982. The question, "Do you approve of the constitution of the State of Yap, as adopted by the Yap

constitutional convention,” was printed in five languages: English, Yapese, Ulithian, Woleaian and Satawalese. Voters had the option to check yes or no on the ballot. Of the 4,870 eligible voters in Yap State, 3,667, or 75%, voted. 2,633 voted in favor of the adoption of the constitution, while 1,000 voted “no” (Election Commissioner, 18 Nov. 1982). I haven’t been able to find evidence as to why people voted the way they did.

During an interview with Yap State Legislator, Henry Falan, I asked him whether or not he truly supported this Western idea of democracy. I mistakenly believed that perhaps the system is being utilized solely to appease the outside world. Falan provided me with an answer that I really didn’t expect. He appreciates the democratic system of government because it gives people a chance to participate in politics who wouldn’t otherwise have that opportunity because of their caste or gender. To Falan, the Western style government helps to “advance social conditions” and he is “forever grateful for American intervention...and democracy.” The women I interviewed shared similar thoughts. They are allowed to cast ballots in state elections, whereas they don’t have a formal role in traditional politics. It’s obvious that some people want a voice in politics even if that voice isn’t necessarily traditionally Yapese.

If support for democracy continues to grow, might the respect for tradition and the roles of chiefs diminish? If the majority of Yapese, who are not of the highest caste, benefit from democracy, will chiefly roles eventually become obsolete or perhaps transform into that of only figureheads?

Henry Falan's political career in Yap has been lengthy. He was involved in politics when Yap was a new state and he was later appointed as the director for the Department of Education. I appreciated working under him as a Peace Corps volunteer for the two years I served. He was a compassionate and competent director and was well known and well liked throughout the Pacific. However, upon the swearing in of a new governor, he was quickly replaced because of his political views. Henry stayed out of the public eye for a few years while opening up an internet cafe in Colonia. During the 2006 elections, Henry decided to run for a state legislature seat late in the game and did very little campaigning. His popularity was obvious when the election results were announced. Henry won by a landslide and despite his caste, he is now back in public office.

My earlier assumptions about the adoption of a democratic government were not based on a romanticized view of the Yapese. Rather, they were the result of hundreds of conversations about tradition during my two years in Yap. While living in Yap, I was constantly reminded how to cook, walk, sleep, speak, dress and eat according to Yapese norms. It seemed as though there was always a conversation about maintaining Yapese traditions taking place at home or at school. I was even asked to apologize to my municipal chief on one occasion for a cultural mishap.

I was aware that the lower castes rarely participated in traditional politics and that women at most played an indirect role in village politics, but my host mothers taught me how to play the role of a Yapese woman on a daily basis and Yapese villagers gave me looks of disapproval when I committed a cultural faux pas. Village schools hold culture day every Friday and Yap Day is celebrated every March.

Hence, I was convinced that Yap was dead set on hanging onto whatever traditions they could. It wasn't until my discussion with Henry Falan that I realized that a Western structure didn't just help the Micronesians achieve sovereignty, it also allowed for greater political participation within the states.

During the early days of the TTPI, the Yapese seemed very reluctant to adopt a democratic government structure. Perhaps this was because they intended to create a government on their own terms, terms that provided a place for tradition and democracy.

Politics, culture and women

I lived with two Yapese host families while serving as a Peace Corps volunteer in Yap State, Federated States of Micronesia (FSM). Rutineg's nurturing host family consisted of a grandmother, a mother, a daughter and a nephew. We lived in the same village as Ganang, my host uncle. Ganang operates a small hotel that contributes to Yap's budding attempt at a tourism industry. The hotel, which serves primarily Japanese tourists who are either searching for the remains of their WWII ancestors or who are taking advantage of Yap's untouched coral reefs, is situated only a few steps away from my host family's house. It usually accommodates ten to twelve guests on a weekly basis.

Rutineg, my host mother, and I worked at the same school. We would walk a mile to school together every morning in the thick humidity and then back home in the afternoon in the intense heat. Although the roads were no more than paths through the jungle and the weather was ceaselessly steamy, our walks provided us with time to chat about our daily experiences as well as what chores we would

accomplish later in the day. Once home from school, the women of my house were expected to clean the hotel's guest huts, wash the linens and rake around the property. Ganang would never think of performing these duties because in Yap these duties are deemed women's work.

In Yap, girls are taught from an early age how to weave, cook and care for children. The boys are taught how to fish, hunt and make rafts. These gender roles are maintained at home as well as at school. On Fridays, the schools separate the boys and girls for gendered activities. Thus, from an early age, cooking and cleaning are deemed women's work and hunting and fishing are men's duties. We were the only women in the village and we were Ganang's relatives, thus we were expected to perform this necessary women's work. We would never reap any benefits from our daily duties, nor would we ever gain any profits from the hotel's revenues. Throughout my stay in Rutineg's village, I was never thanked by Ganang for my help, although Rutineg showed her appreciation in numerous ways. I am now back in the US, but Rutineg remains in Yap and undoubtedly continues to perform her women's work and her school duties along with numerous additional tasks that are expected and needed by her village and by Yap's new tourism industry.

I also lived with Clara and Martin during my two-year stay in Yap. Clara worked at the Department of Education as the scholarship coordinator. Martin was a physician's assistant at Yap's only hospital. They both drove to town in the morning to go to work and then back to the village in the late afternoon. Once home, Clara and I would go out to the taro patch or to the garden for vegetables for the evening supper. Working in the taro patch is quite strenuous. We would be up to our knees in

mud hoping that the eels wouldn't nip our ankles. Because my skills were equivalent to those of a five year old, I was not allowed to harvest the taro. Instead I planted the new taro plants and gathered the harvested taro in woven baskets. We would then peel and boil the taro or prepare whatever vegetable was ripe enough to eat. The process of gathering and preparing dinner usually took at least two hours. As we were gardening, Martin sat on the porch smoking cigarettes and chewing betelnut. If he needed water he would call one of us or one of the kids to fetch him some water. Martin contributed SPAM or canned mackerel for the protein portion of dinner. He sometimes received fish from his younger brothers. I was envied by other Peace Corps volunteers because I lived in a traditional hut Martin's cousin had built on the beach. I would wake to the sunrise and would sometimes lose my shoes because crabs would drag them into their holes on the beach. Eventually, I was asked to move out of my hut so that it could be rented out to tourists. The appeal of cash was so great that I had to move out within the week. It was then that Rutineg invited me to stay with her in a village farther north. Both Clara and Rutineg were expected to carry out traditional roles for the tourist industry, a nontraditional setting.

I've included these personal anecdotes from Peace Corps life because similar scenarios can be found throughout the Pacific. The transformation of gender relations is just one of the many changes that are the result of colonial contact and a new economy. Yap's hardworking women share a common experience with other women in the Pacific. Development in Fiji has created an unequal burden on agricultural women. Men have access to new efficient machines and create community agricultural plans while the women continue to use traditional farming methods and

are left out of the decision making process. They're unable to keep up with the men who are plowing more land than the women can tend. New tasks have been added to the already long list of tasks these women must bear including "food marketing, gathering wood, fetching water, cooking...and caring for the children" (Ishtar, 228).

I've tried to grasp the Yapese subaltern voice through an analysis of interviews with Yapese men and women and literature. The interviews focus on the thoughts and experiences of Micronesian women, the subaltern of the subaltern. This exploration will reveal the vital and transformative political and social roles that women play in Yapese society.

Women and the low caste can vote in state elections, but it appears as though women are still discouraged from serving in public leadership positions. As mentioned earlier, a woman did serve in Yap's constitutional convention, but at the moment, there are no women in Yap's Legislature. In 2007, female representation in the government consisted of an American Assistant Attorney General and a Court Clerk. Yapese woman, Isabella Rungun, believes this is because although democracy is being adopted, it is still not appropriate for women to voice their opinions to men or to make decisions for men.

Perhaps this is because women's often unspoken roles are seen as integral to Yapese society and to get involved in politics would take time away from these roles. According to one committee during the Yap con-con, "It is difficult to imagine that women in our society are considered less respected and inferior to men" (Standing Committee Report No. 24, 15 April 1982). To the outsider, it would appear that men make political decisions and hold political power, which is perhaps why women's

influence isn't recorded. I'm fortunate to have learned of these roles while living in Yap with a Yapese family, while working in a Yapese village and through numerous interviews with Yapese women and men.

When asked what the most important role of a Yapese woman is, Minginug and Gapthey both responded by explaining that the most important role for women is caring for the family. Yapese women should always have food prepared and should provide food and guidance to their children (Minginug and Gapthey). To Chief Fithingmow, women hold the family together and are thus the most important gender in the village. In the past and to some Yapese today, women's roles are different, but are considered just as important as men's roles. Women garden, cook, take care of the family and sometimes act as peacemaker. Traditionally, men fish, hunt and build canoes and houses. Historically, gender roles were distinct, but valued, as is the case in many parts of the Pacific (Duley, 282). Today Yapese women continue to perform these traditional tasks. Some women also work in government offices Monday through Friday 8AM-5PM. Somehow they manage to perform office work, tend to a taro patch, cook (often over open fire), and care for the children. Many men, on the other hand, work in similar government jobs but no longer fish or build. Women, however, are expected to perform all of their duties, usually without the help of men. Yapese women are basically performing at least two full time jobs, which is not unusual in American society.

Today, gender roles continue to be distinct and were a bit intimidating upon my arrival to Yap. Men and women don't usually work side by side when performing traditional tasks such as building a house. Women may sit off to the side to weave

the roof from coconut fronds, while men attach the fronds to the roof. So they work together to complete tasks, but aren't actually physically together. At parties, women prepare the starch or dessert prior to the party and men buy, catch or kill and then grill the meat at the party. At the party, women sit together away from the men and may often not speak until the food is being served. The women serve the men and shoo the flies away from the buffet line. The women are usually the last to eat. My observations while in Yap and Pohnpei led me to believe that women are often the last to eat at meal times. Men are usually given preference when nutritious meals are served. Women eat whatever food is left over after the men and chiefs have been served.

But Yapese women play more roles than what a Westerner may assume from observing a meal. The sisters and wives of chiefs seem to play an especially important role in village life. They create village ordinances and projects for female villagers. For example, they may determine when village cleaning days take place. The cleaning of roads, meetings houses and other communal areas is the responsibility of the village women. If an area is not cleaned according to their expectations, they may impose fines on the village women, which can take the form of financial penalties (Evelyn and Rutineg).

One village cleaning scenario was explained to me by Evelyn Tingnnin. Evelyn is from Gagil but now temporarily resides in the town of Colonia. I've known and appreciated Evelyn since I lived in Yap. Before interviewing her in 2006, I saw her in her village in Gagil cleaning her land. It's common to see women clearing the brush from the roads, but the women of her village, Leng, decided that all must also

clear a few feet into their land for aesthetic purposes. I was surprised to hear that these extra feet were even in their jurisdiction. The women didn't call Evelyn in the city to let her know about the change in policy, so Evelyn was fined \$2.50 monthly until the extra area was cleaned. I found it interesting that she was required to pay her fine in cash, a Western introduction. Although \$2.50 may seem like a minor fine to an American, Evelyn doesn't have a job that earns her cash, so this \$2.50 was a hardship for her and her kids. I helped her clean for a short time and it was exhausting. She had to cut down trees and plants and clear all greenery from the area. This is difficult in a tropical setting. Not only did she have to clean her land, she also cleaned her widower father's land. She is his only daughter and cleaning is women's work.

Evelyn seems to have many traditional skills that I haven't seen other women practice. For example, she can make tumeric, a time-consuming and difficult task. Tumeric is a prized possession in Yap. It's sometimes used for cooking, but more so for body decoration during traditional dances. It's said to keep the skin smooth and soft. Evelyn also knows a lot about village women's roles and Yapese history. She is always very patient with me and is willing to show me what needs to be done. I appreciate this because I often feel helpless when the women are working on tasks that I'm unfamiliar with because of my lack of traditional knowledge. She may see our relationship as reciprocal because while I was there she asked me to help her create a resume and cover letter for a possible job. She, however, has helped me immensely throughout our relationship.

Yapese women choose the names for newborns, which ultimately determines who serves as chiefs for villages and municipalities. The selection of chiefs takes place in the private sphere, which is in line with women's roles in many societies. Men serve as chiefs in the public sphere but are at the mercy of influential women. Women can take a chief's or villager's name away if they feel as though the person isn't caring for the people or land properly. Without a name, a person is without land, and thus without a livelihood.

One woman served in the Yap con-con and female chiefs do not exist on mainland Yap, although they do exist in the outer islands. The Yap con-con delegates did indeed realize that this was an issue that needed to at least be discussed. On the 45th day of the convention, women's participation in the legislature was touched on, but briefly. In the minutes, Delegate Ruimal claims that "family problems" would arise if representation in the legislature were required to consist of 50% women and 50% men. Delegate Faleuaath asserted that if the legislature were truly traditional, women wouldn't play a role at all (Committee of the Whole, 29 May 1982). So do women even play a role in politics in Yap? I asked all of my gracious interviewees this question. Senator Figir mentioned that historically they acted as peacemakers and mediators between villages. Today, they apparently play a role in traditional politics, but an indirect role. It is not acceptable for women to speak up in village meetings. In these meetings, issues are discussed by the village men and decisions are made. However, Rikin, a resident of Gagil municipality, states that women are very influential in these meetings, although they don't actually attend the meetings. Men may leave a meeting with the task of asking his wife for her input on a particular

situation. After their discussion, he may present her thoughts at the next men's meeting.

On a different note, village women can approach the men with an issue of importance. In this case, prior to the meeting, the women meet together to discuss what they hope will be the outcome of the meeting. They then present their decision to their husbands, sons and brothers. The men present the women's decisions during the meeting. Rikin and Chief Fithingmow believe that the women's decisions are seriously contemplated and the men just about always comply with them. If the men don't comply with the women, they risk offending their female relatives, the relatives who they hope will provide them with their next meal. In Rikin's words, "one doesn't want to find his [cooking] pot on the porch." I haven't been able to find an example of when the women's wishes weren't met. In general, Minginug believes that "if the sons listen to their moms, they usually end up successful in life."

Some anthropologists wonder why women "choose to delegate leadership" and "veto power" such as Yapese women do in the selection of chiefs, rather than to "seize authority for themselves" (Sanday, 115). I believe that women who can veto acts, impeach chiefs and influence their male relatives are incredibly powerful. After all, aren't these all acts of power and influence? Yapese women are no less powerful because they influence their village from their house rather than from the village's stone platform.

Minginug describes an issue that is becoming increasingly common. Yapese women are more frequently gaining an education abroad and some are returning to Yap with the expectation that they deserve to speak up publicly in meetings.

Minginug feels as though women's ideas should be recognized, but only in smaller gatherings. To my surprise, Waaq built on this by stating that women's thoughts should be heard in the home and in the village because "two heads are better than one."

It appears that women's voices are heard in the village through their "hidden influence" (Minginug). But they're also being heard in the state government. The state government is giving women and the low caste, groups that don't ordinarily have public influence, a chance to participate in the government. Gapthey states that the state government is where "women can express their thoughts and opinions." Yapese women have historically played a role in the selection of chiefs, the same chiefs who sit on the councils, and they vote in the new elections. They clearly have a role in traditional and state politics today. But again, they are kept out of the traditional councils and the legislature, both of which determine laws in the public sphere.

Palauan women are known throughout the Pacific for their strength and power. Although Palauan women have "generally been left out of the ethnographic picture in Palau," author Lynn B. Wilson had the opportunity to dialogue with women from within the same clan over an extended period of time (8). During one of her ethnographic experiences, Wilson notes that a Palauan historian expressed that "women are the most powerful in Palauan society." Yet, similar to my experiences researching Yapese women's political power, Wilson found that most writings on Palauan political power focused on male power (7-8).

As mentioned earlier, Palau withdrew from the Micronesian constitutional convention and created the Republic of Palau. Today, Palau does share a Compact of Free Association with the USA, which is very similar to the Compact signed between the USA and the FSM. To some Palauans, the new Western government has “overshadowed” Palauan traditional government structures (Wilson, 7). Likewise, the presence of two governments creates confusion because there are now two sets of leaders; a Western set and a traditional set, much like in Yap (Wilson, 7).

Today, women play roles in both the traditional and Western governments, but they seem to have more influence in the traditional system. In Palau, men *and* women hold chiefly clan titles. Each male title has a female counterpart and vice versa. These titleholders sit on councils based on their gender, and discuss community projects, events and disputes. Their main purpose is to maintain village relations. To some Palauans, the councils have lost influence through the many decades of imperialism (Wilson, 62-67). As in Yap, women help select chiefs in Palau. It is not unusual in the Pacific for older women to be given such important roles. In other parts of the Pacific they may also act as mediators (Duley, 284). Before choosing chiefs, the elderly Palauan women discuss the candidates’ histories and effort in their villages. Age and marriage status along with the number of one’s sisters and one’s connection to a title-holding woman are all taken into consideration when determining who will be chief. Wealth may also be a factor. And like in Yap, Palauan women can impeach negligent chiefs, although this is very rare (Wilson, 130-131).

When creating the new Palauan Constitution, women were excluded from political roles. Chiefs were initially given the role of advisors to the President and had a presence in the legislature. The chiefs theoretically were supposed to consult with the women, but they rarely shared legislative news. To one male titleholder, Ngiraitpang, “politics is like war” “men would go out and die for the women and women should stay away...” He goes on to state that politics is men’s work. He does, however, recognize that women gave him his title (Wilson, 166). Since the creation of the Republic of Palau, women have participated very little in the national government. However, they have been active in the Koror state government. The Koror Constitution provides for the “Kernga, the council of female chiefs.” These women participate in legislative discussions that pertain to tradition.

Although women rarely run for government office, women do facilitate political campaigns. These women make connections with heads of households to encourage the women to vote. The heads of households will hopefully then encourage their children to vote for a particular candidate. With all of this influence, why don’t women run for office themselves? According to the Palauan women in *Speaking to Power*, this may be an issue of modesty (159-162). Or it may be better answered with the following quote by Palauan woman, Gabriella: “Women take care of the clan...and men take care of politics” (Wilson, 146). This is in agreement to Ngiraitpang’s earlier statement regarding men’s work. To Gabriella, politics refers to issues related to the national government, the Compact and the constitution, not to “clan relations” (Wilson, 146). Yet Isabella Sumang does believe that Palauan

women have lost political power because of capitalism and Americanization. To Isabella, there is now a lack of balance and it “used to be very balanced” (Ishtar, 55).

Women in Palau are taking the lead to decrease Palau’s dependency on the US government through tactics they hope will sustain Palau regardless of US involvement. They realize they’ve become too dependent on the dollar and on imported foods. Prior to foreign occupation, Palau subsisted through the land and ocean. Many women believe this is still possible. They also realize that they can’t completely revert to the old ways. Cita Morei would like to see Palau create and sell handicrafts, produce, coconut soap and canned tuna. These ideas for “alternative economies” seek to create financially independent women and an independent Palau (Ishtar, 58-59).

As Americans we tend to write about “politics” in Micronesia, without reference to the origins of the politics we’re discussing. Perhaps this is why women are rarely mentioned in writings about Yapese politics. Researchers may be asking the Yapese about political structures, which the Yapese may infer to be Western political structures rather than clan politics.

Palauan women are “...really strong, really powerful...” (Wilson, 99). “Men have forgotten their place” in Palau because of the new government, according to Gabriela. Despite today’s Western challenges, women will always be the “stronghold of the clan” in Palau (Wilson, 188). Palauan women take responsibility for men from birth until death (Ishtar, 43). Women take care of men financially and physically throughout their lifetimes. Women provide money for men’s houses, they provide for men’s children, they buy men houses, and they fund funerals. Women are the

“economic heart of Palau” (Wilson, 99-100). The financial assistance described above is through the US dollar. Palau, like the FSM, uses it as its currency. But Palau has its own traditional money, too, *Udoud and Toluk*. *Udoud* consists of different sized pieces of glass. *Toluk* is considered money that belongs to women and is usually made from turtle shell. Both *Toluk* and *Udoud* can change the reputations of families (Wilson, 107-108). One example of the importance of Palauan money to the clan is illustrated by Wilson in *Speaking to Power*. While pregnant, a woman’s in-laws brought a piece of Palauan money for her to wear throughout the duration of her pregnancy. This symbolized the connection between the two families (115-116). Having visited Palau on a few occasions and having lived in Hawaii, I’ve found that Palauan women are often quite noticeable because they usually wear a piece of traditional money around their neck on a tight fitting necklace.

Like Yap and Palau, the Marshallese value their land. “Without land, a Marshallese is nobody” (Ishtar, 28). And it is Marshallese women who are traditionally “keepers of the land” (Ishtar, 27). This land that has been “abused” by colonial powers is passed down in a matrilineal custom through the mother. Traditionally, women make community decisions in the private sphere and men voice the decisions at meetings in the public sphere as is practiced in Yap. But the colonial powers have imposed their own values on the islanders, which is “eroding” the gender balance in the islands, thus transforming gender practices (Ishtar, 28). To Duley and Sinclair, “the imposition of Western values on non-Western cultures has led to an underestimation of the impact of women on social life,” which I think can also be applied to the politics and economics of societies (Duley, 29).

If researchers aren't asking the right questions, they may unknowingly overlook women's roles in society. As discussed above, the meaning of politics translates differently in different societies. If I ask an interviewee about women's roles in politics, I may get a very different answer than if I ask about women's roles in decision making, in the economy or in village disputes. I believe these limitations in our thought are a primary reason for the lack of current literature on women's political influence in the Pacific.

I've only examined a few Pacific Island societies, but I believe that many others share similar parallels, despite different cultures and languages. Throughout the Pacific, islanders have experienced a transformation of gender roles because of the arrival and manipulation of outsiders including missionaries and militaries. According to Ishtar, Americanization has afforded women "less protection...than was inherent in Marshallese custom" (39). Perhaps it was this train of thought that led Yap con-con delegate, Nick Rahoy, to create Proposal 82 during the Yap con-con. This proposal states, "Due recognition and respect shall be given to the roles, functions and rights of women within the family."

Islanders have created Western style constitutions to avoid further challenges to their sovereignty. These constitutions clearly include Western political roles for men and women and women continue to exercise traditional politics in their villages. Pacific Island women continue to feed and care for their families; they seek to protect their land; and they influence traditional and state politics, but usually in the private sphere.

Yap's fourth branch of government

Today, the Yap Constitution calls for a fourth branch of government, the Councils of Chiefs. Article 3 states that these councils shall “perform functions which concern tradition and custom” and that “due recognition shall be given to traditions and customs in providing a system of law, and nothing in this Constitution shall be construed to limit or invalidate any recognized tradition or custom.” In sum, the purpose of the Councils of Chiefs is to ensure that Yapese traditions and culture are maintained. Because membership consists of chiefs, all members are men, which is in line with Yapese tradition.

This fourth branch of government is divided into two groups: The Council of Pilung, which oversees laws pertaining to the main island of Yap, and the Council of Tamol, which oversees laws regarding the outer islands of Yap (Finechigey). The creation of two councils was necessary because the differences between the cultures of the outer islands and mainland Yap are numerous. Citizens from the outer islands speak different languages and share different customs. Each council consists of chiefs from Yap State's municipalities. Members of the councils may not serve in another capacity within the government. If a chief does hold another government office, he must choose a representative to represent him in the traditional council (Flauaw).

Allowances, per diems, travel expenses and compensation for the council members are periodically decided by the Legislature. In 1997, members of the Council of Pilung received \$13,000 annually and members of the Council of Tamol

received \$10,300 annually (Yap State Law No. 4 - 104, D1). There is an obvious discrepancy in the amounts for 1997, which I believe is a result of the caste system.

I discussed the various purposes of these councils with council representatives. I first spoke with Leo Flauaw, a member of the Council of Pilung. He informed me that both councils have complete veto power over all bills that pass through the Yap Legislature's office. Once a bill has been passed by the Legislature, it is passed on to each council for review. Both councils review the bill and decide if it would have any impact on the culture or on traditional practices. If the council members feel that the bill would in some way affect Yapese tradition, the bill is sent back to the Legislature's office with suggestions for necessary modifications. Leo mentioned that this is often unnecessary because the members of the Legislature's office usually keep tradition in mind when creating laws. Furthermore, before a bill is sent to the councils, members of the Legislature often lobby for the bill at the councils' offices.

An example of one law that did not pass through the Council of Pilung pertained to business licenses and sales tax. The Legislature hoped to create a law that would require business licenses for all sales and would place a tax on all sales within Yap. Although these may seem like typical business practices to an American, these requirements could turn into financial obstacles for many Yapese who periodically sell betelnut and fish to sustain their livelihoods (Flauaw).

Moreover, the Council of Pilung is currently in the process of creating laws with the Legislature that would help to preserve Yap's natural resources. In past

decades, the state has witnessed a decline in sea life because of foreign fishing vessels illegally fishing in the state's waters (ibid.).

The members of the Council of Pilung hold additional responsibilities outside of their regular government offices. The council members act as village mediators during civil disputes (usually in their own municipalities). Civil disputes are usually managed within the villages, rather than at the courthouse in Colonia. Civil disputes can take the form of disputes between families, land disputes or violations of traditional law. Following is an example of a civil dispute that I witnessed while living in Yap. Two men in their twenties often went to Wacholab village in Maap municipality to pick up some beer. On numerous occasions they were noisy and harassed the villagers. The chief of Maap (although village chiefs could do the same) eventually called for the village members to collect the two men and take them to the men's house in the village of Wacholab. Once at the men's house, the men were tied up and their heads covered. They probably would have been severely beaten and left for days if their parents hadn't shown up with offerings of shell money to pay penance for their sons. Francis Hezel, director of the *Micronesian Counselor* and long time resident of Chuuk, states that violations of traditional law often bring "ridicule" and a "loss of prestige" to families and communities (2001, 3). Hence, their families were most likely humiliated as a result of this scenario. Although traditional law and Western law are practiced in Yap, I rarely, if ever, saw a policeman in the village. Village matters are usually resolved through traditional means, which may explain why the new system of law was not involved. I asked Steven Buchun for further clarification as to why the local police were not involved in

this matter. He was not familiar with this particular scenario, but he did share that the police usually only present themselves in the village when called to intervene. He also mentioned that it's not uncommon for a group of villagers to pay a visit to the jail to apprehend a person who committed a crime in the village in order to bring the person to justice using traditional means.

When a situation such as this arises, the municipality chiefs, who are usually members of the councils, act as mediators between the villagers and the families. On other occasions they may act as mediators between two people claiming the same piece of land. In addition, members of the Council of Pilung help to train village men in the organization of traditional functions and customs (Flauaw). Village and municipal chiefs may also call for the creation of traditional structures, such as the dance ground in Makiy, Gagil, as discussed earlier. It is obvious that Yapese chiefs carry out a variety of responsibilities.

Although the Council of Pilung now consists of chiefs from each of the ten municipalities, it originally consisted of only three chiefs from the three municipalities that existed before German contact; Gagil, Rul and Tamil. Other lands were under the control of these three municipalities and were not recognized as being worthy of high chiefs. Once the Germans arrived, they divided Yap into ten municipalities for administrative purposes. Since then, the government has recognized ten municipalities and each municipality holds a primary chief. However, the initial three municipalities are still recognized as being superior to the others (Flauaw).

Joe Tiuecheimai, the administrator for the Council of Tamol, informed me that the Council of Tamol consists of chiefs or their representatives from the twenty surrounding atolls along with the chairman. The chairman's seat is always filled by the high chief of the outer islands. Once appointed as a chief of an atoll, the chief is given a lifetime appointment to the council, just as he will serve as atoll chief for life.

The chiefs meet twice a year to discuss the impact that legislation may have on the outer islands of Yap. In 1994, the Council of Tamol vetoed a bill concerning the creation of an oil plant in the outer islands. The chiefs feared that it would create too much pollution for the small islands. They also vetoed a bill that would have decreased the allowance provided to chiefs by the government. Because the purpose of this money is to fund community projects, the chiefs feared that the number of future community projects would decrease if funds were cut (Tiuecheimai).

The members of the Council of Tamol are now working toward creating legislation with members of the Legislature to improve the water conditions in the Ulithi atoll. During WWII numerous ships sank in the lagoon and now leak huge amounts of oil. The government suspects that these ships still hold over a million gallons of fuel. In 2001, islanders in the atoll were unable to fish in the waters and struggled to maintain their livelihoods. Moreover, the supply ship, which usually provides the Ulithians with rice and canned meat, travels to the atoll infrequently. The Yap state government and the Council of Tamol have been working on legislation that would provide funds to clean up the lagoon. They are encouraging the US government to assist in the process (ibid.).

In 2001, the Council of Tamol strongly encouraged the Yap state government to create dispensaries throughout the outer islands. At that time, outer island residents had to travel to mainland Yap for health care. This poses a challenge to ill individuals because flight service is infrequent on a few of the atolls and nonexistent on others (ibid.). Traveling by ship is even more inconvenient and trips sometimes take up to a month. Today, more dispensaries are in operation throughout Yap State. In 2006, I noticed one in each mainland municipality, but I'm unsure of how many exist in the outer islands.

Although both councils have veto power, the two councils rarely work together. A caste system exists in Yap and the outer islanders are basically considered caste-less and are frequent targets of discrimination. Council of Pilung member, Leo Flauaw, mentioned that many mainland Yapese are unhappy with the fact that the Council of Tamol even exists.

One occasion when the councils do work together is before the state gubernatorial elections that occur every four years. The constitution requires the offices of Governor and Lieutenant Governor to be held by residents of both the outer islands and mainland Yap. Not surprisingly, the office of the Governor has always been held by a mainland Yapese (Tiuecheimai).

The councils meet months before the election to decide which candidates they will publicly endorse. Since the creation of Yap State, they've always endorsed a Yapese candidate for Governor and an outer island candidate for Lieutenant Governor. Although Yap is a democratic state and holds free and open elections, the candidates endorsed by the councils have historically won with an enormous majority

of the votes. Many politicians depend on the continued support of traditional leaders throughout Micronesia (Hezel, *The New Shape of Old Island Cultures*, 131-135). Joe expressed that the day unendorsed candidates win will be the day that the island chiefs have lost the respect of the people and hence their influential power. He stated this in 2001. In 2006, a gubernatorial candidate who was not endorsed by the councils won the election. The Councils endorsed Ruecho, the incumbent who dismissed Henry Falan from his position as director of education. I wonder if this disregard for the council's endorsement is the result of a decrease in respect for chiefs or the result of an increase in support of democracy?

Throughout the course of my research, I asked Leo, Joe and Fithingmow how the councils decided whether or not a law might pose a threat to tradition. They all stated that the councils discuss the law and any effects it may have on tradition. Neither council has a collection of written traditional laws and customs to use as reference. The laws and customs have been passed down orally through generations (Flauaw, Tiuecheimai and Fithingmow).

Leo, a member of the Council of Pilung, stated that he hoped to one day write traditions and protocol down on paper to refer to and so that they are not lost with the influx of Westernization. However, the administrator for the Council of Tamol appreciates the fact that the laws are learned through traditional methods. He's concerned that if the laws become written, they will be open to interpretation by future lawmakers and their original meaning might one day be lost. This was up for debate at Yap's first constitutional convention. The con-con's committee on Civil Liberties and Traditions reviewed a proposal that supported the codification of

traditional law and customs out of fear that those who are most knowledgeable about these practices would soon pass away. According to Yapese supporters of written law, “if we wait, we would lose their wisdom and knowledge” (Standing Committee Report No. 38, 15 April 1982). Another proposal sought to require the legislature to “provide for the codification of traditional laws of the state” (Proposal 57, Civil Liberties and Traditions, 23 March 1982). During a meeting of the committee of the whole, con-con delegate, Hathey, expressed his support for the recording of traditions. He stated that traditions and history should be recorded in the constitution as a guide for future generations. Hathey believed that Yapese “traditions [would] disappear soon” (Committee of the Whole, 18 April 1982).

But the refusal to record law is not uncommon throughout the world. According to Guy Powles, author of *Pacific Courts and Legal Systems*, people tend to “...attach too much significance to the distinction between written law and unwritten law.” Powles goes on to state that written law is often overvalued simply because it is written (19).

Yap is not alone in its decision to combine Western and traditional law. The Marshall Islands, a former member of the Trust Territory of the Pacific Islands, has also included stipulations to protect tradition in its government structure. The Marshall Islands constitutional preamble clearly recognizes the influences of foreign interference in the islands as can be seen in the excerpt, “This society has survived, and has withstood the test of time, the impact of other cultures, the devastation of war, and the high price paid for the purposes of international peace and security.” The Marshalls, like the FSM, signed a Compact of Free Association with the USA.

Today, the Republic of the Marshall Islands uses a government that combines American law and customary Marshallese law. As in Yap, a council of traditional chiefs called the Council of Iroij, is given the authority to review laws and court cases that may affect custom and traditional land usage. The council consists of twelve chiefs who represent each of the three land rights classes in the Marshalls. However, the council's decisions are not "binding" without the consent of the court system (Powles, 318). The Council of Iroij is defined in Article 3 of the constitution. Section 11 of Article 3 clearly lays out the role of a council clerk who records all council proceedings, which is an obvious difference between the Yap councils and the Council of Iroij.

The constitution of the Marshalls also includes a traditional court system within the judicial branch. Article 6, Section 3 states that the Traditional Rights Court hears cases pertaining to titles, land rights and traditional law. This entity does not have enforcement powers, but the court's decision is given "substantial weight" once it is heard in the larger judicial system.

Although chiefs do hold a place in Palau's modern government, some don't feel as though an American style government is advantageous to Palauan society. To Gabriela Ngirmang, "the American system hurts the people" (Ishtar, 53). She believes that Western democracy isn't appropriate for Palauan society. Democracy creates equal voting representation, but in historical Palau, not all votes were considered equal. A chief's vote might be given more weight than another's vote. She describes the system as one of "checks and balances," a term Americans often use when describing their own government. However, her explanation involves the

inclusion of consensus. They “just talk until [they] reach agreement.” Together, chiefs and villagers discuss issues and reach agreement through these means, as is common in Yap (Ishtar, 54-55). Gabriela is a high female chief in Palau, which may be why she supports the traditional system (Ishtar, 43). I found that in Yap those without chiefly or high traditional status were more accepting of the new Western government because it gave them the chance to participate in politics.

Further attempts to maintain culture

One of Yap’s first attempts at maintaining its culture came in 1976 when Yap was still part of the Trust Territory of the Pacific Islands. Yap District Law No. 4 – 27 implemented fines for the removal of Yapese stone and shell money from the Yap islands. Consequences range from \$1,000 fines to jail time. Yet, I’ve seen two pieces of stone money at the Bishop Museum in Honolulu. Perhaps they were gifts.

Aside from the creation of the traditional councils, the Yap state government has passed numerous acts of legislation that relate to the preservation of tradition. In 1989, the state government called for the creation of a Historical Preservation Office (HPO). This act is known as the “State Historic Preservation Act of 1989.” This act has undoubtedly contributed to the preservation of various customs and Yapese architecture. The HPO’s purpose is to refurbish and protect cultural sites and to conserve Yapese traditions such as storytelling, craft making, dancing and chanting. Duties of the office include creating cultural activities, conducting archaeological surveys, recording oral history, promoting the preservation of historic sites, establishing a state park and promoting education programs (Yap State Law No. 2-56). The HPO is also in the process of creating a Yap State museum and hired a

specialist to do so. The HPO's success is evident throughout mainland Yap. While driving through villages, one can see the restoration of traditional houses along with the creation of new local style houses. Most of the projects conducted by the HPO have a sign in front of the structure stating the purpose of the project. These signs are common throughout mainland Yap. Sadly, the HPO lost a great deal of material during the 2004 typhoon. They're still trying to recuperate from the devastation. This was obvious when I visited their office in 2006. The entire staff is working in cramped conditions with poor electricity and ventilation. They are very concerned about the storage of what little survived the typhoon (Runman).

In 1990, the Legislature created the Tradition Award Fund through Law No. 102. This fund was created by the HPO and is overseen by the HPO. It provides cash awards to villages and residents of both mainland Yap and the outer islands who take part in the creation or restoration of local houses or canoes. The law originally allocated \$100,000 for the fund and awards communities up to \$2,000 for creating a local structure. In 1997, an additional \$112,340 was allocated to the Tradition Award Fund (Yap State Law No. 4 – 68). In an even greater attempt to maintain culture, the fourth Legislature increased the award given for the creation of a Yapese traditional canoe to \$4,000 (Yap State Law No. 4 – 185). Once again, in 2000, the Legislature appropriated an additional \$100,000 dollars for the creation of local houses and canoes (Yap State Law No. 5 –32). I'm not aware of how the HPO determines whether or not a local style structure or canoe support the perpetuation of culture.

Yap Day is another attempt by the government to maintain Yapese tradition. Yap Day is a state holiday and is held the first day of every March. This celebration

of Yapese culture allows the residents of Yap to get together to perform dances, cook local foods, create crafts and play traditional games. Villages practice dances for many months before performing at the Yap Day festivities. In 2000, the Legislature allocated \$7,402 for the funding of Yap Day activities (Yap State Law No. 5 – 24).

Along with the creation of laws to protect tradition, the Legislature creates resolutions that recognize community members who have taken on the responsibility of maintaining Yapese culture. Resolution No. 5 –37 encourages the members of the traditional councils and the HPO to “identify and commemorate individuals in Yap State who have demonstrated extraordinary commitment to the preservation of traditional culture.” During the same Legislative session, the Legislature recognized Mau Piailug for his dedication to preserving the ancient art of canoe making and navigation (Yap State Resolution No. 5 – 37 and Yap State Resolution 5 – 36). Canoe making and navigation are slowly becoming lost traditions in Yap as well as throughout the world. Mau has assisted Yapese, as well as Hawaiians, in restoring these ancient skills. In 2006, John Runman from the HPO, informed me that Yap State is now offering a navigation class for interested Yapese. Skills are acquired through classroom instruction and hands-on lessons. As of December 2006, 20 men had signed up for this class.

The government and people of Yap are clearly making a conscious effort to combine Yapese traditional politics with newly introduced political structures. Moreover, the Yapese use Western legislation to perpetuate Yapese tradition. The division of land and societal roles according to Yapese legend exists alongside the state constitution. During Yap’s constitutional convention, delegates debated which

traditions might need to be set aside to make room for the new government structure. Delegates, who were elected by a democratic electorate, gave women and the low caste the right to participate in this new system. However, these groups do not play direct roles in village politics. Although women are permitted to serve in the state government, a strong female presence in the legislature is yet to be seen. While participation in the state government is theoretically open to all genders and classes, it appears as though men continue to control village and state politics. Why would these men, who traditionally hold power and who interpret tradition, want to relinquish or share power? Their traditional role in society must influence how they interpret tradition and which traditions they choose to protect.

Chiefs continue to acquire power through birthright, but have been given additional responsibilities outside of the village and within the democratic system. In Yap, it would not be unusual to find a group of traditional leaders debating whether or not to veto a piece of legislation created by state legislators. On the other hand, a state constitution and legislation ensure that chiefs maintain power, that schools teach Yapese culture and that land continues to be exchanged according to traditional law.

Chapter 6. Conclusion: What is Yapese Tradition?

Defining tradition, particularly Micronesian tradition, is an extremely difficult task. While walking through neighboring villages in Yap, one must carry a branch as a sign of peace. I asked numerous Yapese why this branch carrying is practiced and I usually heard something to the effect of “it’s just what we do.”

This concluding chapter focuses on the meaning of Yapese tradition. The state constitution does not define tradition, but it does protect it. Examples of transforming Yapese traditions will be provided along with an explanation of historical Yapese menstruation practices, a tradition that is no longer practiced. Yap’s core value of respect is explored using anecdotes provided by Yapese citizens. These anecdotes and Yap con-con documents make it clear that the people of Yap expect the councils of chiefs to act as the ultimate authority in the protection of Yapese tradition.

Although the traditional Yapese councils mentioned above consist of traditional Yapese chiefs who acquired power by traditional means, doesn’t necessarily mean these councils are historically traditional. They were created as a result of Westernization to protect tradition. You would not have seen these councils two hundred years ago in Yap; there would not have been a need for them.

Yap Day is not a traditional holiday, but it seeks to celebrate Yapese culture. Stories and history are kept alive through Yap Day. Likewise, Yap’s students now participate in Culture Day every Friday at school. Culture Day involves the learning of traditional Yapese ways such as canoe carving, house building, lei making and gardening. Culture Day aims to teach the young Yapese traditional skills using island

resources. The Yap State Constitution requires public schools to teach culture in the schools; consequently Culture Day was developed. In 1996, the Yap DOE expanded the cultural program to include daily cultural lessons in the schools. Texts in the vernacular have also been developed recently. The idea of incorporating culture into the Western style school system was discussed as far back as the Yap con-con. Numerous proposals were submitted that sought to teach Yapese customs in school for a variety of reasons. Firstly, the delegates did not feel as though the DOE had “done enough to teach our children our traditions and traditional technology.” Secondly, delegates recognized that “teaching traditional skills is crucial to our survival.” Traditional skills discussed by the delegates include “traditional medicines, navigation, building of fishing traps and the weaving of baskets,” among other things (Standing Committee Report No. 34, 15 April 1982). To the Yapese, this is a necessary, yet challenging task. Five languages are used in Yap and a new orthography is being developed on mainland Yap. This makes the development of reading materials in the vernacular difficult (Fanasog).

Some delegates of Yap’s first con-con attempted to spell out a few Yapese traditions, as can be seen in Standing Committee Report No. 38. The report states that traditional laws are laws that require traditional punishment if broken, such as the carrying of a branch mentioned earlier. The report goes on to state that there’s a difference between customs, or yalen, and traditional laws. An example of a Yapese custom is the “ceremonial exchanges of machaf [shell money] during traditional dances” (Standing Committee Report No. 38, 15 April 1982). These explanations are not provided in the Yap State Constitution. Nowhere in the FSM Constitution or the

Yap Constitution is tradition or culture defined. However, there are numerous references to both. For example, Article 3 Section 1 of the FSM Constitution states, “Nothing in this Constitution takes away a role or function of a traditional leader as recognized by custom and tradition...” Furthermore, Article 3, Sections 1 and 2 of the Yap State Constitution state that “there shall be a Council of Pilung and Council of Tamol which shall perform functions which concern tradition and custom” and “due recognition shall be given to traditions and customs in providing a system of law, and nothing in this Constitution shall be construed to limit or invalidate any recognized tradition or custom.” As mentioned earlier in my discussion with members of these councils, there is no written record of these traditions and therefore, there is no written definition for tradition, in Yap at least. Hence, it is my understanding that tradition in Yap is determined by the chiefs who sit on these councils. Tradition is certainly perpetuated through daily Yapese life by the Yapese population, although it appears that the councils are the public leaders in the protection of tradition.

Ultimately, traditional male chiefs interpret Yapese tradition based on knowledge that may have been passed down through multiple generations and their modern day experiences and relationships. Might they also pick and choose which traditions are kept and which are left in the past based on their own wants and needs?

Menstruation practices

As is the case in all cultures, Yapese culture is constantly changing. One example of a cultural practice that the Yapese have abolished involves menstruation. I believe that the abolishment of menstruation practices in Yap is a result of new Western ways. Moreover, I believe that what many call “pollution taboos” may be

inaccurately interpreted by Western writers. Westerners often see any form of sex segregation as discrimination. We usually assume these practices are discrimination used *against* women, rather than to protect women. Some believe that menstruation segregation represents the “inferiority of women” (Sanday, 91). Prior to writing this chapter, I believed that the discontinuation of these practices represented a decline in the importance of the wellbeing of women. Although I still believe that menstruation practices played an important role in women’s lives, I now understand that Yapese women may now value other practices, such as earning a paycheck, that also contribute to the wellbeing of women.

In historical Yap, menstruating women were confined to the women’s house for the duration of their period. They were not allowed to cook, even for themselves, could not go to the taro patch, could not walk by men’s houses or collect local medicine. A trip to the women’s house is no longer required, but a menstruating woman usually won’t be found in the taro patch for sanitary reasons and may not be able to walk by a men’s house, depending on the village (Minginug).

These “pollution” customs are not uncommon. In some cultures, sex during menstruation is “thought to sap male strength” and in others menstruation “could endanger the whole community” (Sanday, 91). Some believe that these taboos reinforce sexual segregation (Sanday, 94). But doesn’t this assume that men created and perpetuate these taboos? I began questioning my own assumptions when I read a quote by a Marshallese woman in *Daughters of the Pacific*:

Traditional laws, for example modes of behavior governing male access to

menstruating and pregnant women, were originally designed to protect women. These laws...have been steadily eroded...by the missionaries, and later distorted as colonizers imposed their own moral standards. And it is women who pay the price (39).

Today, some Marshallese women feel as though they have less control over their bodies without these customs. Men now control women's bodies through the distribution of limited contraception (Ishtar, 39). A similar contraceptive problem exists in Yap where there is only one place to acquire contraception—the hospital. Because the island is so small, it's impossible to go to the hospital without seeing a relative. Moreover, the person distributing the contraceptive may well be a relative or possibly a relative who doesn't approve of contraceptive use or a relative who may tell a disgruntled husband about his wife's secret contraception.

Most of my readings on female pollution interpret it as a discriminatory practice. Does menstrual blood have the power to pollute a taro patch or a community? To some, menstrual blood is a reminder of the danger, power and supernatural powers found within women (Sanday, 91-95). For the aforementioned reasons, I question whether or not communities who practice these taboos think women to be inferior. It's obvious to me that these women are thought to be so powerful that their menstrual blood could affect an entire community. Were these taboos perpetuated through male fear of female power and childbirth (Duley, 285)? Aren't these taboos an expression of female power? The power to give birth? The power to affect one's community? In the Marshalls and in Yap, these practices sought to protect women, not to ostracize them.

In Micronesia at least, these are misunderstood practices to outsiders. For example, a picture of two women peeking out of a Micronesian menstruation house is posted on the *Micronesian Seminar* website, a site that provides information on Micronesian issues, culture and history. The caption for the photo states that women went to these houses to “spare them the embarrassment of showing signs of their condition in front of their brothers.” If one looks more closely at these practices in Yap, one can see that the women benefited from these practices. Women who were menstruating or who had just given birth were cared for at the village menstruation huts. They could rest and would be nursed back to health. Because new mothers stayed at them for an extended period of time, they also acted as a form of birth control directly following a pregnancy. In the huts, older women would teach younger women various skills and would share stories with them. Women would be taught their role in society, how to weave, how to garden and just about anything else pertaining to women, according to Minginug. Evelyn is too young to have ever visited the menstruation huts, but she learned about them from her older female relatives. She compares the huts to a modern day spa. But these Yapese “spas” weren’t all that relaxing for low caste women. It was the low caste women who cared for the higher caste women who visited the huts. These low caste women also helped care for the newborn baby during the duration of the mother’s stay (Minginug and Tinggin). The use of menstruation huts began decreasing once women began working day jobs outside of the village. Time away at the menstruation house was evidently not conducive to forty-hour work weeks or a Western education system (Minginug). I’m not aware of whose decision it was to stop monthly visitations to the

menstruation houses. If women made this choice, perhaps this tells us that they place more value on their Western educations and paychecks, which could consequently improve a woman's status and health within her home. Women are no longer cared for in menstruation huts, but their paychecks can pay for medical care, modern transportation and electricity.

Aside from menstrual practices, other means of gender separation do and did exist in the Pacific. Historically, Yapese men and women weren't allowed to eat together. They didn't eat from the same plates and sometimes even ate at different ends of the house. Today, families share plates, but it is inappropriate to share a plate of food with a member of the opposite sex unless you're related or married.

Hawaiians, too, had similar customs in their kapu system. This system forbade the sexes from eating together and forbade the eating of certain foods by women. Women couldn't eat coconuts, pig, certain types of fish, or bananas among other foods. This really seems extreme to me given that some of these foods are staples in most Pacific Island diets (Chun, 3-4 and Silva, 27). Ultimately, it was the high female chief who abolished the eating kapu under Liholiho's reign (Silva, 28). This same female ali'i was one of the first Hawaiians to convert to Christianity and encouraged other ali'i to follow her ways (Silva, 32).

Although many restrictions were placed on Hawaiian women, they controlled the making of kapa, clothing made from bark. According to writer, Malcolm Naea Chun, women's control of kapa gave them power because the cloth and the clothing made from it were necessities for daily life. Kapa was used for clothing, gifts and religious purposes (Chun, 10). While the kapu system may seem restrictive to many,

some believed that the separation of the sexes actually gave women “some degree of autonomy,” as can be seen in the making of kapa (Chun, 29).

In Yap, these practices allowed women to pass down knowledge and maintain their health. It is my belief that traditions express and perpetuate values. In the case of the Yapese, traditions express and perpetuate Yapese values such as community, family, history and respect. Is more value now placed on forty-hour work weeks and a cash economy than on the importance of menstruation practices? Is this a result of a lack of respect for women’s societal roles? If so, why aren’t women encouraging the chiefs to reinstitute these practices? Conceivably, they too, value their new cash economy and compensate for menstrual needs in other ways.

Respect

When asked to describe the most significant change in Yapese culture in their lifetimes, most of my interviewees quickly stated, “respect.” Falan, Gapthey, Waaq and Minginug all stated that Westernization, good or bad, has decreased respect for Yapese culture. To Falan, kids aren’t being taught to respect their villages, their elders and fellow Yapese. But he doesn’t blame the kids, he holds the adults responsible for not teaching respect. Sam Yiluy adds to this by stating that all Yapese men, women and children are responsible for protecting tradition, specifically “Yap’s core value, respect.”

Gapthey and Waaq build on this by expressing a Yapese analogy. Ideally in Yap, parents feed and care for their children while teaching their children to be respectful of Yapese culture. But today, many parents are raising their children as they raise their pigs. They just feed them. They don’t instill Yapese culture in them.

To be accused of this is extremely insulting.

Minginug makes a distinction between children raised in Colonia and children raised in the villages. To Minginug, village children are much more respectful of Yapese tradition because of village expectations. Village children are expected to contribute to the well being of the family. They tend the taro patches, fish, help clean the village and usually live in a communal setting. Basically, they live Yapese culture.

Evelyn and Gapthey both described other examples of disrespect for Yapese culture. When walking in a group through a Yapese village, the group is supposed to walk in a single file line. Today, many kids and some adults walk in clusters or in horizontal lines, which historically expresses confrontation or disrespect to the village. When walking through a neighboring village alone or in a group, one should also carry a branch or Yapese basket with them, which is a sign of peace. This, too, is becoming less common. Another similar custom I noticed while living in Yap was a practice deemed necessary at night. When passing through a village at night, especially a neighboring village, one must carry a flashlight or burning coconut husk to light one's presence. If one does not have a source of light, the villagers might assume that the visitor is up to no good. In this case, the lightless visitor could face serious consequences. Although these practices may seem minor to an American, they are signs of respect for a village and its villagers in Yap.

The decrease in respect for Yapese culture was publicly discussed at least as early as the Yap con-con. On April 18th, 1982, Delegate Falmog expresses his frustrations through the following statement: "Today, nobody respects anything

anymore because the government we have is not ours and the system we have now is foreign.” He goes on to state that in the past, the Yapese took an interest in the wellbeing of other Yapese, everyone was taken care of, but today they take care of “others who do not belong.” (Committee of the Whole).

A lack of respect appears to be a cultural issue in Palau as well. To many Palauans, the introduction of American “freedom” is to blame for this. The “young people” litter the villages with trash and create a noisy ruckus when traveling through villages. Men, too, are losing respect for women, according to Gabriela Ngirmang (Ishtar, 47).

Nevertheless, the islands are still rich in family and community traditions. For example, before a man and woman marry on mainland Yap, the man’s male family members go to the woman’s house to ask her family for permission to marry. They arrive at her house with shell money and humbleness. They discuss the implications of marriage for hours and if the wife’s family agrees to the marriage, the shell money is accepted. This practice exemplifies the aforementioned Yapese traditional values of family and respect.

Moreover, women can still be found in the taro patch and men still frequently fish for their families. While living in Yap, I experienced countless traditions such as these. As a matter of fact, I embarrassed myself on hundreds of occasions because of my ignorance of these traditions. In 1999, I accompanied students, teachers and chiefs on a cultural exchange trip to Palau. A school in Palau hosted us and invited us to stay in their community’s bai, a Palauan meeting house. Women and men slept on separate sides of the bai. This was awkward for many of the students because the

Yapese don't usually share sleeping and living space unless they are related. However, the Yapese were grateful that these sleeping quarters were provided by the host school, so compromises were made. My first cultural faux pas of the trip occurred upon arriving to the bai. A few women decided to lie down and rest. I followed their lead. But evidently I was lying down incorrectly. I'm not sure who noticed my offensive position, but I was quickly counseled by the women on the appropriate napping position. They informed me that I should never lie down or sit with my feet facing another person. A few days later I reconnected with a few Peace Corps volunteers who were serving on Palau. We trained together, but we were sent to different islands for service. I sought permission to leave the bai and I was gone for a few hours. When I returned to the bai after our outing, I was confronted by my fellow teachers. They explained that my absence had caused the chiefs to worry about my wellbeing. They were protective of me because I am a woman and because I was their volunteer. The teachers asked me to apologize to the chief who serves my municipality. I humbly did as they asked and offered him a six-pack of beer. My chief was pleased, I was forgiven and my absence was never mentioned again. The other volunteer on the trip, however, did not follow the advice of her teachers and she was ostracized for the remainder of the trip. I believe that my willingness to offer a showing of respect was appreciated by the chief and teachers.

In Yap, the protection of tradition was ultimately placed in the hands of the councils of chiefs. Most of my interviewees agree that the councils of chiefs are most responsible for protecting Yapese traditions. The Yapese are very aware of these councils and understand their composition. Bernie Minginug states that the councils

“should see to it that we respect the culture and custom” and that every Yapese needs to be a role model for the younger generations. Chief Fithingmow supported this by stating that chiefs need to be responsible for the protection of tradition in their villages and that the councils are responsible for the overall protection of tradition in Yap State. Although my interviewees overwhelmingly believe that the councils hold the most responsibility in the protection of tradition, many don’t believe that they are effective in protecting tradition. Fathaltamanbay believes that the chiefs on the councils look out for themselves, rather than for the Yapese. Married couple, Gapthey and Waaq, believe that the chiefs need to utilize their power more fully in the protection of tradition. To Waaq, “they’re not doing their job.” It must be difficult for modern chiefs to please the population. Today, they carry out their traditional responsibilities while also participating in the new democratic government. Therefore, they must address and protect tradition within a framework that has transformed tradition. This contrast in responsibilities must be a challenging undertaking.

The chiefs are tasked with protecting tradition, but which traditions are they supposed to protect? The Yapese seem torn between tradition and change. Women and the low caste appreciate their new political participation, but this participation is not historically traditional. American dollars lure the Yapese into office jobs that leave little time for fishing and gardening. Yapese youth spend most of their waking hours in classrooms with desks and textbooks written in English rather than in the men’s and women’s houses.

Micronesia has experienced destruction and an influx of Westernization over the past few hundred years because of foreign powers. Many traditional ways are still practiced in Yap, but imperialism definitely had an impact on Yapese political, educational and social structures. These transformations played a factor in Yap's participation in the Micronesian and Yap constitutional conventions. The Micronesian con-con minutes make it clear that all member states sought some form of sovereignty through the con-con.

During both the Yap and Micronesian con-cons, delegates expressed the need to protect tradition, while avoiding defining or even outlining what might constitute a tradition. Delegates of the con-cons seemed to break from tradition when it blatantly contradicted Western norms. Article 4, Section 4 of the FSM's Declaration of Rights provides for the "equal protection of laws" regardless of "sex, race, ancestry, national origin, language, or social status" as does Article 2, Section 4 of Yap's Fundamental Rights. Both the FSM and Yap constitutions also protect the non-traditional right to free speech and expression.

Article 7 of the FSM Constitution requires each state to use a democratic constitution. Yet, Article 5, Section 1 states

Nothing in this Constitution takes away a role or function of a traditional leader as recognized by custom and tradition, or prevents a traditional leader from being recognized, honored, and given formal or functional roles at any level of the government...

FSM and Yap con-con delegates outlined government structures that include an executive branch, a judicial branch and a legislative branch. Yap con-con

delegates went on to create a fourth branch of government that consists of the councils of chiefs who are tasked with the protection of Yapese tradition. These traditional chiefs attempt to influence legislative decisions and election outcomes. They hold veto power, but they have lost some of their influence over the Yapese as can be seen in the recent gubernatorial election where the candidate who was endorsed by the councils did not win. Might this be a foreshadowing of a future where chiefs serve only as figureheads? In the end, male chiefs determine which traditions should be protected and practiced.

These hybrid compromises were a break from tradition and may have initially been created out of “historical necessity,” but they did indeed provide new rights to groups who wouldn’t otherwise have them (Bhaba, 41). However, as of 2008, male chiefs and male legislators continue to dominate village and state political positions.

Today, the Yapese face the world with a new written system of law that strategically incorporates a set of undefined laws where tradition and democracy are intertwined. Yap’s hybrid system protects tradition, but at the same time allows non-traditional players access to a ballot box and new leadership positions, combining the old with the new.

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