Religion and law in the Samoan indigenous context amounts to a search for *tofa sa’ili*, for *tua’oi* and *lagimalie*. *Tofa sa’ili* is the search for wisdom; a search for God – (*tofa* is wisdom; *sa’ili* means ‘to search for’). *Tua’oi* means boundary. *Lagimalie*, in this case, literally refers to the harmony of remembrance. These three concepts frame my address.

The quest for freedom of religion presumes not only the right to worship one’s God freely, but also the responsibility to practice that worship in a way that respects and upholds the virtues of harmony, balance and justice. What drives our quest for *tofa sa’ili* and for the wise application of *tua’oi* is the search for harmony and peace – the search for *lagimalie*.

The modern context of both island nations and metropolitan cities is characterised by individual rights, a secular consumerist culture and the freedom of choice. In this environment, traditional Samoan methods for employing *tofa sa’ili* and *tua’oi* are challenged. Today, there is a smorgasbord of cultural and religious schools available, inviting individuals to partake as they choose, as long as they pay the right price. But the ‘right price’ is often the foregoing of a collective for individual good and the unfair privileging of one worldview or voice over another. In this context, the ability to find overall balance and harmony despite competing interests is compromised.

Human rights do not exist in a vacuum. They exist alongside responsibilities. Determining rights and responsibilities requires acknowledging the existence of relationships, the interdependence of these relationships and the uniqueness of the spirit of each within.

The human will is the defining element of being human. It is said to be that which distinguishes us from animals or other sentient beings. The mysteries of the human imagination – i.e. the will to discover, to create, to innovate, to believe, persevere and have faith, especially in spite of what can be quite atrocious adversities – seem intertwined with the mysteries of creation and creating. Religion and law are two human institutions that test this will.

In this address I want to explore the stories of creation that underpin the two main religious traditions of Samoa – the Christian and Indigenous. I do so in the hope that they help to provide context to your deliberations on the complexities and implications of arguing for freedoms and rights. In telling these stories I hope to offer...
a framework of thought for thinking through the often vexed subjects of human rights, custom and interreligious dialogue.

**Christianity and the Samoan Indigenous Religion**

Christians inherited from the Hebrews their thesis of creation. God created the first man, who was Adam and subsequently, out of one of Adam’s ribs, created the first woman, Eve. God gave Adam and Eve the garden of Eden but on the proviso that they not eat of the apple tree, the fruit of knowledge. The devil, or Satan, in the form of a snake, tempted Eve, who succumbed and she in turn convinced Adam, to share with her, the forbidden fruit. They tried to hide but God sought them out. In trying to hide they attempted to cover themselves with fig leaves.

The fruit of knowledge represents procreation and self-awareness. The covering of genitalia highlights the emergence of shame; what was natural before is now a self-conscious act. The relationship between Adam and Eve suggests a gendered hierarchy. Eve, the weaker sex, is easily tempted; but Adam, despite his strength, is tied to Eve – she is literally part of him; he is vulnerable to her. Christian male and female roles are thus patriarchally defined.

In all indigenous Samoan versions of creation, there is no Adam and Eve; there is no Eden and no tempting snake. There is no forbidden apple and no camouflage of fig leaves. The indigenous Samoan stories of the beginnings of time and human life start with the procreation of the heaven and earth. There is a tumultuous separation between the couple, Lagi (heaven) and ‘Ele’ele (earth). In the space formed after separation emerges substances including *tuli* (plover) and *ilo* (worms/germs). Man is said to originate from *tuli* (plover) and eventually develop into human form from *ilo* (germs/worms). In the Samoan version, God is progenitor of man and so man is, therefore, God descended. This gives man genealogical links with the sun, moon, seas, rocks, earth, water, trees, and so on.

These genealogical links between man, the cosmos and nature are remembered through nomenclature. For example, the names Aloalolela (lit. avoiding the gaze of the sun), Seula (lit. netting the sun) and Tolola (lit. delaying the sun) record a mating ritual involving the sun and a human. The mythology associated with these names goes that the Sun pursues a woman; she is coy, avoids the sun’s gaze and runs away (*aloalo* – to avoid – *le la* meaning the sun), then she pursues the sun and nets him (*seu la*), they then mate, during which time the sun is delayed (*tolo la*) until the mating ritual ends. She becomes pregnant and bears issue. The story is a conscious attempt by Samoans to make sense of their worlds, and reflects our theological leanings.

Whilst the Christian reference promotes man having dominion over nature; the Samoan indigenous reference promotes man in a younger brother-type relationship. In an earlier address, given to the 2007 UNESCO Bioethics conference, also held in Samoa, I argued that: “in similar order to biblical creation and the big bang thesis, the Samoan indigenous reference asserts that while man might be the most evolved and intelligent of all Tagaloa’s creatures, he is, nevertheless, the younger brother in Samoan genealogical terms. As such his relationship to all earlier creations must be one of respect” (Tui Atua, 2007, p.3).
In biblical belief, man is God created and is the principal in God’s creation. According to the divine plan of the Bible, God provided the earth, the seas, and the skies to support and supplement man. Access to these was determined by man’s adherence to God’s wishes as revealed through his appointed representatives. In the Samoan indigenous reference, even though man is God descended he is not the principal.

The relationship or *va* between man and all other living things is defined by these theological presumptions. The relationship is both secular and sacred; *tapu* (sacred and taboo) and profane. In this *va* there is a search for God, an exercising of the *tofa sa’ili*.

*Tofa sa’ili*

Implicit in religious or theological debates about Truth and God is the need to recognise that Absolute Truth and God is beyond our reach as humans. *Tofa sa’ili* is an active state of reaching out for wisdom, knowledge, prudence, insight and judgement, through reflection, meditation, prayer, dialogue, experiment, practice, observance and performance.

In our *tofa sa’ili* we are forever seeking to understand the human condition: a search motivated by the virtues of humility and love. So long as we are alive, our search will always continue. *Tofa sa’ili* demands the humility to acknowledge and accept that while everyone has the right to search for knowledge and understanding, our search is finite and so any understanding that ensues will be limited. This does and should not preclude or discourage an ongoing search for wisdom, Truth or God. Rather, it should encourage an openness for searching and searching together.

*Tofa sa’ili* is in essence a search for God. What do we find in our indigenous reference about our searching for God? We find humility, not so much in our limitations, but in the excitement that there will always be, as Stephen Hawking says, the challenge of new discovery or the promise that we will always find something new (Stephen Hawking, cited in Kung, 2007, p.22).

The religion of pre-Christian Samoans privileged genealogical ties. It saw family connections in all things. Within each relationship there is a sacred element, one that presumes a divine designation, what Samoans call *faasinomaga*. This designation defines roles and responsibilities and the boundaries between.

In Hebrew Christian belief there are two principal boundaries: the boundary between God and man, and between man and man. In indigenous Samoan belief the boundary between God and man is *tapu*. It is *tapu* because man shares descent and divinity with God and all other living beings. The theology implicit in these boundaries nuances the development, naming, interpretation and practice of law and good governance. A clash of laws is often, when examined closely, a clash of theological presumptions.

Man as a genealogical issue of God, and the community as a family of God, are reference points from which human rights, at least according to the Samoan indigenous reference of my ancestors, derive: i.e. the right of life, the right to land and
titles, the right to share in a community, the right to citizenship, and the right to belong.

**Laws, Tua’oi, Boundaries**

The essence of laws lies in identifying, determining and enforcing boundaries. In the Samoan notion of boundary is the concept *tua’oi*. *Tua’oi* may be broken down to mean: “*i tua atu o i*” (“beyond this point”: which is a shorthand or abbreviation for the saying: “*i tua atu o i e le au iai lau aia po o lau pule*”). Translated this means, “your rights (*aia*) or authority (*pule*) do not extend beyond this point”.

In the Samoan story of Tapuitea (the female cannibal who became the morning and evening star) there is not only the point about harmony and genealogy with the cosmos, but also the story about remorse and forgiveness for boundaries crossed. The story goes:

Tapuitea was a human female cannibal who fed on her siblings and kin. One day she was thwarted in her attempts to feed on her kin because they managed to escape her grasp and get help from her parents. Tapuitea was severely rebuked by her parents. In recognition of her parents’ reprimand Tapuitea decided to abjure and make amends. In her remorse she declared: “From this day I renounce cannibalism. I shall ascend to the heavens where I will appear as the morning and evening star, where I shall be the guide for fishing and sailing expeditions”.

For the ancient Samoan, whether fisherman, navigator or planter, the value of Tapuitea’s service is acknowledged through ritual and use and passed through generations. Each time her story is told, or her service reflected upon, her message about remorse and forgiveness, about respecting one’s parents, about the connection between man and the cosmos, endures. Her presence as morning and evening star acts as constant reminder to all living things that the guide to gaining balance and peace lies in the recognition that man and the cosmos are just as bound to each other, as remorse and forgiveness.

When the story of Tapuitea is told to the young it reminds both the young and the old that Tapuitea is earth originated, that she had committed wrong, that she was truly remorseful and that she sought forgiveness by performing penance as the morning and evening star. When we use the morning and evening star for guidance we acknowledge her service and provide forgiveness.

You cannot find true justice unless it is invested with remorse and forgiveness. This is a fundamental truth. Justice assumes doing what is right and good. And, where there is a wrong committed, being able to right that wrong. However, with shifting boundaries (i.e. roles and relationships within *tua’oi*) what might be right, proper and/or good is tested across time and space.

In the modern village context there continues to be an interdependence among villagers. In small close-knit communities, such as those of Samoan villages, this is necessary in order to survive. When asserting a right to freedom of religion or expression within these communities, the leadership must ensure that such rights and
freedoms are in balance or that there is harmony with other rights and responsibilities, and in particular with the pursuit of peace and unity within the village.

In the modern Samoan village the authority of the village hierarchy is dependent on the authority of the clergy. The everyday life of the village revolves around the maintenance and affirmation of boundaries within these two main religio-cultural systems – the church system and the faasamo’a or Samoan culture. Within these two – sometimes complementary, sometimes opposing systems – each member of the village, has a designated function or role. For the proper functioning of the village, members need to believe in the importance of these roles and responsibilities. Unity depends on their buy-in. Opening space for new ideas, belief systems or modes of behaviour would need to be carefully thought through lest they upset the balance of unity in the village. Here the imperatives of tua’oi meet those of tofa sa’ili. However, the emphasis here is not on rights or freedoms but on responsibilities. That is, the assertion of rights or freedoms is always qualified; they are contingent on the shared responsibilities of individuals or groups to help maintain peace and harmony within the village or community at large.

This is not to suggest support of dogma. Justice implies that those most dominant in society must take care of the most vulnerable. That their interests and beliefs be heard fairly, and wherever possible, accommodated. This requires a methodology for searching for justice. It requires the employment of tofa sa’ili.

There are two Samoan sayings that are often used to illustrate this point.

1. Taipisia nuu malolo – meaning, if a district or village is defeated in war, nobody is spared the physical harm, shame and humiliation.
2. E le laa le uto i le maene, pe sopo le tai i le ‘ele’ele – the floater (in a fishing net) ought not to trespass on the function of the sinker and the tide should not encroach on the land.

The first saying is generally applicable in places where there are constant wars, where the rule of law and/or a centralised system of justice is not operating, or not operating well, and so in order to protect members from harm or death, strict conformity is required. In these circumstances the protectors must have guarantee that individual freedom seekers will not compromise the safety of the group.

The second saying is an admonition to stay within the designated tua’oi or boundaries. This saying illustrates how the imperatives of boundary in the natural order are the same as those within human relations. Here the boundaries are preordained. This saying is cited in an Asau song which illustrates further its meaning. In this song it is the imperatives of the tua’oi or the boundaries of hierarchy that are promoted.

In Samoa, a rule or law of general application to Samoa and/or Samoans is referred to as the aga-nuu. This is distinguished from aga-i-fanua which recognises the uniqueness of each village, its history and genealogy. None of these rules or laws, however, were or are meant to be fixed or rigid. Together aga-nuu and aga-i-fanua operate to provide guidelines for interpreting and enforcing the tua’oi (boundaries) between man and man, man and the environment, man and the cosmos, man and God.
There are many different tua’oi or boundaries of relevance. In a public lecture given to the Pacific Jurisprudence class of the Centre for Pacific Studies, University of Auckland, in May 2007, I listed seven tua’oi or va relationships worth considering in discussions on the development of a Samoan jurisprudence. These were:

- **Tua’oi tagata** – tua’oi or va between people, for instance:
  - ‘au aiga and matai;
  - alii and tulafale;
  - parents and children;
- **Tua’oi** or va between nuu (village) and itumalo (district);
- **Tua’oi** or va between nuu and malo (Central Government);
- **Tua’oi** or va between itumalo faaleaganuu (indigenous governmental structures) and itumalo faafaipule (introduced governmental structures);
- **Tua’oi** or va between the nuu and the faifeau;
- **Tua’oi** or va between the Samoan Lands and Titles Court and other Courts (including village fono);
- **Tua’oi** or va between the Samoan Land and Titles Court bench and indigenous mediators such as pae ma auli.

Laws as tulafono are not abstract principles, rules or regulations devoid of feeling or emotion. They are principles, rules and regulations governed by recognition of the importance of both the mind and soul to the exercise of law-making. Law-making occurs by way of engaging in a fono. Fono, means a formal meeting of village and/or district. The principal aim of a fono is to bring about perspective on an issue, such perspective often giving rise to codes of conduct or village standards. Laws when thought of as boundaries in the sense of tua’oi, and enforced through the wisdom of tofa sa’ili, places an imperative on all involved to take heed of the warnings of nature against overstepping our boundaries – or to put it another way, against losing sight of the importance of taking responsibility when asserting a right. Finding balance between and across tua’oi produces lagimalie – a harmony of remembrance.

**Lagimalie – harmony of remembrance**

In Samoan theology there are ten heavens. God Tagaloa resides in the tenth heaven. The tenth heaven represents the Absolute, which is the preserve of God. In the funeral chant of a Samoan chief there are salutations beginning with the first heaven and ending with the ninth. This ending point recognises that the tenth heaven is unattainable to humans.

The salutations on first reading speak of lagi as heavens.

*Tulouna le lagi tuatasi!* Tulouna le pogisa ma le leai!
Salutations to the first heaven! Salutations to the darkness and the void!

When read with the notion of lagi as head, the chant takes on another layer of meaning. *Lagi* as head could also be lagi as place of wisdom, balance and harmony. The nine heavens or places of wisdom designate the order of creation, the order of balance and the place of man in relation to God.
Salutations to the mountain symbolise man reaching out towards God, which is a metaphor for tofa sa’ili. The salutation goes:

\[
\text{Tulouna le lagi tuaiva! Tulouna le mauga!} \\
\text{Salutations to the ninth heaven! Salutations to the mountain!}
\]

There are nine lagi or salutations made at the funeral of a chief. However, one makes salutations to each of the heavens except the tenth, because once you make the salutation to the ninth heaven, the convention is that a member of the family of the deceased, in the falesilagi (lit. osi means offering; lagi is heaven), intervenes and invites the party performing the funeral ritual into one of their residences.

This ritual of reciting the nine heavens is called auala (passage) through the heavens. The ritual is a joint effort between the auala party (those performing the ritual salutations and making an offering to the grieving family) and the representatives of the grieving family who reside in the maota osilagi (official funeral residence). Together they share in the burden of ensuring the safe passage of the soul through the heavens.

If the auala party is unable to remember a salutation or gets it wrong, he insults not only the grieving family, but his breach may impede the passage of the soul through the heavens. If they were to forget or mis-cite a salutation, traditionally the grieving family have the right to correct the wrong by taking the offender’s life. In anticipation of this possibility, the auala party seek identification of the faletapu or house of sanctuary, before performance of the ritual in case they have to flee for their lives. Traditionally, every village had one or more faletapu.

When the recitation is correctly remembered the falesilagi would respond: ‘lagimalie’, meaning ‘your remembrance is in harmony with mine and mine with yours’. But, more importantly, it is also the fact that your remembrance is in harmony with the lagi, through which they are trying to get a rite of passage for the soul. The recitation of the appropriate salutation provides the password or code that allows for the movement of the soul from one lagi to the next. In many ways the auala ritual mirrors the recitation of faalupega or honorifics performed when one formally visits a temporal or earthly village.

In the journey through life and death you need to find harmony in order to move forward. Harmony arises through a process of attunement where the different parties engage in remembering. The act of remembering is more than just reciting or performing a ritual; it involves the coming together of loving spirits from the past and the present. The act of remembrance, manifest in the ritual performance of funeral chants and honorifics, is in each recitation a reaffirmation and reconnection – a remembering of the past, present and future.

**Conclusion**

To search for God, one searches for humility and love. To search for lagimalie, one searches for the harmony that affirms and connects life and death. Our stories of creation offer us the foundation for our identities as humans and for our relations, our tua’oi or boundaries, with one another.
To end I refer to a paper I wrote titled, *In search of harmony: peace in the Samoan indigenous religion*. Here I stated and reinforce again here today that a search for unity and harmony between the temporal and the divine, between time and space and all living things is a search for God. Man’s purpose in life is to search for that unity and harmony; to search for God. Equally, the search for meaningful dialogue and accommodation between different religious denominations; between religion and law; between religion, law and indigenous culture, is a search for God – the search for what is good, right, just and true.

Soifua.