



The States of Law in Papua New Guinea

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Abstract

This article employs a consideration of Peter Fitzpatrick’s early work in Papua New Guinea to reflect on legal and social developments in the country since his residence there during the independence period. In particular, Fitzpatrick’s concerns about the emergence of a Papua New Guinean bourgeois legality that would shape the post-colony are shown to have been prescient in some respects, and also to have had other outcomes unanticipated by the Marxist legal and anthropological imagination of the 1970s. Finally, I use examples from the heterogeneous lawscape of Papua New Guinean cities to illustrate how the ‘true people’s law’ envisioned by Fitzpatrick is in the process of emerging in spaces outside of formal legislative or court processes.

Keywords Class formation · Jurisdiction · Lawscape · Legal pluralism · Postcolonialism

Imagine having a front-row seat at the legal formation of a postcolony. Given that the ‘post’ in postcolonialism is a political sleight of hand rather than an actual boundary that any nation crosses in its historical timeline, the legal version of the postcolony is often the most concrete such a concept will ever become. People’s everyday lives are affected in ways both subtle and profound by the laws of colonial agents and their inheritors, the courts and legislative bodies left behind in their wake. Some of the laws enunciated by these institutions will be left over from the colonial era, or eras, if there has been more than one colonial power. Some will be the products of a newly-independent state, embodied by its inaugural legislature acting from a heady mix of national sentiment, optimism, and self-interest. And some will be the retroactive ‘discovery’, which is to say creation, of a category of principles framed as precolonial in nature, but which can only exist as a defined category after colonialism: that is, customary law. These seemingly disparate sources for law actually arise in the same moment of independence from a colonial power,

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again insofar as that breach with the colonising power results in anything approaching genuine economic and political sovereignty. But despite the appearance of disparate origins, the various laws enacted by the postcolony stem from an aesthetic of a unified set of intentions for its future. Among the many questions to ask of this moment, if one is fortunate enough to watch it unfolding in real time, is: for whose benefit, and to what aims, do these threads of postcolonial law spool outward from the point of independence?

Peter Fitzpatrick had precisely this front-row seat to the decolonising process in Papua New Guinea (PNG), where he was first a consultant on economic and legal reform in the Office of the Prime Minister, and later a lecturer in law at the University of Papua New Guinea. Between 1972 and 1977, a critical five-year period encompassing Papua New Guinea's transition to independence from Australia in 1975, Fitzpatrick was positioned both as an advisor to the new government and as an instructor to the first generation of Papua New Guinean lawyers trained to serve an independent nation. This positioning also shaped his understanding of the legal dilemmas faced by Papua New Guinea, and was accompanied by a remit to make interventions into the new nation's policies and into its legal education system. The structural conditions under which a researcher is given oversight of a set of problems will invariably shape how those problems appear (Hart 2002). There are also critical demands for research linked to the problems of a 'development' agenda that follows the nominal withdrawal of empire, which is accompanied by the tutoring of an indigenous elite by its colonial predecessors in how to concentrate capital and political influence within a national metropole, raising questions about whose interests an emergent legal regime is designed to serve.

Further questions then arise about the capacity of any legal regime to serve the interests of people who do not occupy the metropole, whether politically or economically. As Keith Hart observed of his early experience as a United Nations Development Programme consultant in PNG, 'I early on formed the opinion that what was needed was a Nyerere-style rural socialist government aiming at self-sufficiency and thereby meeting the needs for both national autonomy and lower rates of Australian subsidy' (Hart 2002, p. 25). This never eventuated, and notwithstanding other gestures toward the Tanzanian model in the political ferment of PNG's independence period, such gestures were yoked to elite regional interests more than they were to any coherent socialist philosophy or broader political commitment (Standish 1982). The governing cohort of newly-independent Papua New Guinea had been schooled in the principles of benevolent paternalism by their colonial mentors. They conceived of their role very explicitly as that of a chosen elect lifted from one world (subsistence horticulture and 'traditional' life) and transported to another (European-style education and cosmopolitanism), with a mandate to improve the living conditions of rural Papua New Guineans that was informed by a spiritual and philosophical grounding in their own village origins (Kiki 1966; Somare 1975; Narokobi 1983).

What was a young legal scholar to make of such a political environment, especially one carrying a full toolkit of Marxian techniques for analysing the processes of class formation? In *Law and State in Papua New Guinea* (1980), Fitzpatrick offered an anthropologically-informed Marxist critique of the development of a

legal system in a recently-decolonised country of the Pacific. Fitzpatrick drew on the growing literatures in dependency theory and world systems theory, as well as on his own experience in PNG, to examine the influence of what he termed ‘bourgeois legality’ on the country. Fitzpatrick employed an analysis of particular groups of actors in PNG’s formation as a jurisdiction to show how much of the body of law enacted both prior to and directly following independence was designed to support the interests of the colonial order, or the emergent Papua New Guinean elites. ‘What is needed in style’, he offered in an earlier work, ‘is a true people’s law which radically departs from the turgid legal drafting of the present law; invariably laws are drafted on the assumption that they will only be used by lawyers and officials’ (Fitzpatrick 1975, p. 284).

What would such a ‘true people’s law’ look like for Papua New Guinea? This article, drawing on twenty years of research on PNG’s legal landscape, is an attempt to complete the meditation begun by Fitzpatrick during his period of residence in the country during its transition to independence. I wish to take his question seriously, and ask how it is possible to have a people’s law that is not solely for the middle class of the postcolony (Gewertz and Errington 1999; Cox 2018), or for the latest iterations of a culturally specific leader, the classic Papua New Guinean figure of the ‘big man’. I contend that a people’s law *has* appeared, and continues to emerge in the still-unfolding process of PNG’s formation as a jurisdiction containing multiple jurisdictions and quasi-jurisdictional space, and as a lawscape more broadly conceived, according to Philippopoulos-Mihalopoulos’ (2015) concept of lawscape as ‘the way the tautology between law and space unfolds as difference’ (p. 66). The law-suffused nature of space produces a proliferation, in turn, of more space and more law, ramifying into the future—and crucially for Philippopoulos-Mihalopoulos, this can happen whether the space in question is urban or rural in nature, effectively collapsing the distinction between them. I will return to this topic later in the article. But my primary contention is that all of this has occurred outwith the policy proposals of government bodies and NGOs, and is only indirectly manifested in the actions of Parliament.

Big Men and Bourgeois Legality

Fitzpatrick was not just writing against a particular mode of class formation but a mode of social organisation, nascent in the decolonising moment. He was keenly aware of the anthropological preoccupation with social organisation as both a subject of ethnographic research and as a mode of analysis. Social organisation remains the most fundamental way to understand the way people think about the composition of a world of persons (which can sometimes include nonhuman persons such as ancestors, spirits, and animals), and about the obligations of these persons to one another.

Fitzpatrick was concerned with, among other things, how the colonial legal regime might interfere in the abilities of Papua New Guineans to self-organise across ethnic or language groups in order to share a political aim. He described the problem as one of scale, drawing on the received wisdom at the time that ‘traditional’ Papua

New Guinean social organisation was describable as small in scale: that is, it would encompass a single linguistic or cultural group, residing in villages, and perhaps tied together by the ramifying relations of kinship and economic interdependency that was a hallmark of twentieth-century anthropology. This had implications, according to Fitzpatrick, for whether and how people were to be integrated into a capitalist state by means of colonial rule:

Here, one should distinguish between large-scale and small-scale organization. Small-scale organization typified enduring social structures: the basic Papua New Guinean social formation having from 50 to 800 members. Despite, and because of, this small-scale of organization and because of the famed ‘looseness’ or structural indeterminacy of Papua New Guinean social formations, large-scale organization manifests considerable flexibility and adaptability... The response of the colonist to collective organization by Papua New Guineans depended on whether it was small-scale or large-scale (Fitzpatrick 1980, p. 85).

‘Small-scale’ social organisation, according to Fitzpatrick, was more readily encompassed by capitalist economic forms because it could be co-opted in the service of such forms, in the way that, say, Marxist anthropology once argued that domestic and especially feminine labour had been in European or African economies (e.g. Meillassoux 1972; Sacks 1974). Familiar with these and other scholars of the period, Fitzpatrick argued that ‘large-scale’ organisation by Papua New Guineans threatened the colonial social order, because it created the potential for contesting state power, including the power of the social order itself. He enumerated a host of colonial-era laws governing, among other things, where Papua New Guineans could live and whom they could live with, what languages they could speak, what kinds of work they could do, and on what they could spend their wages from this work. The aim, in his view, was to prevent ‘large-scale’ organisation, especially between members of different ethnic groups, from forming at all.

I have discussed elsewhere (Demian 2015) the perils of using scale, in its sense as a form of measurement, to describe legal orders, especially in a classically ‘plural’ legal environment such as that of Papua New Guinea, wherein multiple legal orders and law-like ordering influences are present. The emphasis on pluralism during the time period that has elapsed between Fitzpatrick’s work in PNG and my own is significant—there was little acknowledgment in the lead-up to independence that anything like a plural legal order was emerging, except from anthropologists (Lawrence 1969; Strathern 1972). With legal pluralism in the picture as a now-standard descriptor for a country in which these multiple orders coexist, ideas of scale intrude constantly, requiring attention to how people are using one kind of legal or social order to assess another.

Among the newer social orders that Papua New Guineans have been experimenting with since Fitzpatrick’s assessment are, in fact, ‘large-scale’ organisations of a kind that would have been recognisable to the Marxist imagination of the 1970s—to a point. Notably they are appearing in the country’s urban and suburban populations, who were not even supposed to be a permanent demographic in the quasi-apartheid conditions of PNG towns at the time Fitzpatrick

was writing. As Street (2014) has shown in the activities of a nurses' union in the town of Madang, and Syndicus (2018) has documented for a university students' strike in Goroka, urban Papua New Guineans are engaged in any number of experiments with self-organisation in the form of multi-ethnic, but often single-sex or generational, groups in order to achieve an aim.

Whose aim is being achieved points to the departure of some of these self-ordering activities from the ideal Marxist model. Here I turn to some of the ways in which an emerging people's law also manages to resemble how elite men embody power, a structural position about which Fitzpatrick was especially concerned. As Syndicus (2018) observes, the student 'pressure group' (it was not a union in any legal or otherwise meaningful sense of the term) at the University of Goroka largely coalesced around the demands of a single vocal and charismatic student, who stated unambiguously that his leadership of the pressure group was preparatory to his intention to enter formal politics and make a run for Parliament (p. 384). The use of a local-level group organisation to imagine or launch individual action at an even 'larger scale' (the urban, the provincial, the national) is hardly a novel social form in Papua New Guinea; it is recognisable to anthropologists in the figure of the 'big man'. What has become of this figure since Fitzpatrick asked what a true people's law might be, and whose interests that would serve, is noteworthy.

In classic anthropological theories of Melanesia, the big man is a type of political leader whose status is, in fact, no status at all. It cannot be inherited; it can even be lost during his lifetime if he cannot successfully maintain the support of his followers through a combination of strategic indebtedness, skilful oratory, personal charisma, and the appropriated—if not precisely alienated—labour of wives tending gardens and raising pigs on his behalf (Josephides 1985). He is not an absolute authority, and it is difficult for other political entities—such as a colonial administration—to co-opt him, as they cannot 'borrow' the authority he has won and may also lose. But as Bablis (2020) has reminded us in his assessment of one of the big men of PNG's independence era, the jurist Bernard Narokobi, this contingent and even precarious status can and does shade into other forms of political influence (see also Godelier and Strathern 1991). Bablis is particularly interested in Narokobi's achievements as a 'road man', one who serves as a conduit between his place and his people with other places, people, ideas, and resources. To do this successfully, the contemporary big man must have not only the old skills of economic negotiation, persuasiveness, and all the rest of it, but contemporary elite attainments—higher education, a business or two, perhaps a government job—that mark him out as a secure member of the ascendant urban middle class of Papua New Guinea.

Keir Martin (2013) provides a nuanced analysis of how men of influence in the PNG province of East New Britain become identified under certain conditions not as big men, but as 'big shots'. The category is recent, and it describes not so much a kind of person, but—as with big men—a repertoire of actions that mark out the big shot as one who is not following the classical Melanesian economic ethos of obligatory transactions and mutual support with a wide range of kin. In his discussion of whether the big shot constitutes a Melanesian variation on bourgeois individuality, Martin notes that

the central moral dilemma is the extent to which claims made on the basis of reciprocal obligation can legitimately be made, or denied, thus, in this context at least, constituting the persons or groups involved as individuals with no inherent obligation to others *beyond those that they choose to contract*. The Big Shot, as the negatively evaluated modern leader, is perhaps the most striking example of this tendency. (2013, p. 182, emphasis added)

Key to my purposes here is Martin's observation that the radical moral departure of the big shot, which sets him apart from the proper behaviour of a big man, is his engagement in contractual rather than structural transactions with others. Unlike the long-term reciprocal exchange cycles that are the hallmark of 'traditional' Melanesian economies, the contract has a circumscribed lifespan, and places limitations on the scope and duration of relationships. Contracts also appear as the products of an individual choice to enter into them—whether or not that is actually the case, their aesthetic is one of a relationship entered into voluntarily, in order to further the aims of two or more individual actors.

Martin's analysis of the phenomenon of the big shot lends an important element to my own consideration of the bourgeois legality that formed the central concern of Fitzpatrick's assessment of PNG's emerging legal system. Once again, who was the 'bourgeois legality' of the independence period designed to serve? Fitzpatrick offered the pattern seen elsewhere in the decolonising world at the time:

with political independence on the horizon the colonist promoted hopefully compliant bourgeois class elements by building on hierarchies and inequalities within resident social formations. Those in dominant positions within these formations had opportunity thrust upon them, becoming 'entrepreneurs' and 'businessmen'. Their sons monopolized educational opportunities and 'leadership training' and, hence, monopolized advancement in the state system. (Fitzpatrick 1980, p. 15)

This is more or less precisely what happened in PNG, about which the autobiographies of the country's founding big men are to varying degrees either frank or obscurantist, occasionally pointing to something like an anointing by spiritual forces rather than having been groomed to lead the new country by its colonial administrators. Fitzpatrick's warning about the emergent metropolitan bourgeoisie of PNG finds, in my view, one of its outcomes in Martin's assessment of the big shot. At times he acts in the fashion of a big man, or a road man, connecting his kin and broader community to resources and engaging in long-term exchange relationships with them, knowing his status can be lost at any time. At other times, however, he acts by means of contractual relationships with limited lifespans—but which also serve to consolidate him and his immediate family as members of a permanent metropolitan middle class. Any flight between Port Moresby and Cairns or Brisbane at the beginning of the school holidays will show this process in action, as the children of the country's elite return home from their Australian boarding schools, while the public education system in PNG itself is left to crumble from decades of non-investment starting in the colonial period (Johnson 1993; Megarrity 2005; Ryan et al 2017).

As with other countries caught by the myriad problems of the postcolony, PNG struggles with more than just the recapitulation of social forms inherited from the colonial era. It has, even more broadly, confronted a host of difficulties with maintaining the jurisdictional forms generated by its legal system in the transition from colonial to independent lawmaking. Legal institutions set up shortly after independence, such as the village courts meant to serve uneducated and rural Papua New Guineans without the involvement of lawyers, initially seemed to maintain the social hierarchies that were emerging. But soon after their establishment, village courts began to exceed the jurisdictional space they had been allocated. Viewed from the metropole, the village courts have ‘overflowed’ their jurisdiction and continue to demonstrate the inherent heterogeneity of the Papua New Guinean lawscape. Village courts now appear in cities and towns, and are used by middle-class as well as grassroots Papua New Guineans to resolve their disputes. Rural and urban village courts alike exercise flexible and regionally specific interpretations of their jurisdiction, generating a host of legal spaces which overlap and intrude into the non-legal spaces where people conduct their disputes without the oversight of the state.

Jurisdiction and the Lawscape of Contemporary Papua New Guinea

At this juncture I would like to employ Mariana Valverde’s (2011) notion of the urban perspective in lawmaking and Doreen Massey’s (2005) use of the urban as exemplar of an intensification of sociality and distinction through spatial imaginaries. I argue that no matter how much one tries to impose certain boundaries through spatial distinctions such as urban versus rural, there will always be leakage, overflow, and excess—because the village suggests the city every bit as much as the metropole dictates the limits of the village. Even the distinction itself is not a stable one, as the lawscapes of PNG illustrate.

‘Perhaps we could imagine space’, Massey wrote, ‘as a simultaneity of stories-so-far’ (Massey, Doreen 2005, p. 9). For Massey, as I understand it, a ‘story’ is not a teleology but a way of describing a process unfolding in experiential time, encapsulated in that ‘so far’. The story so far that I discuss in this half of the article involves my own research in Lae, Papua New Guinea’s second city and its manufacturing and shipping centre, situated on the north coast of the country in Morobe Province. Specifically, it involves two modes of mediating conflicts in the city, one recognised by the country’s legal system, the other not really recognised as anything other than an informal holdover from the colonial era of local governance. I am interested in the heavy area of overlap between these modes, a concentration or intensification of the lawscape of the city, not least because of the city’s relationship to other spaces.

Valverde (2011) has also asked, in a Massey-like vein, how city ordinances suggest a different mode of governance and perspective from that which anthropologists have associated with states ever since Scott (1998) offered his model of the state as a delivery system for technocratic universalism. Valverde instead uses regulations based on the principle of nuisance, which can only be found in the context of particular relationships between persons and groups, to illustrate how cities can create ordinances to respond to particular problems that would never be acceptable to

their citizenry if they were imposed from above, that is, from the state. Or if there is conflict over such ordinances, such as in the ban on betel nut sales within the National Capital District (inclusive of Port Moresby) enacted in 2013,¹ this can in turn become the impetus for public debates on the nature of urban spaces as stages for moral assessment and action (Hukula 2019).

Although nuisance legislation such as the betel nut ban, and the pushback against it, are typically associated with ‘pre-modern’ modes of governance, Valverde reminds us that ‘The persistence of nuisance logics...is best seen neither as resistance nor as a survival of old folkways. Rather, governing urban disorder through embodied, experiential, and relational categories is a *necessary* component of contemporary urban governance’ (Valverde 2011, p. 280, emphasis in original). In PNG, rural-to-urban migration was never supposed to happen in the first place under the laws of the colonial regime, and has been characterised almost since its emergence as the antithesis of village life. Villages have been imagined as a Papua New Guinean social order with the emphasis on *order*: culturally and linguistically homogeneous, inter-generational and inter-gender relations respected by all, and governed by a quasi-legal regime referred to in the country’s constitution and by many ordinary Papua New Guineans as ‘custom’. Thus the disorderly city, imagined in modernist antithesis to the PNG pastoral, has become a space of anxious governmentality.

It is anxious not only because of all the usual problems associated with a so-called weak state: inadequate resourcing of public institutions and infrastructures, apathetic and bloated bureaucracy, and so on. It is also anxious because the village never disappeared when the city appeared, and in PNG this means that urban areas are expanding into land that was never alienated by the colonial regime; it is still held under customary tenure. This is not quite the same thing as the customary land in the part of PNG where I was working on and off for nearly 20 years, where something approaching the category of ‘time immemorial’ can be claimed by the ethnic group residing on that land (Demian 2021). The people on whose land the city of Lae has grown, on the other hand, have suffered, tolerated, or welcomed—depending on whom you ask—successive waves of settlement by groups not only from the interior of Morobe Province, but from many other parts of the country. ‘Lae is at the centre of the country’, as many of my interlocutors there liked to say. ‘Everyone comes here.’

What does it mean to govern a city ‘at the centre’ according to the Lae spatial imaginary with its ethnic diversity spilling out into customary land? Jurisdictional pluralism is one answer, and it is a pluralism drawn from the character of the city

¹ Betel nut is the seed of the areca palm fruit, and a mild stimulant when chewed with slaked lime to activate the alkaloids in the nut. It is the pre-eminent social drug in Papua New Guinea, and the most significant domestically-consumed cash crop in the country (Sharp 2016). Because chewing betel nut and lime also produces a great deal of bright red saliva which must be spat out, the concentration of a large population of chewers in cities results in spit stains and discarded nut husks saturating the urban landscape. This arguably constitutes a genuine public health hazard, but has also been the subject of moral panic on the part of elites (Sharp 2013), which culminated in the ban in Port Moresby and a consequent rise in violence and police corruption associated with the astronomical prices demanded by black market betel nut (Wenogo 2019).

and the land on which the city sits. I have long been interested in finding a way to talk about land and law in PNG that does not rely on a romanticised Papua New Guinean past encapsulated in the category of ‘the village’, but that reflects the liveliness of urban Papua New Guineans of the present.

A Tale of Two Laes: Urban and Ahi

The greater Lae conurbation is divided into two districts, Urban and Ahi. Urban covers most of the central residential and manufacturing areas of the city, along with some of its inner suburbs. Ahi covers the outer suburbs, which also combine residential, business, and some agricultural areas. Urban consists of a patchwork mix of alienated and customary land; Ahi is almost entirely customary land. This contributes to the unique jurisdictional nature of what I am calling its suburbs.

The more common name in PNG for these residential areas is settlements. Many of the residents of these areas resist the term, preferring instead the more generic (and respectable) Australian property term ‘block’. ‘Settlement’ implies an unspoken accompanying modifier, squatter, and the suburban residents of Lae are not squatters: whether their families have lived in the city for several generations or whether they are recent in-migrants, nearly all are there with the permission of the local landowners, or *papa graun* in the national creole of Tok Pisin, under leasehold agreements of varying formality and length.

One of the things that has interested me about these *papa graun* is how different they are in character from the model of landownership I have previously encountered in my work in a rural part of PNG. That was the sort of spiritual or cosmological connection to land, traceable to an apical ancestor, long beloved of anthropologists of Melanesia, and possibly one of the reasons why work in the urbanising parts of the region was discouraged, actively or passively, by generations of doctoral supervisors. Urban life could not possibly be authentic Melanesian life, because cities are such recent phenomena there; they are colonial artefacts; surely nobody living in them can have any possible affective attachment to or investment in these places. It is as if the cities of Melanesia and other recently decolonised parts of the Pacific were regarded and experienced by anthropologists as a version of Augé’s (1995) ‘non-places’, spatial entities akin to airports or shopping malls through which people were only passing through en route to their real lives in real places, that is, the village.

In a previous project based on the Papua New Guinean capital of Port Moresby, I explored how this sensibility arises in no small part due to the segregationist urban landscape of the former colonies that make up the contemporary independent state. This process of segregation was precisely what Fitzpatrick was documenting during his period of residence in PNG. He and other observers at the time (Oram 1976; Levine and Levine 1979) noted how the housing codes enacted by the Australian administration strove to ensure that no Papua New Guineans would actually settle permanently in the towns, essentially by providing no housing for families, but only for single men, imagined as temporary migrants who would then go back to their villages after a fixed period of wage labour.

This was a failed attempt to control the space of the towns and who resided in them. Because there was no suitable housing for Papua New Guineans in the small areas of alienated land in either Port Moresby or Lae, family housing appeared on the much larger blocks of customary land. This brings me back to the interesting nature of customary landowners or *papa graun* in Lae. Unlike even Port Moresby, where most customary land is held by a single pair of intermarried ethnic groups who dominated the region when the city emerged, Lae is a far stranger entity. Some *papa graun* are indeed autochthonous inhabitants of the area. Others are members of inland ethnic groups who traded, married, or fought their way to the coast and settled there many decades ago. Others still appear to have bought their blocks from the original owners, one or two generations ago, under extra-legal arrangements—that is, the land has not been formally alienated so that it can be transferred on the real estate market. Nonetheless, the status of these more recent *papa graun*, some of them from the Highlands provinces of PNG, is rarely in dispute.

This polyglot landownership has a particular set of implications for how not only the landscape but the lawscape of a city like Lae is managed. Like the nuisance-based legislation that Valverde has used to show how cities in North America and Europe use very intimate models for social relationships to pass ordinances that would never be accepted if they were simply imposed at the state level, different kinds of landowners in these Melanesian towns are producing different forms of social organisation to deal with the inevitable problems that arise in the course of life in the city.

Village Courts, *Komiti*, and a People's Law

I will move on to the two main forms of formal or semi-formal dispute management to which city dwellers in Lae might resort. The first is the one I know best, the village court, an institution I have worked on intermittently for twenty years. Village courts in urban contexts are now functioning very much as a general mediation system addressing the grievances of the multiethnic city population, rather than applying the 'customary law' once imagined to be part of their remit in a rural, monocultural context (Goddard 2009).

In theory, village court magistrates are appointed locally and then gazetted in Port Moresby by a centralised Village Courts Secretariat, which also disburses funds to the provincial level for the magistrates' allowance (not a salary; it comes to about US\$5.00 per month). In practice, a large number of magistrates have never been gazetted or trained, or received any kind of compensation for their work. There are many factors contributing to this phenomenon, not least among them the chronic under-resourcing of the Secretariat itself. In Lae, many of the newer magistrates are essentially doing volunteer work for their communities.

In this they overlap substantially with a parallel local governance and mediation system called *komiti*. The Tok Pisin and colonial-era term *komiti* refers to a single person although they often meet together, especially for mediations. *Komiti* are chosen by the *papa graun* of their block, who may wish to appoint anywhere from two or three *komiti* to a round dozen. They not only run mediations, but act

as conduits of information between the block community and its *papa graun*. They help to organise events on the block, from sports days to political campaigns. They may even serve as bailiffs if a problematic block resident is being evicted—by any means necessary, up to and including burning their house down. Despite holding all these roles, *komiti* have no legal status; indeed state law is one of the few sources of authority they do not embody, unless the same person is serving as a village court magistrate as well as a *komiti*, which is a frequent occurrence. In the course of the work in Lae that I was doing between 2016 and 2019, it was not uncommon for the question ‘So are you a village court magistrate or a *komiti*?’ to be answered with a smiling ‘Yes.’

The question then becomes: what is the point of having persons occupying both these roles, often at the same time? The several possible answers to this question also serve as answers to Fitzpatrick’s concern about how ordinary Papua New Guineans would find anything like a voice of their own in a legal system designed first for white colonisers and later for Papua New Guinean elites who became the country’s new bourgeoisie. These possible answers also raise interesting questions about the lawscape of Papua New Guinean urban areas, and of what ‘jurisdiction’ even means throughout both urban and rural spaces across the country.

To start with, village court magistrate and *komiti* are not precisely the same role. One is recognised at the ‘large scale’ of the state, the other at the ‘small scale’ of the block; a person who holds both positions is one who is skilled at moving between the social orders of formal law and local relationships, itself a process of playing with scale to create effects either of unity or differentiation (Wastell 2001; Gershon 2019). And returning to Valverde’s observations about the ability of cities to self-regulate, the *komiti* is not only a holdover from an earlier era, but a way that people in cities find specific solutions to specific problems of managing relations between persons and entities with different interests. Massey’s notion of stories-so-far is also at work here: the proliferation of legal spaces in PNG depends upon a certain degree of reduplication which might on the one hand appear to collapse social space—especially when the magistrate and the *komiti* are the same person—but also expands it, by expanding on the possibilities for action embodied by these role-holders. Whether or not their mediations have a recognisably ‘legal’ outcome, both the mediators and their disputing parties are able to engage in experiments of resolution, or at least of managing conflict for the time being (Demian 2016). Urban dwellers in PNG may choose to mediate through the village court or through the services of their local *komiti* depending on the kind of outcome they are hoping for, although it does not always work out as planned. This indeterminacy of outcomes and the pleasure of acting without being able to anticipate an outcome is arguably the entire point of life in PNG’s cities and towns, including all the hazards this entails (Goddard 2002; Rooney 2017; Demian 2017).

I have considered here the way a ‘true people’s law’ in PNG is unfolding under the conditions of a formerly colonial state, now a country whose jurisdictional spaces are partly run for the benefit of the bourgeoisie, and partly run without any state involvement at all. The ‘law and state’ formulation of twentieth-century Marxist analysis, while retaining some key interventions in a still-decolonising world, has become disaggregated in PNG. While agents of the state such as parliamentarians

explore non-law domains such as religion and demonology as a means of creating a break with the colonial past (Santos da Costa 2021), and big shots throughout the country experiment with contract-based relations, the scale of the state is largely used for strategic purposes in the political imaginary that prevails outside of Port Moresby, while enthusiasm for legal forms and law-making continues unabated in all manner of surprising ways.

Fitzpatrick anticipated this in his consideration of the work of legal anthropologists in the 1970s, which he used to counter the ‘demiurgic scientism’ of attempts to systematise the legal sensibilities of colonised societies. Even more importantly, he saw that if the intellectual apparatus of bourgeois legality were removed from the picture, the way conflict is dealt with in PNG may happen outside the purview of a formal legal system. So if ‘disputing (perceived as separated or reified process) should not be seen as conducted in the context of other social forms but that it *is* those other social forms’ (Fitzpatrick 1985, p. 476), then Papua New Guinean legal subjects are created in the dynamism of disputing in any number of social fields, and not only those of legal forums. With the state now largely serving symbolic rather than functional purposes forty-five years after independence, the perceived sources of law in PNG are multiple in nature: in the experimental community morality of cities, in Christianity, in colonial history, in the 50,000-year unwritten history of New Guinea before colonialism. Some of these legal sensibilities serve the ongoing processes of class formation and a world of relations based in contract. Others, however, serve the stories-so-far of Papua New Guineans dwelling in self-regulating lawscapes across the country, unrecognised by either state or elite configurations.

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