# E pele i upu, pele i 'ai, pele i aga, pele i foliga

*Tui Atua Tupua Tamasese Ta'isi Efi, Head of State of Samoa, Keynote Address, South Pacific Council of Youth & Children's Courts Meeting, Apia, Samoa, 30 June 2014*

We have a saying in Samoan, "E pele i upu, pele i 'ai, pele i aga, pele i foliga" (caring through words; caring through feeding; caring through conduct; caring through body language). I made reference to this saying in a speech I gave last month to the 67th annual general meeting of the Samoa Medical Association. It also applies here. I wish to use it again to make the point that matters of the heart run across sectors; no one sector involving human beings has exclusive rights or is any more or any less affected by matters of the heart.

Youth justice is a cry from deep within the heart. To answer that cry we need people, including myself, to be willing to speak – faults and all, and without pretensions – from deep within our hearts. This puts us in a very vulnerable position. Nobody is perfect, but equally nobody wants to expose their imperfections – especially when it has to do with matters we believe private; to be nobody's business but ours. But that business is precisely what makes us human; what defines our strengths and our weaknesses, and is exactly what we need to probe in order to heal the pain of our young offenders, to understand the context of their offending, and to keep them from reoffending.

When Justices Vaepule Vaai and Ida Malosi came to see me about speaking on this topic, I was anxious because I knew that if I accepted I would not be able to avoid exposing my vulnerabilities. That anxiety has not gone away. But as we kept talking and I learnt more about their work in youth justice, about the issues facing our young people and their families, and the fact that we are in a real state of crisis, I knew I had no choice. They were making a plea from the heart and I had to put my own insecurities aside and respond from the heart. If I couldn't do that, how could I expect anyone else to? In the truest sense of Cardinal Henry Newman's motto, ours is a conversation of heart speaking unto heart.[1]

In preparing myself for this talk I did the usual background reading. But it was impressed on me that I ought also to hear from those whose lives are directly impacted on by the focus of this talk. I therefore arranged and was privileged to speak with some of the adult offenders who give community service at the

1 Cardinal Newman lived 1801-1890. In Latin the motto is "cor ad cor loquitur".

residence in Vailele, and with some young offenders currently involved in rehabilitation at our Olomanu Juvenile Facility. They were all male. Before I get into my conversations with the Vailele and Olomanu offenders let me clarify the scene a bit more in terms of the maleness of crime.

While females do commit crimes, males make up the bulk (approximately 90%) of the criminal offending population in Samoa, both in our prisons and in our youth correctional facilities.[2] This statistic is the same across the world – in both developed and developing countries, western and non-western countries. It says that the perpetrators of crime worldwide are overwhelmingly male (and have been for some time). It says that the face of crime is mainly a male face. It suggests that any treatment of the disease, if I can call it that, must take into account its 'maleness'. This is not to trivialise female crime because all crime is to be taken seriously. Rather it is to make the emphatic point that today and for far too long crime is and has been an overwhelmingly male problem. We cannot ignore or tip-toe around this fact any longer. We owe it to ourselves, to our families, to our communities, our villages, our churches and our nation to admit this and to really try to make it right. As a proud male this is not easy to say aloud and it affects me deeply. But we have to try.

When I dig a bit deeper into our crime statistics in Samoa and look at the type of offending currently being committed by our male offenders I cannot help but be disturbed by the fact that most of their crimes are of a violent nature – both physically and sexually speaking.[3] When we look overseas, particularly to the two developed countries closest us, New Zealand and Australia, whose criminal offending statistics are a lot more publicly available than ours, I am even more disturbed by the fact that their respective prison populations are not only overwhelmingly male but also disproportionately represented by males of aboriginal, indigenous and/or Pacific islander backgrounds.

For example, in 2011-2012 Aborigines and indigenous Torres Strait Islanders made up only 2% of the total Australian population but made up **26%** of Australia's prison population.[4] In Aotearoa New Zealand for this same period, its indigenous Maori and Pacific populations together made up 22% of its total population (i.e. 15% Maori and 7% Pacific) but made up **63%** of its prison

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2 Samoa Ministry of Justice and Courts Administration. 2014. *Data on Young Offenders 2013.* Apia, Samoa: MJCA. Personal email communication from Superintendent Tuaena Lomano Paulo.

3 Ibid.

4 See http://www.abs.gov.au/ausstats/abs@.nsf/Products/527D115EBB23217ACA25795F000DB24B?opendocument

population (i.e. 51% and 12% respectively).[5] By contrast, for the same period, according to anecdotal evidence, Samoa's prison population is proportionately populated by Samoans – i.e. over 90% of Samoa's total population is Samoan and over 90% of its prison population is Samoan.[6] There is something both informative and unsettling about that picture and what it says about our respective government justice systems.

What all this profiling information tells me is that in order to address the problem of crime, at least of Samoan criminal offending, we need to have access to the empirical evidence associated with it; we need to be able to understand it in context; and then to name it publicly. But in our naming we must remember our saying: E pele i upu, pele i 'ai, pele i aga, pele i foliga.

When speaking with the adult offenders serving at the Head of State residence in Vailele and then to the young offenders serving in the Olomanu Juvenile Facility, I was struck by three things. First, I was struck and was humbled by their willingness to share their stories once they felt there was trust between us and once they were convinced of the higher purpose for doing so. Second, I was struck by the authenticity of what they said about their struggles to balance right and wrong; to balance communal (especially family, village and church) with individual needs and desires. And third, I was struck by the number of participants who were involved in sex related crimes, mostly with under-age girls, some of who were from within their own immediate families. Let me speak a little about the first.

I want to publicly thank each and every one of these men and young boys for sharing with me, and with all those who were in the room, their stories. It cannot have been easy. I felt your pain and discomfort but I also felt your strength and courage. My heart was warmed to know that there was still within all of you a love for your families, your village communities and nation; that your hearts had not turned entirely to stone. I know of the overwhelming pressures of responsibility. I know of the temptations and arrogance of youth; of the frustrations of greed and poverty; and of the interminable search for forgiveness and inner peace. But I also know, as you do, that in a just society we must be made accountable for our harmful actions. We must learn and teach true remorse

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5 See http://www.stats.govt.nz/browse_for_stats/snapshots-of-nz/yearbook/society/crime/corrections.aspx

6 For estimate figures see http://www.prisonstudies.org/country/samoa-formerly-western-samoa. Personal communications with MJCA.

and true forgiveness. And we must learn and teach these not just as individuals but as a society; as a family. This is the essence of our saying: Samoa e le o se malo, o le uso ma le aiga / Samoa is not founded on government; it is founded on family.

The struggle to balance right and wrong, to balance family, village or church needs and desires with those of your own is very real. We have inculcated in our expressions of faasamoa a culture of giving that is becoming less about reciprocity and more about personal greed. Because we are an ordered society, that is, we believe in the saying "O Samoa o le atunuu tofi" (Samoa is a country and people divinely designated with roles and responsibilities), hierarchies are appropriate. There is a duty of care, however, on those in positions of power to ensure they do not abuse that power.

In the past our society had traditions that served as checks and balances on the potential to abuse this power. These included parents and children, villagers, and extended family members having time to do things together, to talk and share, laugh and make fun, pray and eat together. This quality bonding is what sources the shame that acts as a deterrent against crime. Where there is no or little such bonding, there is no real shame, the kind that can prevent offending or reoffending, from which true remorse stems. Such bonding also creates the basis for the self-confidence needed to garner collective support to stand up to an abusive leader or leaders. The adult offenders at Vailele spoke of this lack of bonding, lack of shame, lack of trust or faith in some of their family and/or village and/or church leaders. While offenders must indeed take responsibility for their harmful actions, we would be remiss to dismiss their stories or views totally as the fanciful renderings of a not-to-be trusted group. Their stories are our stories. Their views tell us as much about them as they do about us.

Along with the need to reclaim quality bonding time as families, is the need to reclaim the values of our spiritual culture of old. As pointed out already, despite our zeal for going to church and selflessly giving to the church, within the intimacy of our families we are paradoxically becoming less spiritual. Because we are at church, or at work, or at a village meeting, or at bingo, we as adults always seem to be in a rush, we don't seem to have the time to listen and share with our children, to help them learn, appreciate and cope – in their own time and in their own way, with the responsibilities of life; to help them learn about the sacredness of family, the sacredness of a parent's or elder's blessings, the sacredness of the matai (chief) and the faifeau (pastor).

In this we have created a mismatch or disconnect between the reality of the environment that we have created for them to grow up in and the values we expect of them as Samoans. How is a son expected to respect and protect his sister in honour of the feagaiga (covenant) between them if all he sees is his mother and sister being physically, psychologically or sexually abused? How is he expected to respect and protect any female, girl or woman for that matter? How is he expected to know that this is not normal, not right or just behaviour for a man, a brother, a friend or husband, if this is happening and being condoned all around him? What good will cursing him in the old way of imposing mala or fetuu have – such as mala matuā (the curse of parents), mala o le ilamutu (the curse of the sister), mala aunuua (the curse of the village), mala faleupolua (the curse of tulafale or orator chiefs), mala tamaliia (the curse of tamalii or sacred chiefs) – when he has no knowledge of and so no belief in such things? Not to mention the fact that such things have been demonised by our beloved Christian culture.

The fullness and power of these traditional cultural resources are severely diluted if they have no relevance and take no pride of place in our everyday lives as Samoans. If they have no relevance and take no pride of place in the home then the power of the ifoga, the parent, the aiga, the matai, the pastor, the feagaiga, over our young people, and especially our young offenders, is nil.

If I was ever in doubt about the hang-ups we have as a society today about sex and about the growing disconnect between parents and their children, I need only to look at the seriously disturbing picture we have of sex related crimes committed by males, young and old, in this country. And those are only the reported cases! There is a lot of truth in the saying that children mirror the behaviour and attitudes of their parents and their society. But children and young people have their own personalities and drives and we cannot underestimate their intelligence or independence. Child and youth offenders are poignant reminders of this.

One young male at Olomanu bravely shared that his sexual offence against a young girl was brought on by becoming aroused through the pornographic pictures he was viewing at the time on his cellphone. Some of the other young people shared (like some of the adult offenders of Vailele) that they had access to drugs and sold drugs for some quick money. In fact they told me that they could make quite a bit of money if they were careful and that not all of it went on pleasure items for themselves, some of it went to help their parents or families

with their faalavelave. These admissions are again both informative and unsettling.

While super-quick advances in technology and the macro-forces of globalisation do play a role in creating conditions whereby children (more notably adolescent children who have the will and means) are given access – notwithstanding cyber security checks – to pornographic material, these on their own do not make for the kind of sexual deviance we seem to be facing. Our sexual crisis runs arguably much deeper. It can be traced I believe to the deep disconnect we have created between our indigenous spiritual and cultural values and our Christian religious and cultural values, and the way this disconnect plays out in our modern everyday lives.

I tread carefully in this part of my talk for I am acutely aware of my responsibilities and limitations. When I read our criminal offending statistics alongside the detail of some of our sexual and violent offending cases as reported in court judgements made public, alongside our chlamydial infection statistics (which was recently reported to be at a prevalence rate of **36%** among our 18-29 year old population)[7], alongside our reported qualitative and quantitative affiliations and commitments to Christian churches and doctrines, I cannot help but wonder at the irony of it all. At this stage in my life I am less prone to seeing tragedy and more open to seeing comedy – a divine comedy perhaps, which is something that does not go down too well with my feminist friends. But in all seriousness, there is a need to step back and to reflect on all this and what it means.

Because I was asked to provide some comment on what role culture and religion can play in the rehabilitation and re-integeration of young offenders in Samoa, I wish to draw attention to the fact – as many of you well know – that in Samoa religion and culture (our faasamoa) are both highly politically charged. Both are also inextricably woven into each other and both are very dear to our hearts. They guide us, provide us with a moral compass and give us a sense of identity, purpose and belonging. However, there is within both of them many unresolved feelings about the way they came together and how they continue to live alongside each other.

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7 See report: Centre for International Health, University of Otago and National University of Samoa. 2013. Prevalence of chlamydial trachomatis infection in Samoan women aged 18-29 years and assessment of possible risk factors – A population based study. Final Report to NZAID. Findings from this report have also been written into an article for the *British Medical Journal* and submitted June 2014.

In 2009 I submitted a paper to the 5th Parliament of the World's Religions that looked at the relationship between our Christian and indigenous religious cultures.[8] In that paper I made a plea from the heart for an open conversation about the good and bad of both our ancestral religions and of what we adopted from Christianity. I argue that within our Christianity and faasamoa today exists a culture of whispers and vanities that can be empowering, but also subtly and insidiously undermining. This culture of whispers and vanities involves both tala tuumumusu and tala taumusumusu.

Tala tuumumusu are whispers that are soft, said in awe and involve the passing on of sacred knowledge. Tala taumusumusu, on the other hand, are gossip type whispers that are murky and motivated by jealousy or enmity, sometimes said in secret, sometimes in broad daylight for all to hear. They are meant to hurt; to pull someone down. Children and young people are not immune to tala taumusumusu. Perhaps they are the most vulnerable. Perhaps for some child or youth offenders their criminal behaviour stems from being the victims of tala taumusumusu. In school playgrounds many engage in the exercise themselves; sometimes they are merely mimicking the ignorance or bias of their parents or elders, other times they are the unprovoked instigators. Either way, we cannot assume that children and young people are not aware of or do not engage in this culture of whispers and vanities.

As a young boy I was always enthralled by fagogo (Samoan bedtime stories, myths and legends). Often I couldn't wait till bedtime and would pester my minders to tell me a fagogo earlier. And because I was sometimes a naughty child my minders would use them as bribes to get me to behave. Fagogo or Samoan myths and legends are moral tales that are full of drama, history, culture, wit and imagination. They not only tell us about ourselves, our preoccupations and desires, but also about our values.

In my paper to the Parliament of the World's Religions I re-tell the fagogo about a beautiful woman who is able to delay the setting of the sun and because of this is named Aloalolela (aloalo meaning to delay; le la meaning the Sun). In this story, which is part of our creation stories, the almighty Sun which shines over us and our planet, falls for Aloalolela and tries to win her favour. She is coy

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[8] See http://www.parliamentofreligions.org/news/index.php/2010/04/whispers-and-vanities-in-samoan-indigenous-religious-culture/. A book of essays and poems responding to this paper has been compiled and will be published by Huia Publishers (Wellington, NZ) and released towards the end of 2014. The book is titled *Whispers and Vanities.*

and avoids his advances. After some time she becomes attracted to the Sun and decides to have him. She sets out for the horizon and tries to catch him. As the Sun is setting for the day she manages to catch his attention and successfully net him (hence our Samoan word: seula – seu meaning to net; la referring to the Sun). In order to net him Aloalolela had to wait at a certain point in the horizon. When he reached that point she then gives herself to him and they mate. This delays the setting of the sun and the delay, as mentioned earlier, is recorded in her name. She becomes with-child and the child is called Tagaloaui, who is believed to be one of the original forefathers of Samoa.

I told this story in the World Religion's paper and retell it here to make the point that myths and legends are not without a value base. When examined closely the characters and plot tell us about how relationships between certain things and people were understood. This story of Aloalolela tells us about ancient ideas of masculinity, femininity, sexuality, sex and procreation, and of the intimate relationship our ancestors believed existed between ourselves as humans and our environment. There is a liberating force within the way in which sex is depicted in this story that has relevance for our crisis today. This story is more than just about a woman netting the Sun, it is also about a sophisticated theology that involves a belief in a divinity between humans and all God's creations, including the Sun. It is a theology that celebrates the power of femininity as much as masculinity and gives them both pride of place in our lives; and, most importantly for our purposes, it locates the sex act as a natural, vital and invigorating part of creation and of being human.

But in order to see all this without being self-conscious we have to address head-on the culture of whispers and vanities that has built walls around us as adults, that imprison and prevent us from openly sharing with our children, and sharing without embarrassment, the belief that our naked bodies are beautiful, whatever shape or size, and that the sex act is a beautiful expression of our humanity and our divinity, and is a gift from God. If we can achieve this kind of open sharing perhaps we could then move more easily towards reducing the power of pornography, among other things, over the impressionable minds of our young – and maybe even the not so young.

I want to end my talk by reflecting on the provocative question that was posed by Pacific Studies scholar, Dr Teresia Teaiwa, who in response to my World Religion's paper asked: why is it that we never consult children for indigenous wisdom? This is an interesting question. It is one that forces us as

adults to face our assumptions about children and what we think constitutes indigenous wisdom. In preparing for my address I was reminded of Teresia's question.

Samoan children and young people, including child and youth offenders, have an experience of being Samoan that is indeed unique and worth listening to. There seems no logical reason, other than adult arrogance, for not consulting them about matters that affect them and even about matters more generally to do with Samoa and Samoan life. More often than not, children will tell you exactly what they think. There is an untainted honesty in much of what they say. In searching for cultural resources for the appropriate rehabilitation and reintegration of child or youth offenders it makes sense to begin first by asking them what they think.

In Samoan jurisprudence, when a crime has been committed there is a need to right the wrong. The principles that drive that process are accountability, remorse and forgiveness. When an offender, young or old, commits a crime they must feel genuinely accountable and remorseful. But the wrong they committed is not made fully right until the victim or offended party genuinely forgives them. In this model of justice accountability is also shared and deeply felt by the families, villages and/or churches, to which the offender belongs. That is, by all who call him or her family. At the same time the victim or victims, and all who know and love them, must be genuinely open to forgiveness. In this traditional Samoan model of justice, quality family, village and community bonding, as suggested earlier, is essential. It is the basis of our ifoga (our traditional ritual for pardon).

I was saddened when the adult offenders at the Vailele residence spoke to me about how within their families' and villages' discussions for how best to right the wrong, it was no longer considered part of their responsibility. It was instead believed to be the main or sole responsibility of the government and the courts. This saddened and pained me because I realised in that moment that it was more than just the peripherals or incidentals of our traditional systems changing, the verities that sustain them were now also at serious risk of going. It seemed that the saying, "E sui faiga ae le sui faavae" (While the form might change, the verities remain) was no longer as firm as I once thought. It was at this point that I realised the full extent of the crisis and why Vaepule and Ida were adamant I be involved.

I am encouraged by the willingness of our Samoan, New Zealand and Australian judiciaries, by the South Pacific Council for Youth and Children's Courts, by the Samoa Ministry of Justice and Courts Administration, and the Law and Justice Sector, by all your willingness to tackle this very complex, heart-renching work and for making this meeting happen. I am encouraged by all your genuine desires to find real solutions and resources that can meaningfully address the crisis we seem to be facing. While youth offending is a serious part of the crisis, it seems to be more an effect than a cause. Some of what I believe to be the underlying cause of the crisis I've alluded to in this address.

While I have no tidy solutions for you, I believe very strongly that a key starting point in reaching those solutions must involve developing forums where those most affected by the problems relating to youth offending can share their side of the story; and where the cultural and religious traditions and healing resources of the ifoga and aiga can be openly and lovingly explored, and if appropriate, better developed or made relevant.

Let me end by quoting the late Maya Angelou, author of the famous autobiography titled *I Know Why the Caged Bird Sings*, who despite all the oppression she experienced throughout her life, still valued the importance of family. In her life journey she learned "people will forget what you said; people will forget what you did; but people will never forget how you made them feel".

We must always let our child and young offenders know that no matter what they did or what they said they will always be family. We must let them know equally that in being part of a family everyone is accountable to each other and everyone shares in the shame and rehabilitation that comes with that accountability. But they must be also told that with accountability, remorse and forgiveness, comes peace, self-respect and positive growth. This is the spirit of our Samoan justice and it is imperative that we keep it alive not only within our justice system, but also within the hearts of our families, villages, churches and schools.

Soifua.