LAW AND ANTHROPOLOGY: THE NEED FOR COLLABORATION

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In this paper, I am not concerned with an exact or elaborate analysis of social control in traditional New Guinea societies. My aim is, rather, to introduce a case: that, in future study of the Territory and its problems, there must be far greater collaboration or partnership between Law and Anthropology than there has been in the past. We have already co-operation between Anthropology and other disciplines: Economics, Geography, Political Science, Public Administration, History and, more recently, even Christianity. The Law, too, must follow their example.

The reasons for this trend towards co-operation are not merely academic but a frank recognition of the realities of the situation that has grown up between Australia and her colony since 1945. New Guinea is of tremendous practical importance to us. She is not separated from us, as are the African ex-colonies from Britain, by a more or less culturally homogeneous European landmass. By the end of this century she will be our nearest independent neighbour, forming part of a complex of ex-colonial nations, of which Australia, once six colonies herself, is an indisputable part. Our interest is to see reintegrated this complex of ex-colonial nations as some sort of stable structure. We are beginning to realize that it is not merely a matter of "lifting" *them* up to our cultural and socio-political level but rather of compromise and adjustment which even ten years ago we did not envisage.

Indeed, in spite of government policy pointing unmistakably to this conclusion, we have been slow to react. Nearly twenty years ago, when I first went to New Guinea—and even ten years ago, when I began to think seriously about the country as something rather more than a research field —it was tacitly assumed, even explicitly stated, that Australia-European cultural and socio-political forms must inevitably replace their New Guinean counterparts, if the Territory were to progress towards nationhood. English would become the national language. European economic and political institutions would eliminate those based on kinship, marriage, and descent. The missionaries, of course, could envisage only one form of Christianity. To suggest that there were alternative solutions was to be unprogressive. In the 1960s, we know better. It is recognized that Pidgin or heavily pidginized English will become the national language, and that traditional economic and socio-political forms have proved extremely durable. Even the missionaries have made concessions.

Until recently, the Law—that is, the Australian legal system operating in the Territory—has managed to remain in isolation. The reason, I suggest, is that, although there have always been ordinances or clauses to instruct legal officers to respect relevant native custom, the Law could in fact operate independently of traditional society. The points of contact were few: settling gross disturbances of the peace as in the cases of homicide and warfare, and

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irregularities in the treatment of native labour. The Law could be Olympian and aloof. But since about 1955, the position has changed radically. The Law has had to confront traditional societies in many fields of which previously it tended not to take cognizance: general commercial enterprise, the demarcation of landholdings, rights to major forms of property, and so forth. The problem has become particularly acute in the urban and peri-urban native populations, which are growing rapidly in size and sophistication. In short, as the degree of contact increases, so also does the dependence of the New Guinean on Australian Law. He needs it to regulate business, land and property rights. Yet as he has not been fully assimilated to European culture or weaned from his own, we should be naive to assume that we have here a situation in which Australian Law, as we know it, is automatically applicable. It is a situation in which, especially with the establishment of the Native Magistracy, there must emerge some middle course: in which a new body of law, especially common law, drawing from both sources and adjusting to practical need, must be made. The importance of this view can be gauged from the reaction of the indigenous delegates to the International Commission of Jurists' Seminar in Port Moresby in 1965. They made it quite clear that, while they respected Australian Law, they did not regard it as something innately and in all respects superior, and warmly applauded those speakers who granted their own processes of social control the dignity of being a system. They saw their indigenous system of social control as ultimately an essential ingredient in the future legal structure of the Territory.

How this future legal structure will be built is outside the scope of this paper. What is immediately important is that the emerging situation is one in which both the lawyer and social anthropologist have a direct interest and much to contribute. Yet neither can realize his full potential unless he is prepared to go into partnership with the other and accept at least a partial amalgamation between the two disciplines in this common field of interest. I present my argument in the following way: First, I shall briefly examine and criticize the approach of the European lawyer or legal scholar to the problem of traditional social control in New Guinea. Second, I shall do exactly the same for the approach of the social anthropologist, showing that, although it avoids some of the pitfalls of that of the lawyer, it too has serious shortcomings. Third, I try to indicate the benefits that could accrue from combining the two disciplines, especially in the context of a developing New Guinea body of law and legal profession.

THE LAWYER'S OR LEGAL SCHOLAR'S APPROACH

The lawyer or legal scholar implicitly, if not explicitly, bases his approach on these assumptions. Western society can be analysed into a number of separate systems, each with a specific function: the economic system; the religious system; and the political and legal system, which is concerned with the maintenance and restoration of order in society, and which is the lawyer's special concern. The political and legal system or the state is a ranking structure consisting of a head or apex in which all authority is concentrated and below which there is a set of greater and lesser officials. They exercise various degrees of delegated authority in three fields, legislative, executive or administrative, and legal or judicial.

The salient features of the legal or judicial system are its impartiality and authority. Subject to appeal to higher authority, its decisions are final

and binding, and apply strictly to every member of society. The ultimate sanction is what Weber (1947: p. 141) called "the enforcement of its order carried out continually within a given territorial area by the application and threat of physical force on the part of the administrative staff". Although the state is a separate system within the total social order, the geographical boundaries of the two are co-terminous. By being born or recruited into society, a person is at once responsible to the state, to which he surrenders his right to use force in return for protection. The allegiance and responsibilities the state demands, and the protection it provides, should apply equally to every member of society. This can be achieved only if every member is conceived and treated, in the eyes of the Law, as a transposable *citizen-isolate* or *citizen-unit:* a person who, by acknowledging his obligations to the state, is automatically guaranteed reciprocal rights and privileges equal to those accorded all other persons who accept the state's authority. These rights and privileges should not be influenced by the individual's personal relationships with other members of society, especially those in authority, or by his personal status. It is essentially a case of equality before the law: *one law for all.* In this respect, each citizen-isolate is completely indistinguishable from every other, and the recognition of moral obligation is essentially universalist. As in his rights before the law, the individual has value to all other individuals purely as a human being.

Because the state is separated from the rest of the social order, the authority (expected and *de jure* command over the actions of others) of each state official can be limited and defined. Each official may take action or make decisions for certain ends and no more, even though his right and duty to act in this way be effective throughout the whole of the state's territory. The legal official in court can prescribe punishments of varying degrees of severity according to his position in the hierarchy. Moreover, as each individual is indistinguishable and transposable in respect of rights, privileges, and duties, the aim of the legal system is to ensure abstract or impartial justice. In cases at law, the emphasis is on the correct rule of behaviour as an end in itself—the Rule of Law—irrespective of such factors or consequences as broken relationships, socio-political unrest, and pressures from influential members of society. These considerations should be regarded as irrelevant. *Fiat justitia, ruat coelum.*

In short, a lawyer—indeed, any European—on his own, knowing no anthropology, is likely to approach the problem of social control in New Guinea by looking for a rudimentary form of Western law: a corpus of clearly stated, binding rules which are implemented or enforced through an obvious institutional framework of some kind—something like a court of law. He spends much time distinguishing between different grades of custom, those which he can approximate to his own "law" and those which he can ignore as of only secondary importance. He tries to see in village assemblies an embryo of his own courts. But as he can know little or nothing of the general structure of New Guinea society, he cannot realize that his analysis is of little value. The one fact that tends to escape him is that, as there is no separate and centralized system of authority—no state—law or social control is, in Barnes' (1961) phrase, "politically active": there is no impartial justice. Decisions are based on other factors—the factors he would dismiss as irrelevant, extra-legal: considerations of patching together social relationships, very often irrespective of what we should regard as individual rights. Seeing this, he will often conclude that New Guineans

"are lawless"—an understandable reaction yet one which we cannot admit for the future. I have seen such a view cause embarrassment between two very well intentioned people. In January, 1965, I witnessed a discussion between a Sydney barrister (who did not know the Territory) and a New Guinea politician. The barrister stressed his assumption that the universalist, impartial Rule of Law was a perennial and international phenomenon. The politician was pointedly evasive. Afterwards I commented to the politician that the lawyer did not know how disputes in New Guinea were settled, the severity of retaliatory action being determined by the state of the relationships of the parties concerned. "You really understand," he said —and he was not being polite.

THE SOCIAL ANTHROPOLOGIST'S APPROACH: ITS ADVANTAGES

The social anthropologist, who spends a great deal of his time investigating social systems, is always concerned, one way or another, with problems of "law" or the control of society. He begins his approach from exactly the same standpoint as the lawyer—the general features of the Western state and its legal system—but he does not merely hold it as a set of implicit assumptions. He sets it up consciously or explicitly as a model. Moreover, although there are other weaknesses in his approach, which I shall discuss later, he avoids the mistake of the lawyer. He does not search for a rudimentary form of the Western model in New Guinea. Rather, he uses the model as a foil—a backsheet, as it were, against which to describe and analyse other systems of social control. He wants it for the purpose of contrast. He stresses that a New Guinea society cannot be subdivided into separate systems with specialized functions. Unlike an African kingdom or South-East Asian sultanate, it has nothing equivalent to the state, specially designed to maintain and restore social order. It has only a generalized structure—of tribes, phratries, clans, lineages, etc.—one function of which is social control. It has no head or chief with centralized authority delegated to junior officials and expressed through special institutions.

This does not mean that the stateless society is leaderless. Each group has its leaders or "big men" who, as Salisbury (1964) has stressed, may be much bigger than we have assumed in the past. Nevertheless, these leaders cannot be regarded as having the same kind of judicial authority as our own legal officials. They have authority but it differs from judicial authority in two ways. First, it is most apparent in the field of setting in motion culturally determined activities—warfare, agriculture, organization of feasts, trade, etc.—which take place at regular intervals, not because the leaders deliberately instigate them but because everyone regards them as important, even vital, for social life. No one questions the leaders' authority to give orders but what is most important here is that, in the majority of New Guinea societies, it does not spill over into the judicial field. Leaders rarely, if ever, have the unquestioned authority to give binding decisions in disputes. At the most, they can use their influence. Second, the social range of the leaders' authority is limited. It does not extend outside the in-group—tribe, phratry, or clan as the case may be—even for warfare, agriculture, organizing feasts, trade, etc. By way of contrast, every member of a Western society must accept the authority of officials in all cases that are within their competence, irrespective of where he normally resides.

As analysis of leadership contributes little to our knowledge of social control in New Guinea society, the social anthropologist turns to other fields

of inquiry, which I should describe as *self-regulation* (Nadel, 1953) and *retaliatory action*. He starts his account with a broad description of the society's social structure, showing that the individual is not an indistinguishable, transposable citizen-isolate but is tied into a network of prescriptive relationships—as a tribesman, clansman, kinsman, etc.—each with its specific expectations from and obligations to other people. He then lists the specific types of wrong action that are likely to occur: those against the religious code (non-observance of taboos, women witnessing the male cult, etc.), and those against human beings (neglect of social obligations and positive wrong actions such as theft, incest, adultery, homicide, etc.). It may be believed that gods and spirits rather than human beings punish offences against religion, bringing ill-luck, illness, deformity, or death to wrongdoers. This appears to ensure considerable conformity in this sphere.

Self-regulation. Offences against human beings tend to be prevented by the following forces:

1. *Socialization or value-indoctrination.* A child must be taught to conform.

2. *Public criticism and shame,* which may lead to exile or suicide. Conformity is flouted at the cost of social ostracism, a real fear in small communities.

3. *Reciprocity and focal or multivalent activities.* Expressions of value-orientation or moral obligation are not *sui generis* but shorthand terms for considerations of mutual advantage or reciprocity: the exchange of goods and services specified by certain relationships. A man depends on clansmen, kinsmen, etc. for protection and co-operation. If he does not fulfil his obligations to them, they will withdraw their support—a vital consideration in societies which lack cash economies, and in which work and co-operation are the normal currency in that they buy reciprocal services. Yet not all activities are of equal importance. Some are focal in that other activities depend on them for achievement or multivalent in that they have more than one (their manifest) function. As long as these activities are carried out, the others which depend on them should follow automatically, with resulting conformity in fairly wide areas of social life. I set out examples in Lawrence (1965-6). But one point should be stressed. There is no concept of universalist moral obligation, as in the official ethic of the Western state. Moral obligation tends to exist only where there are recognized and effective relationships, and hence potential exchanges of goods and services, between persons. Where no such relationships exist—as outside a man's tribe, phratry, clan, or kindred—there is no sense of moral obligation and hence no formally prescribed rules of behaviour. The individual does not have value to all other individuals purely as a human being but only in respect of social ties—that is, the social services he can render.

Retaliatory action normally occurs when the forces of self-regulation fail to ensure conformity between people in specific moral relationships or when such relationships simply do not exist, and when, therefore, people are tempted to commit positive wrong actions (theft, homicide, etc.). Our first reaction would be to assume that we are dealing here with something akin to legal action taken in a Court in Western society. But there are two clear differences. First, in Western legal procedure, self-help is minimized: as noted, the individual submits his case to the state and surrenders his authority to take further independent action. In New Guinea society,

however, as there is no state or legal official to represent centralized authority —indeed, as there is no such authority—self-help is maximized; preventive magic; retaliatory theft, pig-killing, or adultery; wounding, sorcery, or physical homicide; and so forth. Second, disputes are controlled by different principles in the two kinds of society. In Western society, this principle is centralized authority, delegated to responsible officials. Legal decisions and punishment are the prerogative of the state and, as has been stressed, should be strictly impartial. In a similar dispute between a man and his brother, or between the same man and a complete stranger, the guilty party should be punished in exactly the same way in each case. The close relationship between the disputants in the first case, and the lack of such a relationship in the second, should be irrelevant to the law. As has been made obvious, this situation does not exist in New Guinea. Social structure is based on principles we no longer emphasize: kinship, marriage, and descent. In the same way, disputes are controlled by a corresponding principle, the nature and condition of the relationships between all those interested: the two disputants and their respective supporters. Thus, allowing for inevitable variations, in any dispute in a New Guinea society, the closer the relationship and association between the disputants, the fewer the people involved, the less severe the retaliatory action, and the easier the settlement. Conversely, the greater the social range of the dispute—the more distant the relationship and less intimate the association between the disputants—the greater the number of people involved, the more severe the retaliatory action, and the more difficult the settlement.

In disputes between members of the same in-group, plaintiff and defendant are interrelated, and should remember that their relationship is based ultimately on reciprocal advantage, and should therefore have some sense of moral obligation towards each other. They should not do each other irreparable harm as this would weaken their joint in-group against outsiders. In the same way, the other people involved are the rest of the in-group. They are related to both parties and cannot split into two mutually opposed groups. They are swayed by the same considerations. Should the disputants be slow to reach a settlement or show signs of wanting to harm each other, they blanket the dispute and force agreement as soon as possible on the grounds that they do not want members of their in-group to be killed or injured. Such disputes are settled easily and quickly.

When the social range is increased and disputes occur between members of different in-groups, the situation is different. The disputants, being unrelated or only distantly related, have no sense of moral obligation towards each other. Most of the other people interested have the same attitude and form two mutually opposd bands. This can lead to either limited blood feud or unrestricted warfare. Limited blood feud depends on an additional factor: the presence and effectiveness of neutral kin. Often some people interested in a dispute are related to both sides and are expected, therefore, to be neutral. Their interest is to limt the conflict, for the death or injury of either disputant would weaken their in-group. They use their influence for peace or the limitation of hostilities and bloodshed in some way. Such disputes, which probably account for a large percentage of those that occur in traditional New Guinea societies, are settled relatively easily after a period of conflict. Unrestricted warfare may occur in either of two situations. On the one hand, those who would normally be expected to prevent, limit, or terminate hostility might be unwilling or unable to do so. On the other,

disputes may occur between people who not only are themselves unrelated or distantly related but also have no supporters with kinsmen, affines, or associates of any kind on the opposing side. There are no longer even indirect considerations of mutual moral obligation to inhibit killing, rape, theft of livestock, destruction of property, and so forth. Such disputes as these are most difficult to resolve. Indeed, they may never be settled.

The foregoing analysis clarifies the earlier criticism of the lawyer's approach to the problem under discussion and thereby leads to a final, most important distinction between Western law and social control in New Guinea society. As has been stressed, in Western law the emphasis is on abstract, impartial justice: what counts is the nature of the wrong action rather than the relationships between those whom it concerns. The aim is to guarantee or restore to the citizen-isolate his individual and equal rights. In New Guinea society, the reverse is true. There is no concept of *fiat justitia, ruat coelum* but a clear recognition, in Professor Braybrooke's phrase, that the sky must be kept up. As has been said, the aim in settling disputes is to patch up relationships that have been damaged and restore society, often at the expense of what we should regard as individual rights—as when serious offences are committed by one member of the in-group against another. Somehow, in the interests of all, the disputants must be made to resolve their difference. Thus "justice" does not operate in a vacuum, as an impartial, abstract force: the process of self-regulation (socialization, public criticism and shame, reciprocity and focal or multivalent activities), which Western law dismisses as irrelevant—even inimical —to Court procedures, cannot be divorced from self-help or retaliatory action. It is its governing or limiting principle, the factor that keeps many —probably most—disputes from getting out of hand. It determines the severity of retaliatory action which must, therefore, vary with each situation, in accordance with the social distance and general attitude between the disputants and their supporters. Certainly it is a "politically active" principle but without it many disputes would end in chaos.

THE SOCIAL ANTHROPOLOGIST'S APPROACH: ITS SHORTCOMINGS

The approach of the social anthropologist avoids the pitfalls of that of the lawyer. Indeed, it does much to explain the nature and process of social control in traditional New Guinea society. Yet, especially in the post-colonial era, it has at least two serious shortcomings. In the first place, certainly until recently, the social anthropologist has tended to be uncritical in accepting and presenting the differences between Western law and New Guinea social control, very often as if both systems were static and finite. The foregoing analysis is adequate to introduce the problem, but no problem is any more than a challenge. We should not forget that no system is fixed. We should not forget the economic and socio-political dynamics that create law, that underlie our own legal system, and that are responsible for revision of our own flexible common law. We should not allow our predilection for classification to lead us to assume that the New Guinea system also is rigid and immutable. In the long run it will inevitably penetrate or influence —in some way we cannot yet specify—the corpus of law that will grow up in the Territory. Law (call it by whatever name), like society, is continually being made. We must begin seriously to study the process whereby this is done.

In the second place, this summary of social control in New Guinea society

is now getting out of date: it has limited practical relevance or utility. It was adequate eleven years ago when I started teaching it at the Australian School of Pacific Administration and when young Patrol Officers, like their counterparts in a few other surviving colonies, were still striding forth to bring hitherto unreclaimed areas under political control. In this particular context, the most serious problems Patrol Officers had to face were disturbances of the Queen's Peace they had precariously established with the aid of half a dozen native policemen: theft, pig-killing, adultery, wounding, sorcery, and homicide. The account I have presented, which was fairly standard eleven years ago, was well suited to help the Patrol Officer understand this sort of situation. It taught him, in a practical way, the essential differences involved and the dangers of trying to use native village headmen as minor judicial officials: nepotism and corruption.

There are still parts of the Territory where Europeans do not often need a more sophisticated approach to problems of social control. Yet, even by 1960, when I left A.S.O.P.A., this sort of analysis was beginning to be unsatisfactory for many areas. During the last eight years this has become increasingly true. The reason is that the Western world has begun to impinge on many more aspects of New Guinea life. It is no longer enough to have a general understanding of the forces that can be expected to prevent or settle disputes involving physical violence and then to leave the people to get on with their ordinary lives as best they may. As the titles of the papers delivered at this seminar make clear, this would not help the Public Solicitor, the Lands Officer, or the Native Magistrate, who are now far more important for indigenes, especially in and around the towns (urbanization is fast becoming a reality), than the Patrol Officer. The real issue for such people is no longer not to disturb the Queen's Peace but how to live under it effectively and beneficially. The population explosion around Madang and on Karkar Island, for instance, is already placing considerable strain on traditional patterns of inheritance and employment with Europeans. We have got to move into and investigate these aspects of life that for us are covered by the civil law, and thereby contribute to the development of a New Guinea civil law, which is possibly already in its embryonic form. We must learn far more about the processes and contrasts involved just as we have done in the field of open disputes and feuds.

There are many problems we should investigate but I should single out these as specially important:

1. Land tenure and land use, not merely the formal rules and their implications for social structure, but also the methods of protecting and enforcing group and individual rights; the nature and implications of disputes over land (especially land being developed or used for commercial crops or mining; laws governing all forms of livestock and developments in this field with the introduction of new beasts, such as cattle in the Ramu Valley).

2. Native usages (other than those prescribed by the Administration and other European bodies) growing up in respect of co-operative societies, banking, native owned plantations, and other business enterprises.

3. Native usages growing up in respect of Local Government Councils and the "modern law courts" set up in some villages (e.g. Navuneram and the Kainantu area during the 1950s) after coming under political control.

4. Factors influencing the technical work of official courts and especially

the work of Native Magistrates. These arise, from the anthropologist's point of view, from the traditional cultural and socio-political systems of the people, which (a point I have not stressed in this paper) vary considerably from one end of the Territory to the other. (This in itself is a well recognized, serious difficulty.) These factors would be such things as: traditional procedures for collecting and evaluating evidence (especially in sorcery cases, where evidence is always at best circumstantial), and establishing guilt; the ways in which retaliatory action (especially sorcery) is taken; procedures concerning disputed marriage payments in and around the towns; and the people's understanding, interpretation, and manipulation of Western legal procedures.

All of these problems are vital. Our failure to understand land problems is an obstacle to both the economic planner and developer, and the lawyer, especially the Native Magistrate, if he is involved. It is one of the most difficult issues faced by the courts and in the Madang District, by all accounts, the problem has become more acute since the coming of the Demarcation Commission. This surely would be an instance in which widespread survey and registration of village, clan, and individual landholdings should have been preceded by a careful investigation of the legal and sociological issues. The demarcation problem figured largely in the recent elections to the House of Assembly around Madang in ways which the Queensland team were unable to unravel in five weeks. It demands the most careful and detailed research. The same applies, to a lesser extent, to rules governing livestock. It is not difficult to envisage problems arising in a society in which beasts (pigs) were reared for purposes of acquiring prestige and advantageous political relationships but in which people are now being encouraged to raise new kinds of beasts (cattle) to sell on the external market. Again, current practices among native businessmen, which are designed to overcome difficulties created by the lack of fit between the old way of life and the new, and about which we receive rumours rather than precise, tabulated information, are bound to lead to misunderstanding and embarrassment in the Courts. They are not necessarily illegal but they may operate in ways that we do not readily understand. Careful investigation now could eliminate future confusion.

The same is true of Local Government Councils. There has always been the debate whether Councils should have judicial authority, which would negate our principle of the separation of powers but which, it has been argued, the people in many areas would prefer, as it would bring the Councils into line with their traditional socio-political structures, which represent, as we noted, generalized, multi-purpose systems. Again from my experience around Madang during the House of Assembly election campaign in 1968, I suggest that the political roles of Councils should be carefully examined. The activities of many councillors on this occasion would not accord with our stereotype. These men, almost simultaneously, were being used by the Administration to carry out voter electoral education, and by the candidates (of both the regional and open electorates) to enter into alliances with them and make election propaganda on their behalf in their own wards or constituencies. Local conditions must create political and judicial forms quite outside our experience and imagination. This is amply illustrated by "modern law courts" in the villages, for which it often has been argued that the decisions they make, however bizarre to Europeans, are more intelligible to the people than those from European Courts. We

should learn as soon as possible how much these "courts" influence the work of Native Magistrates.

CONCLUSION: THE NEED FOR JOINT RESEARCH AND TEACHING

It is quite obvious that this kind of research can best be done in the future by combining the knowledge and skills of the lawyer and the social anthropologist. The lawyer can clarify the initial practical problems: the difficulties faced by the court, and the points of relevance and irrelevance in different types of cases. The social anthropologist can place the problems in their total setting, of which the law court is but one part, and provide the skills for exploring them. Ideally, of course, the sooner we can begin pilot studies of the kinds of topics I have suggested—or any other topics that lawyers and administrators regard as pressing—the better.

This raises the question of techniques or procedures. The immediate reaction might be to promote collaboration between the two disciplines by having legal scholars and social anthropologists working together in the field. This, no doubt, will happen. Indeed, if anything is to be achieved in the near future, it must happen. Yet, from a long range point of view, it is by no means an ideal arrangement. Past experience has shown this sort of co-operation to be cumbersome and to lead to misunderstanding. My guess is that a great deal of relevant information can be ignored or missed, falling, as it were, between two stools. I believe that if we are to take this type of study seriously, we should try to have scholars who understand and can use both disciplines, having been trained in both. At the moment, such persons are few. It is necessary, therefore, to produce them ourselves, and this means taking the training into undergraduate classrooms. Although the details would need considerable deliberation later on we should urge now the establishment of lectureships in our teaching universities in what I shall call for the moment Ethnojurisprudence: the study of New Guinea systems of social control to meet the needs of a developing New Guinea legal structure and profession. We should encourage especially those undergraduates taking Arts-Law degrees to become interested in it. For the anthropologist—if he is at all adventurous—it will open up new fields of fascinating research and teaching. It will set him new tasks and problems, which are essential for the health and development of any academic subject. There may be some practical lawyers who see it as a futile pipe-dream having nothing to do with the business of turning out men who will earn a living from the Law and provide thereby an essential service to society. Yet I see it as a matter of rapidly shrinking geographical space, as it were. With the advance in the speed of communications and the changes in the political sphere that are inevitable in the next decade, Australia and New Guinea, in spite of independence, may become more closely involved with each other than they are even now. Part of the Australian lawyer's field of reality will be the kind of issues that I have discussed here. In fact, I should be prepared to look even further afield. I remarked at the outset that it would be in our interest to see reintegrated the complex of ex-colonies in this part of the world as some sort of stable structure. Mutual understanding in the legal field will be essential and it could happen, therefore, that, if our experiment in New Guinea proved successful, we should want to modify it to suit the wider area to our north. This approach appears to have the backing of at least some delegates to the Lawasia Conference at

Kuala Lumpur, Malaysia, in July, 1968 (see the *Sydney Morning Herald,* 30th July, 1968) One delegate commented on his return to Sydney " . it is possible in the future that Australian lawyers could be considering decisions of Asian Courts just as at present they refer to British, United States and Canadian precedents " I should urge in addition that we should not merely examine the problem, both in New Guinea and in Asia, at the level of the courts but take our investigations right into the villages, seeking out the sociological as well as the legal background This would contribute to the compromise and adjustment of which I spoke at the outset

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