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HOW MUCH IS A BRIDE WORTH?

By William R. Coulson, Chicago

Rabaul, Papua New Guinea, lies deep within a beautiful natural bay, surrounded by a circle of active volcanoes, about 600 miles northeast of Cairns, Australia.

In 1944, U.S. air forces blasted this major Japanese naval base, and the harbor is still littered with sunken hulks of warships. The town was again leveled in 1994 when Mount Tuvurvur erupted and buried the area in a foot of hot ash. In some of the remote areas of New Guinea, cannibalism is said to still be practiced.

On a visit last month, I wandered down Rabaul’s rebuilt main boulevard - intermittently paved and pockmarked with truck-sized potholes. A milling crowd attracted me to a squat, open-air cement-block building. “Village Court” its sign read! A busman’s holiday for this Chicago litigator! I removed my hat and respectfully tiptoed into the small, single courtroom. Three male judges sat at the front table under a large Papua New Guinea flag mounted on the wall. They were dressed in white short-sleeved shirts and ties (it was about 105 degrees outside, and there was no fan in the courtroom, and indeed no electricity). There were two clerks, a man and a woman, with handwritten stacks of case papers and a rubber stamp (like the Circuit Court!). One of the clerks would call out the name of the case, and only then would the parties enter the courtroom. There were no seats for spectators, and I was rather conspicuous standing there in the corner. Rabaulians speak a kind of fast pidgin-English, and I could understand about every third word of the proceedings. The first cases called were domestic disputes.. There were no lawyers. The Chief Judge briefly questioned each of the parties, and then dictated an order to the clerks, who wrote it down, stamped the paper, and gave a copy to each litigant.

At this point the Chief Judge motioned to me. “Do you speak English?” he asked, and waved at me to come forward. My mind flashed - was I also about to see the inside of the Rabaul jail? “May it please the Court,” I began, I am a lawyer from Chicago, U.S., and of course am very interested in watching court proceedings whenever I travel.” I handed my business card to the clerk. At all this the Chief Judge smiled, said “welcome”, and motioned to the clerk to give me one of their chairs to sit on. The ice was broken. Before each case was called , the clerk then whispered to me the nature of the dispute and the purpose of this court hearing. Many of

the litigants had paddled their canoes to Rabaul from nearby islands for the hearings (maybe I'll suggest this to my next client - the Chicago River is lovely this time of year).

The biggest case, the clerk explained, was next to be called. It was, he said, a "bride-price" dispute! If a man wants to marry a woman, his family must negotiate a "bride price" to be paid to her family. There are standards for this price, and it apparently depends on the relative wealth of the two families as well as the beauty and skills of the woman. I got the impression that love was helpful, but not necessary, to the transaction.

The two disputing families did not look happy to be there. They were extended families - I counted six people on each side. The would-be bride was a striking, statuesque lady in a beautiful green, flowered mumu (it was, of course, in her interest to dress up for this trial). The groom was a smaller man who apparently tried to appear shabby by contrast. They were, whispered the clerk to me "island people".

The Chief Judge interrogated each family (there was no oath, and no court reporter). The two other judges appeared to lecture to the parties (just like a U.S. Judge trying to settle a case). The families were far apart in their offers. The bride's father wanted 60,000 kina; the groom's family offered 2,000 kina. Both sides were questioned about their financial worth, and the bride was asked about her homemaking skills. While all this was going on, I noticed that the other clerk was chewing on betel nuts (a stimulant), and spitting into a makeshift spittoon.

The Chief Judge told the parties to leave the room, and the Judges then deliberated in open court, speaking softly to each other. The families were then called back, and the Judges again tried to get them to agree on a price. But the case would not settle. So the Judges announced their verdict. The groom's family was to pay 6,000 kera and one pig to the bride's family; and they would have "six moons" to complete the payment. The clerk wrote up the order. The families, still not looking very pleased, shuffled out of the courtroom, not speaking to each other. As they left the courtroom, each person turned and politely bowed to the Judges. I couldn't help but wonder what kind of a start this was to a married life!

The last matter called was a criminal case. A young man who was the public prosecutor entered the courtroom. Unlike the Judges, he did not wear a tie (every day is casual Friday for lawyers in New Guinea)! An unhappy, surly woman was given "one last chance" by the Judges to conform her conduct, and stop drinking and abusing her husband! The twice-weekly Village Court was adjourned. The public prosecutor smiled and shook my hand. The Judges let me pose with them at the bench for a photograph. Thus ended my appearance and practice, on the record, in the Courts of Papua New Guinea.

The proceedings I watched were fast and informal. The people appeared to respect the Court's rulings, even when they disagreed with them. And I couldn't help but ponder the notion that in the U.S., a "bride-price" lawsuit would have proceeded quite differently. There would have been months of motion practice; a year's worth of discovery, the hiring of expensive experts, voluminous summary judgment filings, a multi-week trial, and long appeals. Maybe our profession can learn a great deal from the kind people of Papua New Guinea!

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